Making Change Outside of the Courts: Advancing LGBTQ+, Racial & Economic Justice

GLAD has long relied on the whole mix of legal, policy, and advocacy tools to build a just society free from discrimination. To advance racial, economic, and LGBTQ+ justice and ensure the greatest possible impact for our communities, GLAD engages in the courts and at policy tables, in statehouses with legislators and advocates, and in community coalitions across New England and beyond.

In 2021 we worked in partnership with others to advance bills that will make a difference in the lives of LGBTQ+ families, adults, and youth. Some of these policies target harms individuals face because of poverty, racial inequities, anti-LGBTQ+ bias, or discriminatory laws, while others lay the groundwork for broader changes.

Nondiscrimination Laws: Fair Access to Housing and Public Spaces

GLAD advocated this year with TGI Network RI and LGBTQ Action RI, among other valued partners and community members, to pass The Rhode Island Fair Housing Practices Act, signed into law in June. Access to housing is a basic necessity and critical to a person or family’s health, stability and wellbeing. Still, too often, discrimination gets in the way of attaining a safe place to live. The Act repeals LGBTQ+-only exemptions in Rhode Island law that allowed discrimination based on sexual orientation, gender identity, or gender expression for smaller housing units, which make up a large percentage of housing stock in the state.

GLAD also worked in coalition with these same partners to pass An Act Relating to Health and Safety — State Building Code, which requires single-use bathrooms in places of public accommodation to be labeled “restroom” rather than restricted by gender. Not only does this protect transgender and nonbinary people from harm when using public restrooms, but it also improves accessibility for disabled Rhode Islanders and young children with differently gendered caretakers and helps everyone by reducing wait times. Protecting Our Families: Expansion of Parentage and Adoption Laws As a complement to litigation, GLAD also seeks to pass updated, comprehensive laws to secure parent-child relationships regardless of whether the parents are married or how that child came into the world.
Dear friends:

The past year and a half have prompted many of us to rediscover what matters the most. For me, it’s family, wellness, fulfillment, and the little things that bring joy. For GLAD, we took the opportunity to revisit our organizational values to ensure you express our deep commitments to full equity and inclusion and can steadfastly guide us as we meet the moment we are in now and going forward. Our newly affirmed values that we aspire to guide our work and help us lead boldly and with humility are:

- Justice and Lived Equality
- Inclusion, Equity, and Mutual Respect
- Anti-Racism
- Collaboration

You can read more about what these values mean to us as an organization at www.GLAD.org/about, and I hope you will see them reflected in the work you read about in this issue of the Briefs, including:

- Legislative victories across New England that will advance racial equity, support LGBTQ+ youth and families, ensure greater access to the powerful HIV prevention medication PrEP for the most at-risk communities, reduce brutal harms faced by transgender people in prisons, and much more [see page 8]
- Sustained advocacy for LGBTQ+ youth — particularly transgender youth of color — who are facing a crisis within the Massachusetts Child Welfare System. [see page 16]
- Successfully fighting back against anti-LGBTQ+ legislation in New Hampshire and Maine and filing a new legal challenge to a particularly heinous anti-trans law in Tennessee. [see page 8]
- Focusing our litigation and advocacy power on rooting out all remaining exclusions that keep transgender people from accessing the healthcare they need [see page 14]
- Seizing the opportunity we have to advance long fought for comprehensive federal civil rights protections for all LGBTQ+ people, as a leader in the national coalition to pass the Equality Act. [see page 3]

Finally, thanks to effective COVID-19 vaccines, GLAD — like many others — is slowly and safely embracing opportunities to work and gather in person again. Fully vaccinated staff are beginning to return to the office. We look forward to welcoming back GLAD Answers volunteers and increasing opportunities to work and gather in person again. Fully vaccinated staff are beginning to return to the office. We look forward to welcoming back GLAD Answers volunteers and increasing opportunities to work and gather in person again.

But we are not aiming for a “return to normal.” Instead, my hope is for GLAD — and for all of us — to embrace the lessons of the past year and a half. Amidst painful loss and worry came a new focus on inequities in our society and new opportunities to address them. The pandemic has allowed us all to practice greater compassion with one another. Necessary distance has provided opportunities to gather and communicate in ways that are more accessible to everyone and prompted radical reimaginings of how we do our work.

Despite the changes and challenges of the past 18 months, two things have remained clear and constant: GLAD’s mission matters more than ever, and GLAD’s community of supporters is more committed than ever to fulfilling that mission.

Thank you for your continued support of GLAD’s critical mission.

Toward justice,

Janson Wu
Half of All LGBTQ+ Americans Still Live Without Secure Nondiscrimination Protections. The Equality Act is Our Chance to Change That.

The ability to be treated fairly and with dignity — whether at work, at school, when accessing healthcare or government-funded services, or doing routine things like shopping for groceries or taking public transportation — shouldn’t depend on who you are, who you love, or what zip code you call home. But despite how far our movement has come in advancing equality, right now, nearly half of all LGBTQ+ people live in areas with no explicit state laws protecting them from discrimination.

Last year’s pivotal Supreme Court decision in *Bostock v. Clayton County* provided a critical layer of protection by affirming anti-LGBTQ+ discrimination is a form of sex discrimination prohibited under federal employment law. The Biden administration has taken steps to ensure that interpretation is followed by all federal agencies, creating avenues for individuals to seek relief when they face discrimination not just in the workplace but in areas like schools and healthcare as well. GLAD and our legal partners are also working to ensure the Court’s interpretation in *Bostock* is implemented at every feasible level to provide as much protection for our community now as is possible.

But the fact is, that’s not enough. Federal administrations change, and, as we’ve seen in recent memory, a new administration can change how they enforce federal law. This past session, we saw a record number of anti-LGBTQ+ bills introduced in states across the country, many of them targeting children. And those who disagrees with the Court’s ruling in *Bostock* are not likely to back down from pursuing further legal attacks – we’re already seeing them.

To ensure fairness and opportunity for everyone in our community, we need to pass comprehensive federal legislation to protect LGBTQ+ people from discrimination explicitly. Our movement has been working toward this goal for over four decades, and right now we are closer than we have ever been to getting it done. The Equality Act will update our nation’s civil rights laws to include explicit protections for LGBTQ+ people while at the same time improving protections for all men and people of color. The bill has the support of a supermajority of Americans across faith, race, political party, and geographic location and has already been passed in the U.S. House. President Biden has said he will sign it if it gets to his desk. The last step is a favorable vote in the Senate.

Those of us who live in New England and other states with strong nondiscrimination laws understand the impact those protections have on our day-to-day lives. Many of us also know the incredible effort that goes into making those protections a reality — from organizing and meeting with legislators to having one-on-one conversations with neighbors and coworkers to build understanding.

We’ve been doing that work, collectively, for a long time. The American people are ready for LGBTQ+ equality. As GLAD’s Mary Bonauto noted recently in *USA Today*, “As time has proved again and again, we all benefit when we are open to walking in another’s shoes, when our laws require fairness, and when we further equality, inclusion and opportunity for everyone.”

Working to pass comprehensive federal nondiscrimination protections is our chance, right now, to ensure everyone benefits from increased fairness and equality. That’s why GLAD is a leader in the Freedom and Opportunity for All campaign to pass the Equality Act this year, and that’s why we hope you’ll join us in taking action.

Visit www.passtheequalityact.com/act for information and to take action today.

**Take Action to Pass the Equality Act**

LGBTQ+ Americans in nearly half of the country remain vulnerable every day to being evicted from their homes, kicked out of businesses, removed from a jury, denied government services, or facing discrimination in medical treatment. The Equality Act presents our opportunity to change that. A vote in the Senate could come up as early as this fall. This is our moment to move this important bill across the finish line.

Taking action is easy and critically important right now:

- **Tell your Senators to pass the Equality Act.** Call, email, tweet, or fax (yes, fax) your Senator to tell them why it’s so important to pass federal protections.
- **Ask three friends to take action.** Invite your friends, family, coworkers, or neighbors to share their support for the Equality Act.
- **Volunteer.** There are plenty of ways to get involved, from phone banking to text banking, to writing a letter to the editor of a local paper.
- **Spread the word on social media.** We need everyone who cares about equality to take notice. Make sure your social network knows what’s at stake.

Visit www.passtheequalityact.com/act for information and to take action today.
Protecting Our Families: Expansion of Parentage and Adoption Laws

As a complement to litigation, GLAD is working to pass updated, comprehensive laws to secure parent-child relationships regardless of whether the parents are married or how that child came into the world. These protections are critical to children’s wellbeing and address the vulnerability families face from outdated laws and financial barriers in our existing system. GLAD’s work to update parentage and other family-related laws is a matter of LGBTQ+ equality and a priority for access to justice for all families.

The passage this spring of the Connecticut Parentage Act (CPA) was a victory years in the making. GLAD co-led the We Care Coalition with Yale Law School Professor Douglas NeJaime, working closely with bill sponsors Representative Jeff Currey and Senator Alex Kasser and other stakeholders on the bill’s text. Our coalition advocated by sharing the stories of impacted children and families in the Constitution state and organizing the effort to secure passage. Families and advocates celebrated what Professor NeJaime called “the most comprehensive parentage bill to pass to date,” at a signing ceremony in Hartford on the first day of Pride Month. The CPA, which goes into effect January 1, 2022, fills gaps in Connecticut law that left children of LGBTQ+, unmarried, or de facto parents vulnerable.

GLAD and our partners also successfully advocated for a critical update to the Maine Parentage Act of 2015 to expand access to the Voluntary Acknowledgement of Parentage for LGBTQ+ parents and others. This acknowledgment form provides a clear, fair, and simple way for parents to establish their legal connection to a child as soon as they are born and protects the family’s integrity and security. Governor Mills signed LD 222, An Act to Update the Maine Parentage Act, in June.

Other important pending legislation to support families includes An Act To Promote Efficiency in Co-Parent Adoption (S 1124/H 1712) which would ensure a more streamlined process for Massachusetts co-parent adoptions by LGBTQ+ couples who petition to adopt their own children, and An Act to Provide Access to Fertility Care (LD 1539), which would make forming families in Maine more attainable for LGBTQ+ couples, and all couples experiencing infertility, by increasing comprehensive medical insurance coverage for fertility diagnostic issues and treatment.

Supporting LGBTQ+ Youth: Schools + Child Welfare + Juvenile Justice Systems

In June, justice-involved youth in Maine gained the right to counsel and petition for alternatives to incarceration when Governor Mills signed LD 320, An Act to Provide the Right to Counsel for Juveniles and Improve Due Process for Juveniles into law. GLAD worked with bill sponsor Rep. Victoria Morales, whose district includes the Long Creek juvenile facility, and advocacy partners on this 3-year effort to make necessary reforms to the juvenile justice system. The bill:

- sets a minimum age of twelve for commitment to a juvenile correctional facility and provides that younger children may be detained no more than seven days unless the parties agree
- ends the mandatory one-year minimum commitment to juvenile correctional facilities
- requires judges to consider both the age of a young person and whether the offense committed would be regarded as a misdemeanor if committed by an adult when deciding whether incarceration is appropriate
- creates opportunities for judicial reviews of commitments; and appoints lawyers for both committed and detained young people

Keeping young people with supportive families, connected to resources, and out of correctional facilities is crucial to their opportunities for accountability and development for healthy adulthood. GLAD also supported a Maine Youth Justice-led bill to begin a process to close Long Creek, Maine’s one remaining juvenile prison. While that bill did not become law this session, we applaud MYJ’s leadership on the issue. GLAD will continue to work in partnership with them and others on structural changes to our juvenile justice systems, including efforts to close Long Creek.
Also becoming law this June was An Act Regarding School Discipline for Maine’s Youngest Children, which essentially prohibits suspensions and expulsions for children in grade 5 or lower and bars the withholding of recess except for restorative justice interventions. Under the leadership of Rep. Victoria Morales and with the collaboration of Disability Rights Maine, the Maine Children’s Alliance, GLAD, and others, this revision of punitive disciplinary measures can keep children engaged in school and prevent issues of the school-to-prison pipeline, outcomes which disproportionately impact students of color and students with disabilities, including those who are LGBTQ+.

GLAD and partner organization OUT Maine collaborated with the Maine Department of Education on its first-ever LGBTQ+ website for the Department, launched in August at www.maine.gov/doe/lgbtq. The site includes resources on student action groups, student rights, medical and mental health information, and much more, supporting and sustaining inclusive learning environments and contributing to student success at school and over a lifetime.

GLAD is co-leading a Racial and Equity Committee of the Maine Law Court’s Justice for Children Task Force to develop accurate information and support sound policy and interventions. With funding and leadership from the Maine Judicial Branch, the Task Force has commenced a multi-agency demographic data study about what data is collected in the Judicial Branch and the child welfare, education, public safety, and corrections systems, with a final report to be completed by Nov 2022.

In Massachusetts, GLAD supports Citizens for Juvenile Justice in their efforts to pass An Act Improving Juvenile Justice Data Collection (S 1558/H 1795). This bill requires collecting critical demographic data at all stages of the juvenile justice system, including age, race, ethnicity, primary language, gender identity, and sexual orientation. S 1558/H 1795 also requires an annual report overseen by the Child Advocate to ensure that the state uses resources efficiently to protect public safety and improve outcomes for youth.

Together with other LGBTQ+ and youth advocacy organizations, GLAD is also advancing structural reforms in our child welfare systems and seeking to improve conditions for youth affected by these systems. Learn more about this work on page 16.

Respect for Our Humanity: Criminal Justice Reform and Reducing Prison Brutality

GLAD partnered with the National Center for Lesbian Rights to write and file a friend-of-the-court brief submitted on behalf of 23 LGBTQ+ organizations urging the Supreme Court to protect access to abortion, uphold the precedent established in Roe v. Wade and Planned Parenthood v. Casey, and avoid a ruling that would exacerbate the subordination of women. The brief cautions the Court to consider both the extreme rarity and the dangerous, widespread consequences of overturning long-held equality and fundamental rights jurisprudence. It also lays out the catastrophic real-world impact overturning Roe and Casey would have on LGBTQ+ people. While not discussed widely, members of our community are more likely to experience unintended pregnancies as a result of sexual violence, more likely to lack insurance, and more likely to face widespread discrimination in the health care system, including in access to contraception. Restrictions on abortion access put already vulnerable individuals, including sexual minority women, at heightened risk for higher rates of poverty, domestic violence, and negative health outcomes.

GLAD also supported and commends our partners in successfully passing bills to decriminalize homelessness and ban face recognition surveillance in Maine (similar legislation, S 47/H 135, is pending in Massachusetts). We are supporting partners in Massachusetts seeking to ensure cost-free phone calls for incarcerated people (Mass. S 1559), stop police profiling of transgender and low-income women by removing “common nightwalkers” and “common streetwalkers” from MA law (S 992/H 1800), move toward full decriminalization of sex work (H 1867) and pass comprehensive health and safety reforms for incarcerated LGBTQ+ people (S 1566/H 2484). GLAD also supported a bill in Maine, now law, to provide a defense to prostitution for reasons of economic hardship, preventing injury, or threats.

Living Life: Ensuring Access to Accurate Identification

All of us need accurate ID, and for transgender and non-binary people, it is essential for their safety and security. GLAD continues to work across New England to ensure everyone can access ID that reflects who they are, without barriers.

In August, we supported Rho, a non-binary Granite Stater, in successfully advocating for the New Hampshire DMV to remove barriers to choosing an “X” gender marker on their state-issued driver’s license or ID. Now people do not have to get a medical provider to attest to their non-binary gender identity, which can be a significant barrier to updating their ID. This policy change also applies to anyone changing their gender marker to X, M, or F and means that New Hampshire joins the rest of New England, as well as other states and municipalities, in having a straightforward process for people to have accurate state ID that affirms who they are.

In Maine this session, GLAD consulted on the substance of and supported LD 209 – An Act Concerning Name Changes for Minors, which clarifies and streamlines the process by which a parent or guardian can request a name change for a minor child by filing a petition in Probate court. The law drops the requirement to publish notice of the name change, allowing for confidentiality. It sets forth factors for judicial consideration, including the minor’s expressed preference and the child’s best interest. We also worked with community partners to pass LD 855 – An Act Regarding the Issuance of a Birth Certificate Following a Gender Marker Change, to ensure that new birth certificates issued following a name or gender marker change are not marked as amended, a crucial consideration to protect privacy and safety for transgender individuals.

In Massachusetts, we are working with coalition partners to advocate for An Act Relative to Gender Identity on Massachusetts Identification (S 2282/H 3521) and An Act Providing for a Gender-Neutral Designation
Making Change Outside of the Courts: Advancing LGBTQ+, Racial & Economic Justice

continued from page 5

on State Documents and Identifications (H 3126), bills that would codify a gender-neutral (X) designation for all Massachusetts forms and identification documents, including birth certificates.

Racial Impact Statements

A landmark achievement in the Maine 2021 legislative session with the potential to impact the lawmaking process and across systems is the enactment of LD 2, An Act to Require the Inclusion of Racial Impact Statements in the Legislative Process. Conceived and sponsored by Assistant House Majority Leader Rachel Talbot Ross, the law provides that any legislation considered in Maine may be evaluated for its racial impact at the request of any legislator or committee. GLAD provided LGBTQ+-community testimony in support of LD 2. With the guidance of Black, Brown, Indigenous, and other leaders and communities of color, GLAD looks forward to supporting the use of this important and innovative tool.

Take Action In Massachusetts

The MA legislature is in session now, and you can make a huge impact for the LGBTQ+ community and people living with HIV by taking action:

• Submit testimony, share your story, and take action to pass the Massachusetts Parentage Act by visiting massparentage.com
• Learn more about the Confirmatory Adoption Act at GLAD.org/coadopt2021
• MA’s PrEP Access bill needs support! Help get this bill passed by urging your legislators to support S1407. Read more at GLAD.org/maprep
• Learn more about our MA legislation priorities at GLAD.org/ma-leg-priorities-2021

GLAD Answers Update

Expanding Capacity

When the world shut down due to COVID-19, GLAD’s legal information phone line also had to pivot. As we quickly transitioned to a remote office, staff and trained volunteers dealt with a new reality. GLAD Answers became an email and voicemail service. Our Public Information Manager J.D. Melendez, former GLAD Answers Program Coordinator Henry Thomas, and a skeleton crew of trained volunteers continued to respond to messages throughout the pandemic. We are so grateful to our GLAD Answers volunteers Huy Nguyen, Susan Trotz, and Bruce Bell, who rose to the occasion with flexibility and commitment to helping our community through an unimaginable global crisis. We are developing plans now to reopen the GLAD Answers headquarters to volunteers again, while we continue to put the safety of everyone at the highest priority during the continued health concerns of COVID-19.

Lawyer Referrals: Connecting GLAD Answers Callers to Direct Help

GLAD’s Lawyer Referral Service connects our community to attorneys throughout New England, so people in crisis don’t have to face the challenges of the legal system alone. LRS attorneys are knowledgeable, experienced, and familiar with supporting the needs of LGBTQ+ people and people living with HIV.

But legal professionals move out of state or retire. Hence, LRS volunteer and former GLAD Answers trained volunteer Kaela Dunn, a recent law school graduate and newest Associate at a local law firm, spent this summer updating the system and tracking the needs of people who call GLAD Answers. “I was surprised by some of the issues that people reaching out to GLAD were facing, sometimes with actions being taken against them that are well understood to be prohibited,” Kaela remarked. “That has just reminded me how important it is for a resource like GLAD’s helpline to be available to help everyone understand their rights, and for resources like the LRS to help enforce those rights so that everyone can get the full protection of the laws and precedents that are in place today.”

Kaela has spent the last few months contacting attorneys in the current system to confirm whether they are still in practice, their current contact information, and practice areas. Through Kaela’s updates, GLAD Answers can ensure that callers with referrals can reach the attorneys to whom GLAD refers them. These updates also help identify which areas, geographically and by practice, are most in need of additional LRS attorneys.

In addition to their work on the LRS database, Kaela also provided GLAD Answers support for other volunteers and caller intakes. “I really appreciated the opportunity to use the experience I had as a former GLAD Answers volunteer to help make some more lasting contributions to the GA helpline, like drafting standardized intake questions for future volunteers to use.”

GLAD is deeply thankful for Kaela’s hard work and looks forward to working with them as a future partner in advocacy.

You can make a difference by joining GLAD’s Lawyer Referral Service (LRS). Joining GLAD’s LRS enables you to promote your practice and provide a service to the community at the same time. Visit GLAD.org/lrs to sign up.
GLAD is thrilled to honor activist, educator, attorney and founder of the Transgender People of Color Coalition Kylar Broadus at the 2021 Spirit of Justice Award Dinner.

Kylar is a true pioneer and veteran in the fight for equality and justice. He has advocated for decades for LGBTQ+ people, and has partnered with GLAD on many efforts, including ending the previous administration’s ban on open service for transgender people in the military.

Kylar has published essential essays on transgender employment and family legal rights in Transgender Rights and Transgender Family Law and consulted on major federal civil rights legislation, including the Matthew Shephard and James Byrd, Jr. Hate Crimes Act and the Employment Nondiscrimination Act (now the Equality Act), for which he was the first out transgender person to testify before the U.S. Senate in 2012.

The Transgender People of Color Coalition was the first organization to center the rights of Black and Brown transgender people on a national level. During the fight against the transgender military ban, Kylar and TPOCC were instrumental in spotlighting service members of color impacted by the ban, joining GLAD, NCLR, and SPART*A during Veteran’s Month 2019 for the Stories of Service series.

“Kylar’s fingerprints are on nearly all aspects of the work done to advance legal rights for transgender people throughout the country,” says Jennifer Levi, GLAD Transgender Rights Project Director. “His legal insight, activism, and willingness to boldly speak the truth with compassion has made a tremendous difference in the lives of transgender people everywhere. I couldn’t be more thrilled that GLAD is honoring him with the extremely well-deserved Spirit of Justice Award.”

For all his accomplishments over the past 30 years, Kylar has his gaze firmly on the future. His work has turned towards investing in the next generation, as he explains that “the truest form of activism is replacing oneself.” Kylar explains, “I’ve become an elder in the movement. I’m just one person carrying the ball for a certain length of time.” To Kylar, doing the work is essential, but making connections and inspiring others to continue the work in the coming years is the key to liberation for all.

“It is wonderful to be honored by my friends at GLAD, an organization whose groundbreaking work I admire and value so highly,” he says. “GLAD’s work has for decades advanced and protected LGBTQ+ people’s ability to live without fear of harassment, seek work and economic opportunity free from discrimination, and access healthcare and other critical, life-saving services. We need that advocacy now more than ever. That I’ve had so many opportunities to proudly partner with GLAD in this important work makes receiving this award all the more meaningful.”

Kylar is currently serving as a Board Member at Freedom for All Americans and the National Black Justice Coalition, which honored him with the James Baldwin Legacy Award this year. Previously, he has served as policy counsel and director of the Transgender Rights Project at the National LGBTQ+ Task Force and as a professor at Lincoln, a historically Black university in Missouri.

GLAD’s 22nd annual Spirit of Justice Award dinner is co-chaired by Annika Bockius-Suwyn and Ray Cheng and will take place Thursday, October 21st, at the Boston Park Plaza Hotel. We will also livestream the program for those who cannot attend in person. For more information, to purchase tickets, or to learn more about our COVID safety protocols, visit www.GLAD.org/SOJ. Proof of vaccination required for all in-person attendees.

Scenes from our last in-person Spirit of Justice Award Dinner in 2019: Closing out the night with dancing

The Sisters of Perpetual Indulgence

This year’s co-chairs: Annika Bockius-Suwyn and Ray Cheng
GLAD is keeping a close eye on anti-LGBTQ+ legislative developments across the country and has filed suit against a first-of-its-kind Tennessee law that would require businesses to post a “not welcome” sign for transgender patrons.

Across the country during the 2021 legislative session, transgender people have faced a cruel onslaught of legislation that undermines their civil rights, attempts to exclude them from public life, and even criminalize their identities.

Lawmakers in a handful of states are proposing extreme bills that ban safe, well-recognized medical care for transgender children. In some cases, such bills provide criminal penalties for physicians who provide such care. In others, parents could be punished as well. Arkansas is the only state to have enacted a medical care ban to date — over the veto of Republican Governor Asa Hutchinson, who chastised the legislature for the extreme nature of the legislation — but we have not seen the end of such attempts. Denying access to established medical care is cruel and unethical, and it puts transgender youth at increased risk. In Arkansas, there have already been reports of youth suicides resulting from this extreme law. Some families are planning to move out of state.

Other damaging bills aimed at transgender youth seek to bar transgender girls from playing school sports with other girls. Alabama, Arkansas, Florida, Idaho, Mississippi, Montana, South Dakota, Tennessee, Utah, and West Virginia have already enacted laws that ban transgender girls and young women from participating in school sports at these schools. These bans deny transgender kids the camaraderie and belonging that comes with being part of a team and valuable lessons like sportsmanship and discipline.

Defeating Anti-Trans Bills in New England

New England is not immune to such dangerous legislative proposals. Transgender and allied advocates, GLAD attorneys, and our partner organizations, showed up at hearings and advocated against several anti-trans bills in the 2020-2021 session.

Both New Hampshire and Maine saw sports ban bills raised – Maine’s LD 926 and New Hampshire’s HB 198. By listening and responding to concerns, deploying thoughtful advocacy, sharing accurate information, and telling powerful life stories from courageous transgender young people, their parents, classmates, and coaches, our coalitions successfully kept both bills from passing.

Another bill in Maine, LD 1238, would have allowed shelters to exclude transgender women. Both chambers voted the bill down with broad support from shelter providers themselves. And New Hampshire’s bill banning gender-affirming healthcare for trans youth was voted down in Committee, ending its progress for this session.

GLAD is keeping a watchful eye on anti-LGBTQ+ legislative developments across the country. In Tennessee, lawmakers enacted several anti-LGBTQ+ laws this year. GLAD has filed a lawsuit, Curb Records v Lee, against one of those laws, a first-of-its-kind law requiring businesses to post a “not welcome” sign for transgender patrons and employees on their premises.

A lawsuit to protect businesses who affirm transgender people

Tennessee’s HB 1182 requires businesses to post a demeaning notice on their premises if they have policies allowing access for transgender individuals on an equal basis to other patrons. The law designates precise dimensions, coloring, and language that effectively amounts to a “not welcome” sign that promotes a hostile climate for transgender and non-binary people in the state and denies them equal access to businesses open to the public. GLAD filed a lawsuit challenging the new law in Curb Records v Lee, along with Sherrard Roe Voigt & Harbison, attorney Abby Rubenfeld, and the National Center for Lesbian Rights (NCLR).

The plaintiffs in the case are Grammy award-winning record producer Mike Curb, his label Curb Records, and the Mike Curb Foundation. They collectively argue that the law compels them and other Tennessee businesses to endorse a climate of fear and nonacceptance of transgender and non-binary people. Such a mandate directly contradicts their company values of integrity, respect for diversity, and nondiscrimination. “It’s outrageous to have the government come in and force me to send such a derogatory message to my employees and customers,” Mike Curb said when the law went into effect.

Mike Curb identifies his personal connection to the need for acceptance with his grandmother Eloisa Salazar’s experience with discrimination as she grew up on the Mexico-US border: “her experience shaped my family’s and my company’s values.” Curb has been committed to the values of nondiscrimination and inclusion for LGBTQ+ people throughout his career. His company and organization have provided grants and gifts to further access to education, historic preservation, people experiencing homelessness, and many other endeavors in his community. “It is hard to believe that our LGBT community in Tennessee is being assaulted with so much harmful legislation,” Curb says, “at a time when our country needs to come together more than ever before.”

A federal district court issued a preliminary injunction in a second challenge to the law, filed by the ACLU, ordering that HB 1182 not be enforced while the courts ultimately determine the law’s constitutionality. GLAD and our partners are moving forward with our challenge to ensure that the state does not force Curb Records and other affirming businesses to act against their values and businesses interests, and that transgender and non-binary Tennesseans can access public spaces on the same terms as anyone else. Mike Curb and our team hope to get a final ruling by sometime next summer. To be the first to learn when a decision is delivered, sign up for our email updates on GLAD.org.

The Mike Curb Foundation provided critical funding towards the opening of the National Museum of African American Music in Nashville.
**New GLAD Board**

**Annika Bockius-Suwyn (She/her)**  
*Joined April 2021*

Annika Bockius-Suwyn (she/her/hers) currently practices estate planning and probate administration with DangerLaw, LLC in Newton. She is a Co-Chair of the Mass. LGBTQ+ Bar Association, and serves as the Co-Chair of the Membership Committee. Annika joined the Mass. LGBTQ+ Bar Association’s Board of Directors in 2018. She was named a Mass. Super Lawyer and Rising Star in Estate Planning and Probate for 2019 and 2020.

Annika studied law at Boston University, focusing on diverse areas of family law, including assisted reproductive technology (ART), mediation, and the evolving rights of LGBTQ+ families. While in law school, she worked as a Rule 3:03 Student Attorney at BU’s Civil Litigation Clinic and was a founding member of the BU Family Law Association. Before joining DangerLaw, LLC, in June 2016, Annika served two terms as a Law Clerk to the Justices of the Massachusetts Probate and Family Court (in Worcester, Middlesex, Plymouth, and Suffolk counties), where she researched complex legal issues and drafted judgments and findings in some of the busiest counties in the Commonwealth.

Annika joins GLAD’s Board after serving as host committee member of the Spirit of Justice Awards Celebration in 2018 and host committee co-chair in 2019 and 2020. She also has co-hosted the “Get Your Queer Ducks in a Row” event for GLAD Forward, drawing on her estate planning expertise to share with the community. Annika cares deeply about giving back to the community and is thrilled to channel that passion into GLAD and the LGBTQ+ community.

**Jacob Smith Yang (He/him)**  
*Joined April 2021*

Jacob Smith Yang is the Director of Human Resources and Administration at Advancing Justice – Asian Law Caucus. Previously, he was the Senior Director of Capacity Building at the Asian & Pacific Islander American Health Forum (APIAHF). Jacob is a nonprofit administrator with more than twenty years of experience working on Asian American and Pacific Islander health equity and inclusion, LGBTQ+ rights, and HIV. Jacob is a certified professional coach.

For ten years Jacob served as Executive Director of Massachusetts Asian & Pacific Islanders (MAP) for Health in Boston, Massachusetts. He served as a commissioner and chair of the Massachusetts Commission on GBLT Youth and a member and chair of the Boston EMA Ryan White HIV Services Planning Council. Jacob has also served on the boards of the American Civil Liberties Union of Massachusetts and the Massachusetts Public Health Association. The Philanthropic Initiative named Jacob a 2007 Boston Neighborhood Fellow. His first job was as a reporter at Boston’s Gay Community News.

Jacob is excited to return to GLAD after previously serving as the organization’s AIDS Law Project paralegal in the early 1990s. He looks forward to building relationships within GLAD, translating his experiences and skills from previous and current roles, and sharing insights cultivated from leading nonprofits throughout his career.

**New GLAD Staff**

**Maryam Batts (She/her)**  
*Manager of Individual Giving*

Maryam joined GLAD in July 2021. With a background in diversity, equity, and inclusion, human resources, and justice-based organizing, she brings her passion for DEI to GLAD and the Development Department after consulting for several companies in New York. She’s a graduate from the illustrious Bennett College, the first all-women’s HBCU. Her passion for social justice reform was cultivated at Bennett. Maryam believes every race, religious belief, sexual orientation, and gender identity deserves to be seen, heard, and valued — not just in their personal lives, but also in their careers. In her free time, Maryam serves her community through her work with Alpha Kappa Alpha sorority inc. (AKA), Movement to Protect the People (MTOPP), and The Okra Project.

**CJ Tran (They/them)**  
*Development Operations Assistant*

CJ first joined GLAD as the Development Operations and Research Intern in 2020, later becoming the Development Operations Assistant in 2021. They graduated in 2019 with a Bachelor of Arts in Art History from Arizona State University, and they are currently pursuing a Master of Arts in Museum Studies at New York University. In their spare time, CJ enjoys yoga, running, and learning about deep-sea creatures.

www.GLADAnswers.org

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Thank You

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GLAD’s financial health is strong. We have 7.86 months of unrestricted reserves (i.e. net assets) as of March 31, 2021 including board designated net assets (BDNA). There is sufficient cash and short-term investments to meet our obligations. Our financial position is both intentional and important as we face an uncertain economy in FY22 and beyond.

FY21 ended with an overall increase in net assets of $25k. For a non-profit, it is important to look at the components (see table below) and some highlights:

- The unrestricted fund (without donor restrictions) is up $279k. That increase is comprised of three factors: an operating surplus of $144k, a gain on investments of $22k, and the expenditure of board approved spending of $95k from reserves. The ending balance of $2.8m represents 7.86 months of operating expenses.

- The donor restricted fund consists of cash gifts and pledges restricted by the donor for a specific purpose or timeframe. This fund decreased by $253k, which means ‘releases’ exceeded new restricted gifts in FY21. In other words, we are spending down our funded backlog. The ending balance is $1.06m and $694k (or 65%) represents funds raised through the One Justice Fund (OJF) campaign, intended to be spent over several fiscal years. OJF allowed GLAD to expand legal capacity, support the GLAD Answers legal information and referral service, and build fundraising capacity to sustain this growth.

During FY21, GLAD received donated legal services of $2.1m. With this additional and significant support, we continued our litigation challenging the federal administration’s ban on transgender military service members and our Transgender I.D. clinic, among other projects.

In FY21, GLAD received a forgivable loan from the Paycheck Protection Program in the amount of $473,335. Our application for forgiveness is pending approval.

We remain committed to excellence 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
September 2021
Summarized Financial Data for Annual Report

Statement of Activities*
For the 12 month period ended March 31, 2021 FY21

Support and Revenue
Contributions & Grants $3,120,431
Special events revenue, net 844,867
Fees & program revenue 101,909
Donated Services (In-kind Legal Fees) 2,111,987
Total Support & Revenue 6,179,194

Expenses
Transgender Rights Project 2,516,124
Civil Rights Project 1,679,798
AIDS Law Project 446,473
Public Affairs & Education 890,217
Development & Fundraising 435,475
General & Administrative 415,227
Total Expenses 6,383,314

Other Revenue (Expenses)
Investment income, gains & losses 229,283
Total Change in Net Assets $25,162 **

Net Assets, beginning of year 3,886,230
Net Assets, end of year $3,911,392

Statement of Financial Position*
March 31, 2021 FY21

Assets
Cash & cash equivalents $1,024,969
Accounts receivable & pledges 30,231
Investments 3,770,992
Equipment, deposits & prepaid expenses 200,703
Total Assets 5,026,895

Liabilities
Accounts payable & accrued expenses $470,451
Deferred rent 171,717
Notes Payable – SBA Forgivable PPP Loans 473,335
Total Liabilities 1,115,503

Net Assets
Operating 1,425,085
Board Designated 1,425,000
Temporarily Restricted 1,061,307
Total Net Assets 3,911,392 **

Total Liabilities & Net Assets 5,026,895

* Summarized from GLAD’s audit report; available on our website. See message from the CFO for more information.
** See “Change in Assets” chart.
The Supreme Court and Healthcare for Transgender People

As an organization that has argued three landmark cases before the United States Supreme Court, we know the power of our Nation’s highest court to either harm or uplift the daily lives of LGBTQ+ people. For our client Alexander Pangborn, a recent Supreme Court ruling had a tremendous positive impact, as it should for transgender people across the country with employer-funded health benefit plans.

Alexander works as a hospice nurse in western Massachusetts. Like many transgender people, he needed essential medical care for gender transition. Alexander receives his employee health benefits not through a traditional insurance plan, but instead through a plan that is self-funded by his employer. Unfortunately for Alexander, his employer’s health benefits plan had a complete, categorical exclusion of all gender affirming medical care. “I put my all into my job and I paid into the same system as all my coworkers to receive medical care,” Alexander said at the time, “but my employer said that my healthcare isn’t necessary.”

Alexander’s employer thought that was legal. In fact, many employers, especially municipalities and larger companies, self-fund their employee health benefits plans and have operated under an assumption that such exclusions are legal.

GLAD sued Alexander’s employer in federal court. In Massachusetts, and in all New England states, traditional health insurance plans are prohibited from excluding gender affirming care, often through guidance from State Insurance Commissioners who regulate insurance plans. Employer self-funded health benefits plans, however, are not covered by such regulations. Instead, legal challenges to exclusions in employer self-funded plans are brought under employment discrimination laws, for example state laws that prohibit discrimination in the terms, including compensation, of employment. But here’s the catch employers have attempted to rely on when it comes to exclusions for transgender people’s healthcare needs, even in states like Massachusetts with state laws that explicitly prohibit discrimination on the basis of gender identity. There is a federal law that precludes the use of state laws challenging discrimination in employer self-funded benefit plans unless that state law is consistent with the analogous federal law — in this case Title VII which prohibits discrimination in employment on the basis of sex.

When GLAD sued Alexander’s company under employment discrimination laws in early 2020, his employer argued that the sex provisions of Title VII did not cover discrimination on the basis of gender identity or transgender status and therefore Massachusetts gender identity and sex discrimination laws were precluded from governing his case. GLAD, of course, argued that although there was not yet Supreme Court precedent, there were two decades of near unanimous lower federal court precedent that federal sex discrimination laws prohibit discrimination against transgender people.

We were locked in legal battle for the long run. And then, in June 2020, the Supreme Court handed down its ruling in Bostock v. Clayton County, affirming exactly what we were arguing in Alexander’s case — that the sex discrimination provisions of Title VII do, in fact, prohibit employment discrimination on the basis of sexual orientation and gender identity. The Supreme Court instantaneously removed any doubt about the consistency of Massachusetts and federal law with respect to discrimination against transgender people.

Within days of the Supreme Court’s ruling, Alexander’s employer reversed course, removed the exclusion of gender affirming care, and folded its hand. While the case still has not fully resolved, we are pleased that Alexander and his coworkers are no longer being denied access to medically necessary gender affirming care by their employer.

Amidst the joy of our community in finally having the Supreme Court affirm federal protections against employment discrimination, many

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Legal Update

Commission on Human Rights & Opportunities v Edge Fitness et al.: Urging the Connecticut Supreme Court not to undercut LGBTQ+ nondiscrimination protections inadvertently

GLAD submitted an amicus brief to the CT Supreme Court in Commission on Human Rights & Opportunities v Edge Fitness et al., a case in which a male customer at a gym sued to challenge a women-only workout area. In its ruling, a trial court created a new and vague implied right to “gender privacy” to justify the women-only workout area. But the potential ramifications of such language, were it to become law, could undermine nondiscrimination laws when used in other contexts. “Privacy” has been used in legal settings as an excuse to exclude LGBTQ+ people, whether they are transgender people in gender-separated spaces or openly gay service members from the military. Because current Connecticut law does not authorize sex-segregated gyms or workout areas, it is crucial to ensure that the state Supreme Court’s ruling does not inadvertently undermine Connecticut’s nondiscrimination law, including for transgender people. GLAD’s brief was co-submitted by Kenneth Bartschi of Horton, Dowd, Bartschi & Levesque, P.C. of Hartford. Lambda Legal and Connecticut Trans Advocacy Coalition.

Commonwealth v. Carter: Massachusetts High Court Rules LGBTQ+ People Protected in Jury Selection

In August, the MA Supreme Judicial Court (SJC) overturned a lower court’s conviction of the defendants in Commonwealth v Carter on the basis that they were denied a fair trial because of the improper exclusion of Black jurors. In this opinion, the court also affirmed that protections against discrimination in jury service and selection apply to LGBTQ+ people. As the Court stated, “a prospective juror’s sexual orientation is not at all relevant to whether that person is able to serve as an impartial juror,” meaning that potential jurors may not be removed for being gay, lesbian, or bisexual.

The Court’s ruling has powerful applications in and beyond the jury box. After acknowledging that “gay people constitute a ‘discrete group’” who have experienced a “painful history of discrimination,” the Court ruled that LGBTQ+ people are a constitutionally protected class that merits the same constitutional concern as distinctions based on sex, race, color, creed, or national origin. In addition, by incorporating the US Supreme Court’s 2020 ruling in Bostock into its constitutional analysis, the SJC agreed that sexual orientation and transgender status discrimination is also appropriately viewed through the lens of sex discrimination, which is already a protected class under the Massachusetts Constitution. GLAD co-authored an amicus (friend of the court) brief with Katie Naples-Mitchell at the Charles Hamilton Houston Center at Harvard Law School, which Lambda Legal joined. To read more details on the ruling, and Staff Attorney Chris Erchull’s blog on how this case fits in the larger context of juror discrimination, visit GLAD.org/carter.

Corbitt v. Taylor: Fighting Unjust Barriers for Transgender People to Update Their ID

By definition, all people need their identification to reflect who they are accurately, but for transgender people, this need has a unique urgency. When a person can’t update their gender marker on their driver’s license or state-issued ID to reflect their gender identity, they experience a higher risk of discrimination, harassment, and other safety issues and face barriers to employment, access to housing, and access to voting. The current requirement for updating gender markers on Alabama state IDs includes a surgery requirement, which presents a significant barrier to many people. In July, GLAD authored an amicus (friend of the court) brief in Corbitt v. Taylor about Alabama’s needless and unjust requirement for transgender people to undergo surgery to update their driver’s license. Our brief highlighted the experiences of transgender people harmed by a lack of access to accurate identification.

Dobbs v. Jackson Women’s Health

GLAD partnered with the National Center for Lesbian Rights to write and file a friend-of-the-court brief submitted on behalf of 23 LGBTQ+ organizations urging the Supreme Court to protect access to abortion, uphold the precedent established in Roe v. Wade and Planned Parenthood v. Casey, and avoid a ruling that would exacerbate the subordination of women. The brief cautions the Court to consider both the extreme rarity and the dangerous, widespread consequences of overturning long-held equality and fundamental rights jurisprudence. It also lays out the catastrophic real-world impact overturning Roe and Casey would have on LGBTQ+ people. While not discussed widely, members of our community are more likely to experience unintended pregnancies as a result of sexual violence, more likely to lack insurance, and more likely to face widespread discrimination in the health care system, including in access to contraception. Restrictions on abortion access put already vulnerable individuals, including sexual minority women, at heightened risk for higher rates of poverty, domestic violence, and negative health outcomes.

Doe v Hopkinton Public Schools: Keeping Anti-Bullying Protections Strong in Massachusetts Schools

GLAD authored an amicus brief in Doe v Hopkinton Public Schools in the federal First Circuit Court of Appeals to support the inclusion of “emotional harm” in the definition of bullying in Massachusetts’ anti-bullying statute. Although this provision was challenged as overly broad and vague, GLAD’s brief demonstrates that the definition of emotional harm is well-established and recognized in both law and medicine. The brief also presents established medical and social science findings on the severe negative consequences of emotional harm from bullying.

Bullying has a disproportionate impact on LGBTQ+ youth, and within that class, especially on Black and Brown LGBTQ+ students. The inclusion of emotional harm in Massachusetts’ anti-bullying law provides clarity for students, school staff, and parents about one of the principal consequences of bullying. Such transparency is vitally important to the law’s objectives to protect youth from the impacts of bullying and establish schools’ responsibility for prevention, identification, and remediation. The Anti-Defamation League joined GLAD’s brief. Oral argument in the case took place in the First Circuit on September 9.

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Critical Actions Necessary for LGBTQ+ Youth in Child Welfare Systems

LGBTQ+ youth and particularly Black, Brown, and Indigenous (BIPOC) youth are overrepresented in child welfare systems, and young people impacted by these systems face increased risks of joblessness, homelessness, and interaction with the criminal legal system.

Poverty, structural racism, and anti-LGBTQ+ bias all play roles in determining which children and families are impacted and separated by the State. GLAD is working both to ensure our child welfare systems can meet the needs of BIPOC LGBTQ+ youth in their care and to move State approaches away from family separation and toward family supports.

In Maine this session, GLAD supported a bill to require the Department of Health and Human Services to provide families in need with assistance to meet basic necessities to prevent children from being removed from homes. This proposal recognizes that what is frequently labeled as “neglect” and therefore cause for family separation is simply poverty and requires the State to address that underlying cause before removing a child. While LD 396, unfortunately, did not pass this session, we’re continuing to push for such changes so that resources are focused on supporting children and families rather than separating them.

In Massachusetts, child welfare advocates, including GLAD, have been calling for change at the MA Department of Children and Families (DCF) for years in response to high-profile catastrophic incidents and daily failings of the youth in DCF custody.

“As a foster parent to transgender young people, I have not seen that DCF is able to engage in family support work around LGBTQ+ issues. They are always emphasizing what the parents have not done, rather than how to help them. I don’t know how DCF thinks they are ever going to reunify families if they don’t have empathy or compassion and if they aren’t willing to educate and support the parent. Without that, their job becomes to break families apart.”

– Foster parent

In August, with the contributions and engagement of GLAD, the Massachusetts Commission on LGBTQ+ Youth released a report on the treatment and outcomes of DCF-involved children that draws a plain conclusion: LGBTQ+ youth in DCF custody are in crisis. Along with alarming findings, the report offers clear insight into improving the lives of youth already in the system, providing more support for families of origin and foster families, and training staff and other professionals on the specific and timely needs of LGBTQ+ youth.

As the Commission Chair says in the introduction to the report, “the status quo for LGBTQ+ youth in DCF is an emergency.” LGBTQ+ youth experience the repercussions of the lack of a clear, comprehensive agency policy affirming their identities, an insufficient supply of supportive placements, inadequate training for staff and foster families,
and long delays and even denials of access to necessary healthcare. These shortcomings far too often lead to poor health and educational outcomes, violence, harassment, bullying, self-harm, and other devastating impacts. And these impacts often fall most harshly on Black and Brown LGB youth and transgender youth, who face multiple biases and structural barriers.

GLAD and our LGBTQ+ Child Welfare Alliance partners are calling on policymakers and legislators to act immediately to improve the child welfare system with the following measures:

- Collection and reporting of comprehensive, intersectional data that allows DCF and other responsible entities to track outcomes for LGBTQ+ youth and to understand and meet their needs better. The legislature should pass An Act Relative to Accountability for Vulnerable Children and Families (H.239/S.32) with a requirement that DCF consistently collects and reports intersectional sexual orientation and gender identity data.

- Development and implementation of a comprehensive LGBTQ+ policy and training for all adults who come into contact with LGBTQ+ youth, including staff, foster families, and providers. Neighboring states such as Connecticut, Rhode Island, Vermont, and sister state agencies like DYS have such policies.

- The legislature should pass H.211 / S.88 to create an independent Foster Care Review Office to improve accountability, transparency, and oversight for the foster care review process, to strengthen protections for youth in DCF care and custody.

- Increase and tracking of affirming placements for LGBTQ+ youth in both foster homes and group settings.

- Improved, more timely access to gender-affirming healthcare for transgender youth.

- Creation of a statutory foster child bill of rights with explicit protections for LGBTQ+ youth, including access to gender-affirming medical care.

The findings of the Commission’s report are dire, but our advocacy is working. The momentum is building, with one example being a new gender-affirming care policy issued in September. Later in the fall, GLAD Senior Staff Attorney Patience Crozier is moderating a series of trainings in collaboration with Child Protection and Child Services on better serving transgender youth and other LGBTQ+ people. There is much to do, but we are working harder than ever to directly impact young people’s treatment and lives in state custody. To get involved, visit GLAD.org/LGBTQChildWelfare.

“Ultimately, it took nearly two years to get my child the care she needed. Bias and transphobia from multiple professionals involved in the child welfare system hindered the process. Foster parents do not receive training on this. Can you imagine what happens to a child who ends up in a home where the foster parent does not already know all of this?”

– Foster Parent

The Supreme Court and Healthcare for Transgender People
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people may not have focused on health insurance. The Bostock decision transformed the rights of transgender people, like Alexander, who have employer-sponsored plans. It has also elevated the profile of the continuing discrimination in this area.

To be sure there has been enormous progress in removing obstacles to health care for transgender people. But despite clear protections in law, significant problems remain in both employer-sponsored and traditional insurance plans. We continue to see and hear of plans with categorical exclusions of all treatment. Transgender people also still encounter categorical denials of specific types of treatment such as facial feminization surgery and other procedures insurers improperly categorize as cosmetic. We still see categorical exclusions of necessary chest reconstruction and other surgeries for minors.

GLAD remains focused on ending all of these exclusions, so that the protections we continue to achieve under the law have a real impact on people’s lives. We recently resolved a case on behalf of a 16-year-old transgender young man who was denied necessary chest reconstruction surgery by his mother’s employer self-funded health benefits plan, and last year we successfully advocated at the Connecticut Commission on Human Rights and Opportunities for a ruling banning all categorical exclusions for facial feminization surgeries and related procedures. While we are thrilled with these victories and to have won the fight for Alexander, we are poised to continue the battle against the many plans that continue to discriminate. No one should ever be denied medically necessary care because of a discriminatory insurance exclusion.
Breaking Down Barriers in Access to PrEP
Forty Years Into the HIV Epidemic, We Have the Tools to End It. Will We?

This year marks the 40th anniversary of the US Centers for Disease Control and Prevention’s June 5, 1981 report of five cases of pneumocystis pneumonia among gay men in Los Angeles. In words that are haunting with the knowledge of what soon followed, the report noted that the existence of pneumocystis pneumonia in previously healthy individuals was “unusual.” This correlation indicated that “[t]he fact that these patients were all homosexuals suggests an association between some aspect of a homosexual lifestyle or disease acquired.”

The LGBTQ+ community at that time existed in a world of invisibility, criminalization, and a harsh landscape devoid of any legal protections. In a world where people were getting sick and dying — sometimes within months of diagnosis, HIV stigma was fueled by the marginalization of the groups disproportionately affected by the epidemic, including gay men, people of color, people who inject drugs, and transgender people.

In the decades of crisis during the 1980s and 1990s, we could not have imagined the arrival of a simple, safe daily pill that reduces the risk of HIV transmission by close to 100 percent. HIV Pre-exposure Prophylaxis (PrEP) is a game-changer in HIV prevention. We have the tools to end the epidemic. Still, stigma and discrimination persist, and systemic inequities in our society and health care system resulting from homophobia, transphobia, and structural racism remain significant barriers. The CDC’s latest report indicates that only 23% of people for whom PrEP is indicated were prescribed it in 2019. But only 8% of Black people and 14% of Latinx people for whom PrEP was indicated were prescribed it in 2019 compared to 63% of white people.

Many factors contribute to the underutilization of PrEP, including racial and economic disparities in healthcare access generally and lack of access to information about the benefits of PrEP specifically. Stigma also continues to play a role. Fear of or experiencing anti-LGBTQ+ bias can dissuade people from asking their doctor for PrEP. And, despite PrEP having a straightforward protocol similar to other medications prescribed in primary care settings, we know too many physicians resist prescribing it even when asked by their patients. GLAD is using every legal tool at our disposal to stop anti-LGBTQ+ discrimination in healthcare. At the same time, we are working to expand all avenues for people to access this incredibly effective drug.

In June, Maine became a leader in the fight to end the HIV epidemic by passing An Act to Improve Access to HIV Prevention Medications (LD 1115). This new law, only the third of its kind in the country, authorizes pharmacists to dispense PrEP on a short-term basis. It is novel, bold, and will have multiple powerful impacts:
• Enabling the most vulnerable populations, including rural communities, to obtain PrEP quickly
• Removing cost barriers to PrEP consistent with federal directives
• Improving access to care by requiring pharmacists to link customers to medical care for ongoing PrEP oversight and other vital health needs

GLAD was proud to work with Equality Maine, the Health Equity Alliance, and the Frannie Peabody Center to pass this law. This win is crucial for Mainers, and we need more efforts like this across the country. That is why we are advocating for S 1407 in Massachusetts, a similar bill sponsored by Senator Julian Cyr currently pending in the 2021 legislative session.

GLAD has always fought for sound HIV prevention policies, often in the face of deep prejudices. Advocating for access to clean needles for people who inject drugs, education on sexual health and safer sex practices, consent-based HIV testing, medical privacy, and nondiscrimination protections for people living with or at risk for HIV have all been fixtures in our AIDS Law Project work. As science progresses and we now have the chance to end the epidemic in our lifetimes, GLAD is working to ensure barriers like racism and anti-LGBTQ+ stigma don’t get in the way of everyone having access to the prevention and care they need.
Legal Update
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*Doe v. Trump*: Challenge to the Transgender Military Ban Comes to a Close

With the end of the transgender military ban earlier this year and the U.S. armed forces now supporting open service, GLAD and our partners the National Center for Lesbian Rights have officially closed the first lawsuit challenging the ban. *Doe v. Trump*, filed in August 2017, kept President Trump’s transgender military ban from going into effect for nearly two years. In *Doe* and three other cases, GLAD and NCLR led the legal fight to protect individual service members from being unfairly discharged and to overturn the ban entirely. We are honored to have fought alongside the brave transgender servicemembers—past, present, and future—who successfully challenged this damaging and deeply unfair policy.

*Phillip Morris v. Rintoul*: Continuing to protect marriage equality, completely and in all applications

GLAD submitted an amicus brief in a Florida appeals court in *Phillip Morris USA Inc. & R.J. Reynolds Tobacco Company v Rintoul* to ensure the relationships and marriages of same-sex couples count, and the promise of the US Supreme Court’s 2015 *Obergefell* decision extends in full force nationwide. The Florida Fourth District Court of Appeal is reviewing whether a surviving spouse, Bryan Rintoul, can be denied spousal consortium benefits from his husband’s death. Although the tobacco companies are legally responsible for the deaths caused by their products, Bryan and Ed were not married, and could not legally marry, at the time Ed was diagnosed with a smoking-related illness. The couple became involved in 1983 and would have married earlier if they could have, as GLAD’s brief shows, and the couple married in January 2015 when allowed to do so by Florida courts. GLAD’s brief argues that the companies’ reliance on Florida’s discriminatory marriage laws to render their relationship and marriage invisible would perpetuate the same discrimination condemned by the Supreme Court’s 2015 *Obergefell v. Hodges* ruling. In other words, “Where the government conditions benefits on marriage but same-sex couples are barred from marriage, the government necessarily discriminates against same-sex couples in an unconstitutional manner.”

GLAD submitted an amicus brief supported by the law firm Gelber Schachter & Greenberg, P.A. of Miami, and joined by the ACLU of Florida supporting the surviving husband. Learn more about this case and read our brief at GLAD.org/Rintoul.
22nd Annual
SPIRIT OF JUSTICE
Award Celebration

Thursday, October 21, 2021
In-person event at Boston Park Plaza Hotel
Virtual livestreaming program available

Honoring
Kylar W. Broadus
Attorney, author, professor and transgender rights activist

Visit GLAD.org/SOJ
for tickets and more information