

Year-End Briefs

December 2001

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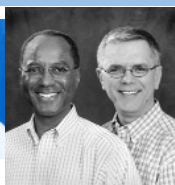
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Ed & Mike
BostonGloria & Linda
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NewtonGina & Heidi
NorthamptonJulie & Hillary
BostonRichard & Gary
Whitinsville

Seeking Marriage in Court and in the Court of Public Opinion — As the Extremists Move Against All Unmarried Families

Goodridge et al. v. Department of Public Health

The motivations of the seven Massachusetts couples seeking the right to marry in the Commonwealth are simple enough:

- ▲ a legal celebration of their love and commitment;
- ▲ bread and butter issues ranging from pension survivor rights to securing family insurance policies, to knowing they can inherit from each other without a crushing tax burden;
- ▲ attaining more emotional security in knowing they can be by their partner's side at the hospital and can make critical health care decisions — as well as burial decisions — when necessary; and
- ▲ creating a world where their children will know their parents' relationship is respected.

But when they went to their city and town halls to fill out the marriage license application — having had their blood tests and with applications fees in hand — they were told, “the application is for a man and a woman,” or “I feel very badly about it, but it's not our law, it's the state law.”

All the town clerks could see was two men or two women. They couldn't see the commitment which has sustained these couples through illness, financial difficulties, business ventures, relocations, family stresses as well as good times for between 5 and 30 years. They couldn't see the sweet faces of the 5 children being raised joyfully by 4 of these couples. All they saw was the sex of the applicants, and thus turned them down.

GLAD filed suit on behalf of these seven couples on April 11, 2001 in Suffolk County Superior Court seeking the right to civil marriage for same-sex couples in Massachusetts. It is GLAD's straightforward position that the denial of marriage licenses to same-sex couples

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As GLAD Approaches Its 25th Year, A Time to Look Back and a Time to Assess the Road Ahead

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GLAD's Executive Director
Gary Buseck, Esq.

In the Summer of 2002, GLAD will begin its 25th year of service to New England! That's 25 years in which you — and many other people like you — have formed and sustained an organization committed to “Equal Justice Under Law” and an end to discrimination based on sexual orientation, HIV status and gender identity and expression.

As I look back over what has been accomplished in the lgbt community over these years, these are some of the things I see:

- ▲ Non-discrimination laws in every New England state with the exception of Maine.
- ▲ Removal of all sodomy laws in every New England state with the exception of Massachusetts (where GLAD is currently arguing in the state's highest court against such laws).
- ▲ Every person with HIV in New England (and indeed throughout the country) is protected under the Americans with Disabilities Act.
- ▲ Second-parent adoption is recognized in Vermont, Connecticut and Massachusetts and is happening in Rhode Island.
- ▲ Non-biological parents' rights to preserve their relationships with their children are recognized in Rhode Island, Massachusetts and New Hampshire.
- ▲ The totally new legal status of “civil union” exists in Vermont giving same-sex couples all the same benefits and protections that Vermont state law provides to married couples (and the claim for equal marriage rights is underway in Massachusetts).
- ▲ Non-discrimination protections have been extended to transgender individuals in Connecticut, Rhode Island and Massachusetts.
- ▲ Students' rights to form extracurricular clubs like Gay/Straight Alliances and to be free from harassment have been affirmed throughout the New England states.

All of these things — and more — have created a more equal society in New England since GLAD began its work in mid-1978.

I dare say that GLAD has either made these advances or played some significant role in them. And that means that YOU have been making these victories possible. GLAD is your voice — your organization — as we bring the message of equality for lgbt people into every corner of our lives that the law touches.

Of course, this is not a time to stop or to rest. It is the time to push forward with even more determination. The tragedy of September 11th has awakened in America a sense of unity over difference. Americans of all stripes died that day, and Americans of all stripes were heroes that day — including gay and lesbian citizens.

We want to call our country to become what its ideals always call it to be — a place where our laws recognize that all people are created equal with inalienable rights to life, liberty and the pursuit of happiness.

That means changing the law — piece by piece — to dismantle the legal regime under which we live that makes every member of the lgbt community a second-class citizen. Dignity and equality will only be a reality when the law — in all its aspects — reflects and supports our claims for that dignity and equality.

If you are behind us, GLAD will not stop until every one of our goals is achieved. With your support, GLAD will take every opportunity available to advance our cause.

Thank you for investing in GLAD — which has made so much possible and promises an ever brighter future. ▼

GLAD Fights for Strong Antidiscrimination Protections

GLAD has been engaging in numerous efforts to make certain that antidiscrimination provisions in the New England states are robust and forceful in providing protections for the GLBT community. It seems ridiculous that in this day and age the GLBT community must still be concerned about a lack of safety and equality in the workplace or about being denied access to basic services. While five out of six New England states have statutes explicitly prohibiting discrimination based on sexual orientation, these provisions must be broadly interpreted and widely enforced in order for these protections to become meaningful. GLAD has been working to make sure that this happens.

One important aspect of this work lies in making sure that the courts fairly evaluate discrimination claims by GLBT plaintiffs. In a case involving a sexual harassment claim brought by a lesbian plaintiff against her supervisor, *Muzzy v. Cabillane Motors, Inc.*, a trial court judge instructed a jury to consider the offensiveness of the harassing conduct from the perspective of a “reasonable lesbian.” We were concerned about this case, in part, because a jury would not necessarily know what a reasonable lesbian is, and, given stereotypes of hypersexuality in the GLBT community, might think that a would welcome all sexual banter at work. While allowing trial courts to provide personal information regarding a plaintiff might enable juries to consider the ways in which minorities experience harassment, this information might also have the effect of perpetuating negative stereotypes or inflaming the prejudice of the jury. GLAD submitted an amicus brief in this case setting forth a test for courts to apply that would balance these competing interests, and, in July, the Supreme Judicial Court issued its decision upholding the jury instruction and articulating a test that incorporated the analysis set forth in GLAD’s brief.

Another way to ensure that antidiscrimination protections are meaningful involves bolstering the ability of those who have experienced employment discrimination to bring claims. Organizations like GLAD investigate cases carefully before accepting them for representation and, wherever possible, rely on informal interviews rather than depositions to develop cases. Recently, a court imposed a fine of over \$400,000 on a law firm that specializes in representing plaintiffs in employment matters because attorneys from the firm talked to co-workers of their client, who was suing the defendant for sexual harassment and sex discrimination. The court held that counsel for a plaintiff who is suing an organization may not ethically have contact with any current employee of that organization. This area of law is contentious, but we believe that there must be a means to contact some employees without notice to the defendant employer. A rule prohibiting GLAD from contacting any employees without the employer’s consent would have a substantial adverse effect on GLAD’s ability to provide free, cost-effective and competent representation to people in employment cases. As a result, we have joined as an amicus in this case, *Messing, Rudavsky & Weliky, P.C. v. President and Fellows of Harvard College*, now pending before the Massachusetts Supreme Judicial Court, arguing that the Court should overturn this rule as it poses an obstacle to those seeking to bring important civil rights claims.

GLAD is also committed to pushing the bounds of existing antidiscrimination laws by bringing cases under their as-yet-untested provisions. GLAD brought and recently resolved the first case challenging discrimination based on sexual orientation in a public accommodation in New Hampshire. In *Thompson v. Roper*, GLAD represents a woman who was denied treatment by her dentist

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Staff Attorney
Karen L. Loewy

ANTIDISCRIMINATION

LAWS “MUST

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AIDS Law Project Update

GLAD Sues Over Denial of Liver Transplants to People with HIV

GLAD has represented two clients who have been denied insurance coverage for life-saving liver transplants because they are HIV-positive. In July, GLAD, working with AIDS Action Committee, filed an emergency lawsuit in federal court against an HMO which denied a liver transplant to AIDS activist Belynda Dunn, who has both HIV and Hepatitis C Virus (HCV). While Ms. Dunn's HIV was stable, her HCV resulted in end-stage liver disease. Without a liver transplant, Ms. Dunn's doctors said that she had only months to live.

Although liver transplantation is the standard of care for end-stage liver disease resulting from HCV, Ms. Dunn's HMO refused to approve the transplant for her, claiming that liver transplantation is "experimental" in people with HIV. This case is another example of insurers operating on obsolete assumptions about HIV. The past concerns about the efficacy of liver transplantation in people with HIV were based on a shorter lifespan for people with HIV and a concern that HIV would replicate out of control when immunosuppressive drugs were given to prevent organ rejection, thus resulting in acceleration of HIV to AIDS. Since 1996, however, the treatment of HIV disease has undergone a major transformation with the advent of triple combination drug therapy. Now, people with HIV can live as long as people with many other chronic conditions and the therapeutic capacity to suppress HIV has kept the virus in check after transplantation.

GLAD has presented significant scientific data demonstrating the effectiveness of liver transplantation in people with HIV. In addition, the United Network for Organ Sharing, which has been authorized by the federal government to develop transplant guidelines, has an explicit policy against denying transplants based on HIV status. Numerous other private insurers and Medicaid agencies in New York and California have covered liver transplants for people with HIV.

"All of the improved treatments for HIV will mean nothing if insurers allow people to die from other life-threatening conditions," commented AIDS Law Project Director Bennett Klein. "Refusing liver transplantation for people coinfecting with HIV and HCV is providing substandard medical care."

While the federal lawsuit was pending, the HMO and its parent company agreed to contribute \$150,000 to a fund to pay for liver transplants for people with HIV. With anonymous donations arranged by Boston Mayor Thomas Menino, Belynda Dunn had sufficient funds to cover a liver transplant.

Meanwhile, GLAD is currently representing a second HIV-positive person who was similarly denied a liver transplant, this time by the Commonwealth of Massachusetts' Medicaid agency. As we went to press on November 13th, 2001, Massachusetts State Medicaid Agency in the first legal ruling of its kind in the country, has ordered that Neighborhood Health Plan (NHP) cover the cost of a life-saving liver transplant for a patient who has end-stage liver disease resulting from Hepatitis C virus.

Ensuring Strong Disability Antidiscrimination Laws in Massachusetts

GLAD filed a "friend of the court brief" with the Disability Law Center on behalf of over twenty other organizations in a major case which, like *Bragdon v. Abbott* in the U.S. Supreme Court, addressed the critical question of who is protected under disability antidiscrimination laws. In *Dahill v. Boston Police Department*, the Massachusetts Supreme Judicial Court ruled in June, 2001, that Massachusetts laws



Belynda Dunn

PHOTO BY CRAIG BAILEY

"ALL OF THE IMPROVED TREATMENTS FOR HIV WILL MEAN NOTHING IF INSURERS ALLOW PEOPLE TO DIE FROM OTHER LIFE-THREATENING CONDITIONS"

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prohibit disability-based discrimination against individuals whose disability has been corrected or mitigated by medications or other corrective measures (e.g., diabetes, epilepsy). While people with HIV are clearly protected under federal and state laws, ongoing advancements in the treatment of HIV disease make it critical to ensure that people who have chronic or treatable conditions are still protected from discrimination.

This ruling ensures broad anti-discrimination protections now and in the future for people with HIV and other health conditions. The plaintiff in the case was represented by Boston Attorney Harold Lichten of Pyle, Rome, Lichten, & Ehrenberg.

Ensuring Sound HIV Prevention Policies Through Needle Exchange

GLAD and the American Civil Liberties Union of Massachusetts are filing “a friend of the court brief” in the Massachusetts Appeals Court on behalf of state and national medical, public health and HIV prevention organizations, in a case which will have a significant impact on the scope of needle exchange programs. Recognizing the body of scientific evidence that needle exchange programs save lives by slowing the spread of HIV/AIDS through sharing of unclean needles, the Massachusetts legislature authorized up to ten needle exchange programs in Massachusetts. The needle exchange law decriminalized possession of hypodermic needles which were obtained through approved needle exchange programs. Programs currently exist in Boston, Cambridge, Northampton and Provincetown.

In this case, Commonwealth of *Massachusetts v. Landry*, a person who obtained clean needles at the Cambridge Cares about AIDS needle exchange program was arrested in Lynn for illegal possession of a hypodermic needle, even though she had with her a valid needle exchange registration card. The position of Essex County District Attorney Kevin Burke that people who lawfully receive needles at an approved site become criminals by traveling to another town or city is contrary to the law and would essentially gut the state’s effective needle exchange programs. GLAD and the ACLU will be arguing that the protections of the needle exchange program extend throughout the state. At stake in this appeal is the viability of the key public health strategy in the Commonwealth to prevent disease and death through the use of unclean needles. ▼



AIDS Law
Project Director
Bennett H. Klein, Esq.

**“AT STAKE IN THIS
APPEAL IS THE VIABILITY
OF THE KEY PUBLIC
HEALTH STRATEGY ... TO
PREVENT DISEASE AND
DEATH THROUGH THE USE
OF UNCLEAN NEEDLES.”**

There are many ways to support GLAD

- Asking Your Employer About Matching Gifts
- Transferring Appreciated Stock (with added benefits to you)
- Becoming An Ongoing Monthly Donor
- Including GLAD In Your Will
- Becoming A GLAD Partner or Associate
- Volunteering As An Experienced Website Editor or Graphic Designer
- Volunteering At Events
- Hosting A House Party

For more information on how you can help support GLAD please contact Buzz Harris, Regional Director of Development at 617.426.1350 or e-mail us at gladlaw@glad.org.

Civil Rights Docket

GLAD et al. v. Attorney General Thomas Reilly et al.

In July, 2000, GLAD filed suit on behalf of itself and several individual gay and non-gay plaintiffs, challenging the constitutionality of the Massachusetts sodomy laws, the only such laws remaining in New England. Our complaint alleges that the sodomy laws (including a 20-year felony for anal sex and 5-year felony for oral and anal sex) violate Massachusetts constitutional guarantees of privacy, equal protection, free speech, and freedom from cruel and unusual punishment. The case was filed in the Supreme Judicial Court of Suffolk County rather than Superior Court with the hope that this matter can proceed in a streamlined way. This case comes after many failed attempts to repeal archaic sex laws in the Massachusetts legislature and on the heels of legislative repeals and judicial decisions striking down sodomy laws throughout the country. Scott Pomfret and Harvey Wolkoff of Ropes & Gray are cooperating attorneys. The case was heard by the state high court during the first week of December.



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Civil Rights
Project Director
Mary Bonauto, Esq.

Ayer v. Sommi & Keller

GLAD was instrumental in obtaining a favorable ruling from the Massachusetts high court that domestic violence laws protect gay, lesbian, and bisexual people as well as heterosexuals. The first same-sex domestic violence case to reach appellate courts in Massachusetts involved a man who appeared to be the victim of domestic violence but was subject to a mutual restraining order. GLAD submitted an amicus brief in the case, setting out some of the basics on the issue and analyzing the factors which make same-sex domestic violence different from opposite-sex domestic violence. Joining on the brief as amici were The Network of Battered Lesbians and Bisexual Women; Gay Men's Domestic Violence Project; Fenway Violence Recovery Program; The Domestic Violence Council; Jane Doe, Inc; Massachusetts Law Reform Institute; and the Mass. Lesbian and Gay Bar Association.



MAINFRAME PHOTOGRAPHICS 2001

Senior Staff Attorney
Jennifer Levi, Esq.

CEW v. DEW

GLAD, together with cooperating attorney Patricia Peard and co-counsel Ken Altschuler, is seeking parental rights and responsibilities for a lesbian mother in Maine whose former partner is seeking to terminate contact between our client and the child the women have raised together. GLAD has already successfully argued on behalf of non-biological co-parents in Massachusetts and Rhode Island and hopes to achieve a similar, favorable result in Maine. Such outcomes are critical in order to protect children's relationships with both of their parents in the face of separation and dissolution. The case is presently pending. GLAD awaits a date to argue in opposition to the birth mother's motion to dismiss the case.

Leslie Brett et al. v. Town of West Hartford, CT

The Town of West Hartford municipal pool, also known as the Cornerstone Aquatics Center, offers family discounts to married couples or to parents. The definition of parents here includes step-, legal and adoptive parents but excludes same-sex co-parents or someone who parents a child with a non-marital partner. For most unmarried families, the difference in rate is several hundred dollars.

Together with New Haven Attorney Maureen Murphy, GLAD sued and won a reasonable cause finding at the Connecticut Commission on Human Rights and Opportunities (CHRO) that the town's policy discriminates on the basis of sexual orientation and marital status in a place of public accommodation. In an effort to avoid a hearing at the CHRO, the town filed a request for declaratory judgment in the Superior Court. GLAD has moved for a resolution of the legal matters in the case and expects a decision on our summary judgment motion by early 2002.

Muzzy v. Cahillane Motors, Inc.

GLAD filed an amicus brief in a case involving a sex harassment claim brought by a lesbian plaintiff against her supervisor. The case went to trial in order to determine whether the

supervisor sexually harassed the plaintiff, and the plaintiff lost. The case was appealed in part on the grounds that the instruction to the jury to consider whether the allegedly harassing conduct would be offensive to a “reasonable lesbian” was prejudicial. GLAD filed a brief articulating a test which would allow trial courts to provide personal information, such as sexual orientation, regarding a plaintiff, but only if it is for the purpose of ensuring that juries consider the experience of harassment of minorities. GLAD argued that such information may not be used for the purpose of perpetuating negative stereotypes or inflaming the prejudice of the jury. Therefore, such information ordinarily should not be admitted over the objection of plaintiffs. In July, the Supreme Judicial Court issued its decision upholding the jury instruction while articulating a test that incorporated the analysis set forth in GLAD’s brief.

In Re: R. C.

GLAD worked on behalf of an incarcerated gay man who was violently attacked and raped by another inmate. Prison officials initially dismissed R. C.’s complaint because of the fact that he was known to be gay and, according to prison guards, could not, therefore, be raped. With GLAD’s assistance, R.C. persevered in getting the Norfolk District Attorney’s office to press charges against the perpetrator. GLAD worked with the District Attorney’s office to ensure that all of the available evidence would be presented to the grand jury. In August, 2001, an indictment was issued against the man who raped R.C.

Burns v. Burns

GLAD submitted an amicus brief in a case in which a divorced mother was found in contempt of a visitation order that prohibited her from visiting with her children if she was residing with a non-marital partner. Susan Burns, the mother involved in the case, is a lesbian who divorced the father of her children in December, 1995. At that time, the court issued an order prohibiting both parents from visitation or residence with their children during any time when the parent cohabited with any adult to whom they were not legally married. Susan entered into a Civil Union with her same-sex partner in July, 2000. Shortly thereafter, Susan’s ex-husband sought to have her declared in contempt of the visitation restriction when the children stayed overnight in the home of Susan and her Civil Union spouse. The case, which arises in Georgia and is currently before the Georgia Court of Appeals, is the first reported decision addressing whether a Vermont Civil Union has the force of a marriage in another jurisdiction. GLAD prepared and filed its amicus jointly with the National Center for Lesbian Rights.

Boy Scouts of America v. Wyman

GLAD has continued to be involved in a Connecticut matter in which the state employees’ charitable campaign blocked the participation of the Boy Scouts of America (BSA) in the charitable giving program pursuant to a state law which prohibits the use of state facilities in furtherance of discrimination. Our participation in this matter dates to early 2000 when GLAD submitted a brief to the Connecticut Commission on Human Rights and Opportunities (CHRO) explaining that although BSA may use public facilities on terms equal to those offered any other group, they may not enjoy any special privileges in light of the state’s commitment to non-discrimination in public accommodation. Therefore, we argued, unless BSA endorsed a policy of non-discrimination, as every other group must do in order to participate in the state charitable campaign, they were ineligible. In large part based on GLAD’s analysis, the CHRO agreed and ruled that BSA’s inclusion in the campaign would violate state law. After being advised that they could not participate in the upcoming charitable campaign, BSA filed suit in federal court against the state comptroller. In a surprising turn of events, GLAD was subpoenaed and deposed by BSA, which is trying to argue that GLAD is somehow responsible for the CHRO’s decision to exclude BSA from the state charitable campaign. Diane Hertz, Esq. of Bingham, Dana represented GLAD at the deposition. ▼

**THE BOY SCOUTS
OF AMERICA
HAVE A RIGHT
TO DISCRIMINATE,
BUT GLAD AND
OTHERS BELIEVE
THAT THEY DON'T
HAVE A RIGHT
TO PUBLIC
SUBSIDIES
FOR THAT
DISCRIMINATION.**

Marriage in Court

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is a violation of the fundamental principles of equality and justice set forth in the Declaration of Rights of the Massachusetts Constitution.

These couples are simply asking their own government to treat them equally and fairly. They are asking the government of Massachusetts to stop penalizing them simply because they have fallen in love with someone of the same sex.



EXTREMISTS “HAVE TURNED MASSACHUSETTS INTO A TESTING GROUND ON THE MOST RESTRICTIVE ANTI-GAY MEASURE IN THE COUNTRY.”

The case is based on the equality, common benefits, due process and free speech protections of the Massachusetts Constitution. For example, the Massachusetts Constitution provides:

All people are born free and equal and have certain natural, essential and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing and protecting property; in fine, that of seeking and obtaining their safety and happiness. Equality under the law shall not be denied or abridged because of sex, race, color, creed or national origin.

Mass. Const., Art. I (as amended by Art. CVI). This provision is widely believed to have been the basis upon which slavery was outlawed by the courts in Massachusetts. It has been a vigorous force for equality in Massachusetts since its approval in 1780, and it is time that gay, lesbian and bisexual individuals and families also take refuge in its broad promises.

Attorney General Thomas Reilly is vigorously representing the defendant, the Department of Public Health, in the case. GLAD moved for summary judgment in August, essentially arguing that the case can be resolved on the legal issue of the validity of the discrimination. We believe the government has no good reason for discriminating against gay, lesbian and bisexual individuals, nor against same-sex couples. By the time you receive these briefs, the Attorney General’s Office will have opposed our motion, and GLAD will be replying. We hope for an oral argument date in the late winter. Whichever side loses is expected to appeal, so the case will ultimately be resolved in the Massachusetts Supreme Judicial Court.

These couples are fighting in court, but also in the court of public opinion. Each of them has been featured in news articles and television interviews. They are determined to talk to their neighbors, communities, places of worship and anyone who will listen. The goal: put a human face on this issue. Make it real. Dispel their fear. Help people understand that if marriage is good for non-gay couples, it is good for same-sex couples for all of the same reasons. Understand that equality for all means access to the same institutions available to others and on the same terms; not a select list of benefits. Recognize that we agree about helping to build stronger families and stronger communities.

Albano et al. v. Reilly: GLAD Seeks to Stop the Initiative Petitions to Amend the Massachusetts Constitution

In August, 2001, following up on a publicized threat made as long ago as May 2000, a group calling itself “Massachusetts Citizens for Marriage” filed two petitions to amend the Massachusetts Constitution. The provisions would change the Massachusetts Constitution by making it impossible for same-sex couples to marry. But there’s more. In addition, the Constitution would be changed so that neither the courts,

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GLAD recently announced James Singleton III as its new Communications Director.

Singleton comes to GLAD through a fellowship granted by the Denver-based Gill Foundation. He will increase awareness about GLAD’s work including our recently filed case, *Goodridge v. Department of Public Health* which seeks equal access to civil marriage for same-sex couples in Massachusetts..

Singleton is a graduate of Oklahoma Baptist University, where he received a B.A. in Telecommunications. He completed news, promotions and public relations internships in various markets and worked as a publicist for Alexander Ogilvy Public Relations Worldwide. Until recently Singleton served as senior account coordinator for Denver-based Turner Public Relations, Inc., where he specialized in media relations, special event implementation and public relations campaign development.

“We are confident that James’ communications efforts will enhance GLAD’s work,” said Gary Buseck, Executive Director of GLAD. “This communications work will gain exposure for GLAD and thereby assist in raising public awareness and knowledge of the importance and necessity of GLAD’s efforts in seeking equality.”



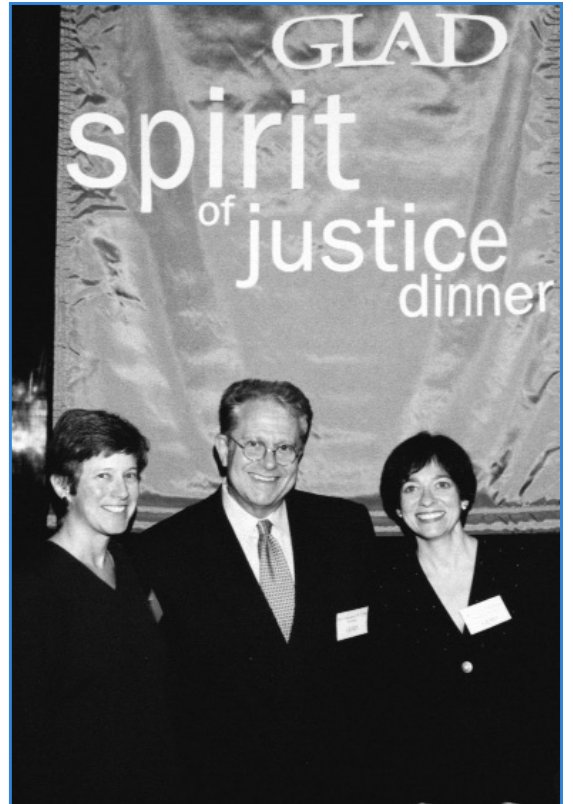
Summer party faces 2001



spirit of justice 2001



Spirit of Justice Awardee Professor Laurence Tribe



Mary Bonauto, Professor Tribe, Professor Feldblum



Karen Loewy, Jenifer Levi, Sue Donnelly, Ben Klein



Ray Delano, Jerry Thorne,
David Graham



Dinner Co-Chair Nancy Hall,
GLAD Board President
Margaret Williams



Keynote Speaker Professor Chai Feldblum



Professor Feldblum, Lisa Keen, aide to Senator Sprague,
Senator Jo Ann Sprague, Ben Klein



Margaret Williams, Sue Wilson, Barry Field



Michelle Rediker, Sue Wedda,
Alice Lowenstein



Barbara Herman, Jeff Herman, Mary Bonauto



Claire Humphrey, Joyce Kauffman

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Mark Enselman

Farewell to Mark Enselman

Mark left GLAD on November 1st of 2001 after serving for more than four years as our Development and Finance Director. During his tenure here GLAD's budget and staff doubled in size. There is no higher tribute that can be paid to the work of a professional fundraiser than to underline such extraordinary success.

Mark leaves GLAD a much stronger, better-funded advocate for the rights of LGBT people and those with HIV than it was on the day that he walked in our door. Both GLAD and our community are stronger for his efforts, and he will be missed. We wish him every good thing in his new life in New York.

Antidiscrimination Protections

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because she is a lesbian. This dentist had treated our client for nearly three years. When she was asked to update her personal information on a standard office form, she wrote the name of her female partner above the line marked "spouse". When she arrived for her next appointment, the dentist said that had he known she had a female partner, he never would have treated her in the past, and now refused to provide her with dental care. This type of denial of basic health care is exactly what the antidiscrimination laws were designed to prevent. By bringing cases like this, GLAD demonstrates that these provisions are forceful tools for punishing and eradicating discrimination.

In a similar vein, GLAD is co-counsel with attorney Maureen Murphy in *Brett et al, v. Town of West Hartford*, a case involving family discounts for the West Hartford municipal pool. Family discounts are available only for married couples, or individuals with children. The difference in rate is several hundred dollars for most unmarried families. Recognizing the impact that this has on GLBT families, GLAD has challenged these policies under the Connecticut law forbidding discrimination in places of public accommodation on the basis of both sexual orientation and marital status.

Additionally, statewide commitments to nondiscrimination must be reinforced by withholding state support from those who do discriminate. GLAD has been involved with an ongoing controversy over whether the Connecticut State Employee Campaign can continue to provide money to the Boy Scouts of America (BSA). The BSA have a right to discriminate, but GLAD and others believe that they don't have a right to public subsidies for that discrimination. In light of the BSA's noncom-

pliance with Connecticut's guarantees of non-discrimination in places of public accommodation, they should be removed from the list of organizations who may benefit from the state employee charitable campaign.

Further, by seeking to apply antidiscrimination provisions in novel ways, GLAD is working to broaden their interpretation. GLAD worked extensively with the Massachusetts Commission Against Discrimination, the state agency charged with enforcing the antidiscrimination laws, to encourage interpretations of the existing prohibitions against discrimination to cover discrimination against transsexuals. On October 10, 2001, in two separate cases, *Millett v. Lutco, Inc.*, and *Jette v. Honey Farms Mini Market*, the full Commission ruled that discrimination against transsexuals may constitute illegal sex discrimination or disability discrimination.

Finally, one of the most important ways to ensure dynamic antidiscrimination laws is to make them inclusive of all those in the GLBT community in need of protection. GLAD attorneys testified at legislative hearings in Rhode Island on proposed legislation to amend the state laws to include gender identity and expression as prohibited bases for discrimination, providing legislators with information and testimony regarding the need for such protections. On July 17, 2001 the legislation became law, making Rhode Island the second state in the nation to have an explicitly transgender-inclusive civil rights law.

In all of these ways, GLAD furthers its commitment to ending discrimination against the GLBT community and ensures that we have tools to fight for true and enduring equality. ▼

Public Education Department

(Re) Introducing Gavi Wolfe

Gavi Wolfe, GLAD's new Public Education Director, is a familiar face, having served two years as GLAD's Bilingual Client Advocate, championing the rights of people with HIV throughout New England. A natural coalition-builder, he has served on the planning committee of AIDS Action Committee's Bayard Rustin Community Breakfast, and currently serves on the boards of directors of the Prison Book Program and the Greater Boston chapter of the National Organization for Women. With his roots in community activism, and his intimate knowledge of GLAD's education work, Gavi plans to spread the gospel of anti-discrimination law and legal protections for GLBT and HIV-positive people far and wide. Explaining his new role at GLAD, he said, "the law belongs to the people, and I want to make sure GLBT and HIV-positive people throughout New England know they can turn to GLAD for answers and access."



Public Education Director
Gavi Wolfe

At Your Service...

REAL PEOPLE, LIVE! – GLAD'S LEGAL INFORMATION HOTLINE

Have legal questions? We've got answers! GLAD's hotline is open 1:30-4:30, Monday through Friday, responding to your needs in English and Spanish. Call for information, to talk through your own situation, and to receive referrals to sensitive and experienced attorneys. Trained volunteers can help you find out more about your rights. Call from anywhere in New England: (800) 455-GLAD.

READING YOUR RIGHTS – GLAD'S PUBLICATIONS

To make sure you have comprehensive legal information at your fingertips, we're happy to send you any of our dozens of educational publications, covering family law, employment discrimination, transgender legal protections, students' rights, immigration, HIV privacy law, and much more.

24-HOUR INFO – GLAD'S WEBSITE

And it's all available at the click of a mouse, too... Visit www.glad.org and see for yourself! You can download many of GLAD's publications directly over the web, browse the information using the topic menu, or find summaries of each state's GLBT and HIV-related laws. ▾

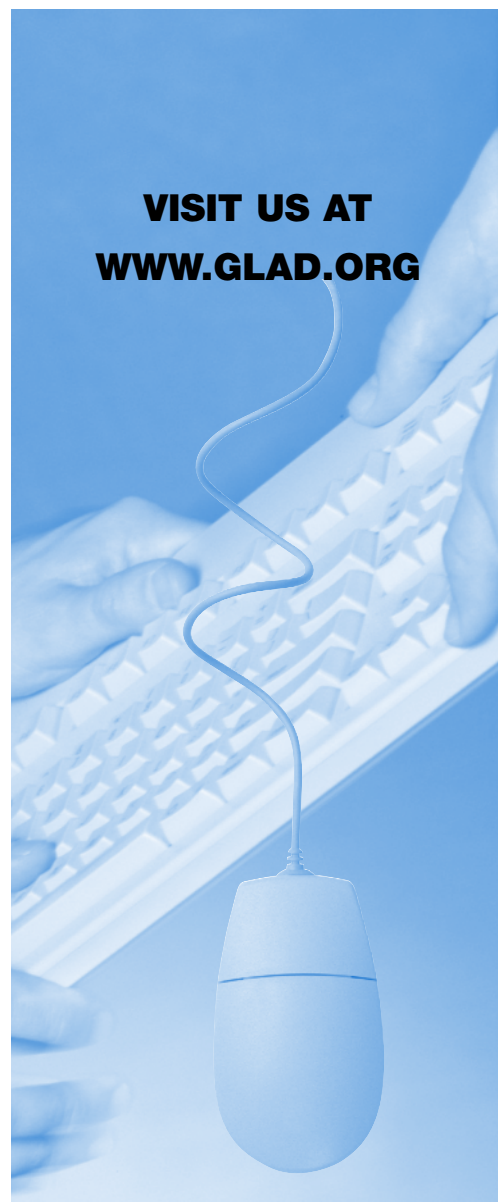


Andrea Hildebran

Thank You!

Andrea Hildebran took GLAD's Public Education Department to new heights. She improved the services provided by GLAD's Legal Information Hotline throughout New England; strengthened GLAD's ties in local advocacy coalitions;

and shepherded GLAD into the 21st century with a beautiful, information-packed website. She most recently worked on the campaign to defeat an aggressive anti-gay ballot question in Houston, TX. We wish her all the best.



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Marriage in Court

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nor the legislature, nor cities and towns could extend any rights and protections associated with marriage to any couple who is not married. This sweeping ban would affect all unmarried couples — gay or straight — as well as any person (even a married one) seeking to obtain rights or protections vis-à-vis another person.

In other words, the extremists at “Massachusetts Citizens for Marriage” have turned Massachusetts into a testing ground on the most restrictive anti-gay measure in the country which they hope will qualify for the November, 2004 ballot. Ever since we won the *Baker v. State of Vermont* litigation and achieved the nation’s first ever civil unions law, our extremist opponents have intensified their efforts to ensure that we forever remain second class citizens in our own country. They call Massachusetts “ground zero” for their efforts nationally.

Remember that a constitutional amendment changes the framework of government: “equality for all” becomes perverted to:

- ▲ “equality for all, except gay men, lesbians, and bisexuals
- ▲ and except unmarried couples, who seek any of the hundreds of state law rights or over 1000 federal rights associated with marriage.”

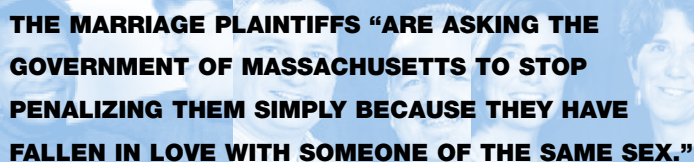
Anticipating this assault, GLAD has been preparing for, and has now launched, a legal challenge to the measure. Joined by several Mayors, the Massachusetts Municipal Association, former Attorney General James Shannon, the AFL-CIO and many other unions, as well as a host of civil rights groups, GLAD opposed certification of the petitions on the grounds that the initiative petitions violate rules in the Constitution about the subject matter of initiative petitions

After the Attorney General certified the petitions, GLAD challenged the decision in the Supreme Judicial Court, again on the grounds that the Massachusetts Constitution excludes certain topics from the ballot process, including measures relating to the “powers of the courts” and affecting individual access to the courts.

The plaintiffs in *Albano v. Reilly* illustrate the range of concerns implicated by this measure. Springfield Mayor Michael Albano thinks government should be supporting families

rather than tearing them down. Massachusetts AFL-CIO President Robert Haynes is concerned about the ability of the courts and legislature to provide equal benefits in the workplace if this measure were to pass. Richard Weissbourd, author of *The Vulnerable Child* and a Harvard professor, thinks legal protections for families benefit the welfare of children. Eli H. Newberger, M.D., a well-known pediatrician with public health and public policy expertise, is also concerned about the effect of this measure on children who are growing up in any family which is not based on marriage. Harvard Law Professor and family law expert Martha Minow, whose opinion piece appeared in the *Boston Globe*, sees this as an issue affecting all kinds of families. William Conley, a Springfield resident who has been with his partner for ten years, and Betsy Smith of Boston who, along with her partner, is expecting the birth of her first child, also joined the suit.

Briefing before the Massachusetts Supreme Judicial Court will be completed by the end of the year or early 2002, and we hope to have a decision shortly thereafter. If GLAD’s suit is unsuccessful, then between January and May



THE MARRIAGE PLAINTIFFS “ARE ASKING THE GOVERNMENT OF MASSACHUSETTS TO STOP PENALIZING THEM SIMPLY BECAUSE THEY HAVE FALLEN IN LOVE WITH SOMEONE OF THE SAME SEX.”

of 2002, the legislature must convene in a constitutional convention, and the measure must be approved by 25% (50 total legislators) in a joint session. The same process would need to be repeated in 2003 or 2004. If our opponents were successful both times, then the vote on the constitutional amendment would be in November, 2004.

As these briefs go to press, the “Massachusetts Citizens for Marriage” are running radio ads to support their effort to gain 57,000 valid signatures to qualify the petition for the ballot. They have attempted to intimidate and threatened to sue those who are engaging with voters to encourage them not to sign the petition. Depending on how many signatures have been gathered, there may also be a signature challenge to the measure before the State Ballot Commission. ▼

GLAD Happenings!

Thanks!

GLAD would like to thank those who attended the following events in the second half of 2001 and especially the individuals whose names follow for hosting the events:

Springfield House Party ~ Held in the home and beautiful garden of Mark Mason and Michael Carlson on Sunday, June 24th. Co-hosted by Bill Conley and Cynthia Turnbull.

GLAD's 19th Annual Summer Party ~ Held on the grounds of the Pilgrim Monument and Provincetown Museum on Saturday, July 28th. Special thanks to Ken Stilwell and Harry Harkins for hosting a pre-party reception at their lovely home.

The 4th Annual Rhode Island Party ~ Held at the home of Barry Field and Kurt Weidman in North Kingstown, RI, on Sunday, August 26th, and co-hosted by Barry Field and Marc Paige, GLAD's Rhode Island board members. GLAD was proud to honor Tina Wood for her outstanding work on the passage of Rhode Island's Gender Identity and Expression Non-Discrimination Law.

The 4th Annual Ogunquit Party ~ The beautiful gardens and grounds of The Black Boar Inn of Ogunquit, ME, served as the locale for this event on Thursday, August 23rd. Wayne Fette and Tim Stein, owners of the inn, hosted the party.

The Autumn Party ~ Co-sponsored by GLAD and Outright Vermont, and hosted by B.J. Rogers and Peter Jacobsen at their Burlington, VT home. Thanks to Stan Baker, Peter Harrigan, and Tim Palmer for their help.

The North Central Massachusetts Party ~ This third annual party was hosted by Diane Lincoln at her bucolic horse farm in Royalston on October 20th.

GLAD's 2nd Annual Spirit of Justice Dinner ~ GLAD honored Harvard Law School Professor Laurence Tribe for his exceptional legal scholarship and advocacy on behalf of the LGBT community and others before the U.S. Supreme Court. The dinner was held in the beautiful Skyline Suites and Ballroom at the Royal Sonesta Hotel in Cambridge, MA, on Friday, September 28th.

The 12th Annual Western Massachusetts Party ~ Held in Williamsburg on October 14th at the lovely home of Jason Heffner & John Davis and co-hosted by Ellen Cain, GLAD's Western Massachusetts board member. Special thanks to Jason, Ellen, and Michael Kusek for their able organizing work.

The 2nd Annual New Hampshire Party ~ Held at the Society for the Protection of New Hampshire Forests in East Concord on November 18th. Thanks to Lizabeth MacDonald; Hilda Fleisher; Mim Easton, Executive Director of Seacoast Outright; and our friends at the New Hampshire Freedom to Marry Coalition for their help.

Mark your calendars! -----> Coming Attractions

GLAD's Winter Party – Sunday, March 24th, 2002

GLAD's inaugural Connecticut Party – 2002 (keep an eye on www.glad.org for details)

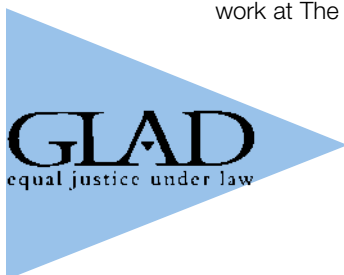
Coming soon to a neighborhood near you – GLAD is planning events throughout New England for 2002.

Please visit our website at www.glad.org for exact dates and times and look for an invitation in your mail.

If you don't think we have your mailing address, please contact our Development Office at (617) 426-1350 or e-mail us at events@glad.org.

If you would like to get involved or volunteer in some way for our events, are interested in hosting a GLAD party or have any questions about our events, call our Development Office at (617) 426-1350.

(Thanks to Susan Symonds of Mainframe Photographics, Inc., for donating her time, talents and materials to work as a photographer at The Winter Party and The Spirit of Justice Dinner, and to Jon Smal for his photographic work at The Summer Party.)



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