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## Fighting for Recognition September 11 Surviving Partners

**AS FOR MOST OF US,** September 11 began as a routine day for Carol Flyzik and Nancy Walsh of Plaistow, NH. Carol was flying to Los Angeles on business and woke Nancy early to say goodbye. "I'll call you when I get there" she said. But Carol was on American Airlines Flight 11. When it crashed into the World Trade Center, Nancy's life fell apart. She had lost the love of her life, her partner of 13 years. Because they were not legally married, she was also at risk of losing the home they

shared and the car they drove. The airline would not even confirm that Carol was on the flight, since Nancy is not a "family" member.

GLAD can do nothing for Nancy's profound grief at losing her partner. But we are doing everything possible to ensure that Nancy is recognized as the surviving spouse, can make decisions about her estate and receive compensation from the "September 11 Victim Compensation Fund".

GLAD is handling Nancy's application to the Compensation Fund created by the federal government to assist those injured and the families of those killed in the attacks. Kenneth Feinberg, special master of the fund, has publicly stated his willingness to compensate surviving partners, but only when the next of kin approve.



Nancy (center) receives the American flag and an urn of ashes from ground zero from American Red Cross representatives Marilyn Brier and Gary Ferris.

But life is rarely that simple. Like most people, gay and non-gay, Carol Flyzik did not have a will. That makes Carol's biological family the presumptive recipients of any compensation. Carol's family was supportive of their relationship while Carol was alive, but have since taken the position that they are entitled to survivor's compensation "because Nancy and Carol weren't married."

This is just the kind of Catch-22 that GLAD has struggled to prevent. It is in times of crisis and tragedy that people are reminded of the comprehensive protections that marriage provides for families. Without those protections, families formed by same-sex couples are left out in the cold. In this case, they suffer double tragedies.

GLAD is leading a team of lawyers to fight for Nancy's rights, including Stuart Hamilton at Hill & Barlow in Boston and Beth MacDonald at Donahue, Tucker & Ciandella in Exeter, NH. Right now we are focusing on Nancy's right to administer Carol's estate, or at least to administer it along with her biological family. That would give Nancy control over the monies from the Compensation Fund. In the meantime, negotiations with the family are ongoing about Nancy's right to stay in the home that

*continued on page 5*

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MAINFRAME PHOTOGRAPHICS 2001

GLAD's Executive Director  
Gary Buseck, Esq.

**IT IS HARD TO IMAGINE THAT THERE COULD BE MORE ACTIVITY AND DISCUSSION** concerning lesbian, gay, bisexual, transgender and HIV issues than we are currently seeing in New England and around the country this year. Perhaps most exhilarating is the activity that touches the issue of marriage and the recognition of the dignity and equality of LGBT lives and relationships. Beginning with Vermont Civil Unions, the conversation has moved to the front burner in different ways in each of the other New England states.

Of course, it is not just marriage that has taken the stage but also the myriad ways in which LGBT families are denied basic benefits, such as health insurance or family memberships, that non-LGBT families simply take for granted.

We are also seeing exponential growth in the discussions taking place around protections for gender identity and expression. And, by way of a final example, there has been considerable activity around the final push to eliminate archaic sex laws and to end illegal police conduct in the use of sex laws to harass gay people.

Ultimately, all of this activity and discussion has one goal – changes in the law! But those **Laws Don't Change By Themselves**. They change because of concerted, strategic planning and activity; and much of that planning and activity is the work of lawyers in the courts and behind the scene in the legislatures.

GLAD has been doing this critical work now for nearly 25 years – whether it is winning Civil Unions in Vermont; overturning the sodomy laws in Massachusetts; gaining protection against discrimination for transgender individuals in Connecticut; recognizing a de facto parent's right to visitation in Rhode Island; establishing a student gay/straight alliance's right to exist in New Hampshire; or finding ways to extend employment non-discrimination protections in Maine.

We hope that these *Summer Briefs* will keep you up-to-date on all our work. You have made these victories possible, and this critical work only continues because of your support. Thank you.

## Marriage Case Appealed to Supreme Judicial Court



MAINFRAME PHOTOGRAPHICS 2001

Civil Rights Project Director  
Mary Bonauto, Esq.

There was no room left in the courtroom on March 12 when Jennifer Levi, GLAD Senior Staff Attorney, presented arguments in GLAD's landmark marriage case, *Goodridge et al v. Department of Pubic Health*. Because so many people wanted to witness this historic hearing, the proceedings were moved to the courthouse library. The seven plaintiffs, their family and friends and many GLAD supporters were crammed into the room, sitting on the floor (standing is not

allowed) of the aisles and rear of the room. Speaking eloquently, Jennifer laid out the arguments that the state discriminates by excluding same-sex couples from marriage, violating basic principles of equality promised in the Massachusetts Constitution.

By contrast, the State's arguments seemed weak, urging that even if the marriage laws are unconstitutional, the court should defer to the legislature on this topic! Echoing GLAD's arguments, Superior Court Judge Thomas J. Connolly said from the bench that "The fundamental right to marry doesn't mean anything unless you can marry the person that you love." We knew, regardless of the result of this hearing, that the case would be appealed. Yet it was

tantalizing to think we could get a favorable ruling at this stage. However...

On May 9, 2002, Judge Connolly ruled against GLAD's clients and in favor of the Commonwealth. GLAD immediately docketed an appeal in the Massachusetts Appeals Court and will be seeking to bypass that court and obtain review by the state Supreme Judicial Court at the earliest opportunity.

In his ruling, Judge Connolly glossed over most of the arguments raised by GLAD, including the argument that marriage is a fundamental right and that the present scheme unlawfully discriminates on the basis of sex and sexual orientation under the Massachusetts Constitution. He ruled that male-female only marriage is justified by the fact that procreation is more difficult for same-sex couples. In other words, the Judge accepted the Attorney General's argument that the purpose of marriage is to raise children to whom the parents are biologically related. Despite the fact that gay people are raising children in record numbers, and that there is absolutely no procreation requirement for marriage, this ruse has been used successfully against same-sex couples since the first marriage cases in the 1970's. Someday, some court, and we hope it is the Massachusetts Supreme Judicial Court, will notice that it is only in cases seeking marriage for

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# AIDS Law Project Update

## Needle Exchange Case Heads to Supreme Judicial Court

Maria Landry received a clean hypodermic needle from a state approved needle exchange program in Cambridge. While in Lynn, Maria was arrested for illegal possession of a hypodermic needle. Though legally obtained, the District Attorney for Essex County, Kevin Burke, considers her a criminal by traveling to another town or city that does not grant “local approval” for needle exchange programs.

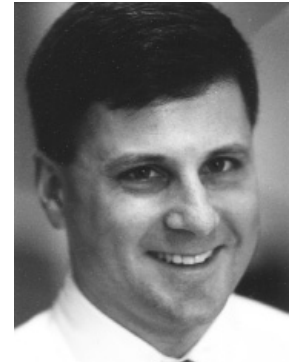
The Massachusetts Supreme Judicial Court will hear arguments in September in this major case that will determine the effectiveness of needle exchange programs in Massachusetts. Needle exchange is a key component of HIV prevention. Conclusive scientific evidence demonstrates that needle exchange saves lives by reducing transmission of HIV, hepatitis B, and hepatitis C, and is one of the most effective mechanisms to engage the high-risk population of intravenous drug users in substance abuse treatment services.

*Commonwealth of Massachusetts v. Maria Landry* is the first appellate case in Massachusetts to address the meaning of the Massachusetts laws establishing needle exchange programs. Although Massachusetts lags behind many states in providing access to clean needles for intravenous drug users, the Legislature has authorized the establishment of ten programs throughout the state, as long as “local approval” is granted by the city or town in which the program is sited. Programs currently exist in Boston, Cambridge, Northampton, and Provincetown. The Legislature also specified that possessing a hypodermic needle obtained through an authorized exchange program “shall not be a crime.”

The question before the Supreme Judicial Court in *Landry* is whether a member of an authorized needle exchange program who lawfully obtains needles can nonetheless be arrested for illegal possession of a needle if he or she travels to a town that has not granted local approval for the siting of a program. We believe that the Legislature clearly intended that once a needle is lawfully obtained, the exemption from criminal prosecution is not limited to the town in which the program is sited. Essex County District Attorney Kevin Burke wants to arrest any needle exchange participant in his jurisdiction found with hypodermic needles. At stake in this appeal is the viability of a proven public health strategy to prevent disease and death through the use of contaminated needles.

GLAD has filed a “friend of the court” brief on behalf of thirty state and national medical, public health, substance abuse, and AIDS service organizations, including the Infectious Diseases Society of America, and the Boston and Cambridge Public Health

Departments. GLAD is also filing a brief on behalf of several law enforcement officials to demonstrate that needle exchange programs do not increase crime or substance abuse and, in fact, create a safer environment for police. The American Civil Liberties Union Drug Litigation Task Force in New York is representing Maria Landry.



AIDS Law  
Project Director  
Bennett H. Klein, Esq.

## LANDMARK VICTORY ALLOWS ORGAN TRANSPLANTS FOR PEOPLE WITH HIV

In the first legal ruling of its kind in the country, GLAD prevailed in an action to cover the cost of a life-saving liver transplant for a Medicaid recipient who has both HIV and end-stage liver disease as a result of hepatitis C. The case was brought on behalf of a 41-year-old Roxbury, Mass. man who is in no danger of dying from his HIV, but would die within months of hepatitis-related liver disease without the transplant. In its decision, the Division of Medical Assistance Board of Hearings rejected the claim that liver transplantation is “experimental” in people with HIV.

At the same time that this legal victory breaks through the barriers which insurers have erected to exclude people with HIV from transplants, GLAD mourns the death in March of AIDS activist Belynda Dunn. Belynda worked closely with GLAD in an earlier effort to obtain a liver transplant. Belynda’s courage and charisma made a real difference in the ultimate victory on this issue.

## NEW HAMPSHIRE ACCESS TO HEALTH CARE

The New Hampshire Human Rights Commission has completed its investigation of a complaint GLAD filed against a Nashua physician who refused to treat a person with HIV in his office. The doctor claimed that he “did not know

whether his sterilization procedures were effective against HIV.” GLAD is awaiting a determination of probable cause before the case proceeds to the next step.

## HIV-POSITIVE DENTAL HYGIENIST FIRED

GLAD filed a “friend of the court” brief urging the U.S. Supreme Court to decide the case of an HIV-positive dental hygienist who was fired after his doctor revealed his HIV status to his employer.



**IN THE FIRST LEGAL RULING OF ITS KIND, GLAD WON MEDICAID COVERAGE OF A LIFE-SAVING LIVER TRANSPLANT FOR SOMEONE WITH HIV AND END-STAGE LIVER DISEASE DUE TO HEPATITIS C.**

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# Anti-Gay Constitutional Amendment Defeated

ON JULY 17TH, 2002 FOR THE FIRST TIME IN U.S. HISTORY a so-called “*Defense of Marriage Act*” (DOMA) initiative was defeated! Our community has never before succeeded in defeating such a measure, and similar citizen-initiated proposals have passed in several states over the last decade. Here in Massachusetts we can justly celebrate the legislative defeat of this proposed constitutional amendment which sought to restrict marriage to one man and one woman. The amendment would also have ensured that no other relationship received the legal benefits “exclusive to marriage” from the state or local governments. By a nearly 3-1 margin, the Massachusetts Legislature rejected this broadest of anti-gay civil rights measures via a procedural vote to adjourn. This means that the threatened constitutional amendment will not be on the ballot in November 2004.

An amendment to the Massachusetts constitution requires that 25% of the legislature, in a joint session of the House and Senate, approves the amendment in two consecutive sessions. By voting to adjourn and not voting on the amendment, the Legislature sends the marriage ban proponents back to the drawing board and the signature gathering phase. At best, if they submit a proper question, which is properly certified, gather the requisite signatures, and convince the Legislature to approve of the measure in two consecutive sessions, then a new proposed constitutional amendment could appear on the ballot in November 2006.

GLAD has proudly served on the steering committee of MassEquality.org, the coalition that fought this discriminatory proposal, along with many other LGBT and ally groups from across the Commonwealth. Through our combined efforts we eliminated this hateful proposal.

This result in the Legislature provides some comfort to an otherwise disappointing, even if predictable, loss in *Albano et al. v. Attorney General* in which GLAD challenged the Attorney General’s certification of the ballot measure. In that case, GLAD represented a variety of individuals, including Mayor Albano of Springfield and former Attorney General James Shannon.

While the Supreme Judicial Court ruled that the measure did not contain any matters excluded from the initiative process, it helpfully stated that the statutes affected by the measure, if passed, each “create a benefit or responsibility that arises from married status.” This statement from the Court was a helpful counter in the Legislature to the proponents who claimed that the measure only would have defined marriage and would have no further effect on the ability to inherit, to file taxes, to make medical decisions about a spouse, and to file wrongful death claims.

Harvard Law Professor and 2001 GLAD Spirit of Justice Award recipient Laurence H. Tribe also submitted a letter to the Legislature arguing that the incredible breadth of the measure “would cement opposition to the achievement of equal rights in the Commonwealth” and was flawed as “quite literally, a denial, to some of the Commonwealth’s citizens, both of the equal protection of the Commonwealth’s laws and of basic human liberty without due process of law.” The citizens of Massachusetts can justly take pride in their Legislature for turning away this despicable measure at the earliest opportunity. ▼

**OUR COMMUNITY HAS NEVER BEFORE SUCCEEDED IN DEFEATING SUCH A “DEFENSE OF MARRIAGE” CONSTITUTIONAL AMENDMENT... WE CAN JUSTLY CELEBRATE.**

## Marriage Case Appealed

*continued from page 2*

same-sex couples that procreation is cited as the *raison d’être* for marriage.

GLAD views obtaining full and equal marriage rights as part of a long-term civil rights struggle. Our work with Vermont attorneys Beth Robinson and Susan Murray in *Baker v. State of Vermont* yielded a state Supreme Court opinion mandating equal benefits even though we sought marriage. Despite the enormity of the challenge, GLAD seeks to build upon the civil unions that resulted from the court ruling and legislative action in Vermont. It is only marriage that provides both the gateway to the enormous architecture of protections for families and children and an instantly and universally understood status.

A win for the seven couples in *Goodridge* would be the legally and morally right result. While no state court has yet ruled in favor of marriage rights for same-sex couples we have the constitution and, increasingly, the people on our side. The educational work undertaken by GLAD for years and more recently by groups

like the Freedom to Marry Coalition of Massachusetts has led people to ask, “What is the big deal about allowing gay people to marry?”

Opinion is moving decisively in the direction of non-discrimination. *The Boston Herald* reported in July that 52% of Massachusetts residents opposed the proposed constitutional amendment banning “gay marriage” (see story above). In addition, real marriages now exist in the Netherlands, and a Canadian court has ruled favorably in a marriage case.

While the appeal of the marriage case is underway, GLAD continues to play a leadership role on other avenues to marriage in the legislature and through community and public education. This case has national implications for the civil rights of LGBT people to have full access to the rights and responsibilities of marriage. ▼



**“WHAT IS THE BIG DEAL ABOUT ALLOWING GAY PEOPLE TO MARRY?”**

# Massachusetts Court Guts Sodomy Laws

GLAD, ET AL. V. ATTORNEY GENERAL THOMAS REILLY, ET AL.

**THE ARCHAIC  
SODOMY LAWS,  
WHICH CRIMINALIZED  
COMMON ACTS OF  
INTIMACY, CAN  
NO LONGER BE  
USED AGAINST  
GAY, LESBIAN  
AND BISEXUAL  
PEOPLE.**

On February 21, 2002, the Massachusetts Supreme Judicial Court ruled that the state's centuries-old sodomy laws are inapplicable to private, consensual conduct. In a brief ruling, a unanimous court found that two provisions of Massachusetts law that provide criminal penalties of up to 5 and 20 years for convictions for oral and anal sex, respectively, may not be enforced against persons who are engaged in such intimacy as long as the individuals did not intend public exposure.

GLAD brought this case on behalf of nine individuals who engage in intimate conduct of the type prohibited by the laws, challenging the constitutionality of the laws because they criminalize common acts of intimacy. Although the court technically dismissed the case because none of the plaintiffs were currently subject to prosecution, the court for the first time declared that neither of the Massachusetts laws apply to private, consensual conduct. While GLAD would have liked the Court to have gone further — to actually strike down these antiquated laws as unconstitutional — the court did clarify that these laws may not be used to intrude on individuals' rights to engage in common acts of intimacy in private settings.

Moreover, in a key part of the ruling, the court affirmed that neither the Attorney General nor the district attorneys may prosecute anyone under the challenged laws unless the conduct took place either in public or without consent. This decision should also restrain that minority of police officers who would otherwise use these laws as an excuse to target or scapegoat innocent gay or gay-appearing people in rest areas. As a result of this decision, these laws simply join a host of other statutes used to prosecute public behavior and have no consequences beyond that.

In addition, this decision clarifies the broad misconception that the intimate conduct gay, lesbian and bisexual people engage in violates the law. Countless times, courts throughout the country have asserted that some protection, benefit or legal right sought by a gay or lesbian person (e.g., the right to visitation or custody with one's children) cannot be recognized because the sodomy laws render us "unapprehended felons." No longer can these laws be used in Massachusetts (or anywhere else in New England) as roadblocks to the advancement of gay, lesbian and bisexual people in other areas of the law. ▼

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## AIDS Law Update

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Though courts have ruled against doctors who refused treatment to HIV-positive patients, in cases against HIV-positive health care providers courts have often reacted with irrational fear and disregard for the scientific evidence. Although the Supreme Court declined to decide this case, *Spencer Waddell v. Valley Forge Dental Associates*, the willingness of courts around the country to uphold the termination of HIV-positive health care workers who perform invasive procedures remains one of the most pressing legal challenges ahead. This issue is a high priority for GLAD. ▼

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## September 11

*continued from page 1*

she and Carol shared and to take possession of their cars.

GLAD believes that while there remains, and will remain, a great sense of loss and vulnerability in the country in the wake of September 11th, there is also a renewed commitment to fairness and unity. GLAD is committed to fighting for de facto recognition of Nancy and Carol's relationship through the probate system in New Hampshire as well as Nancy's rights as a spouse under the Compensation Fund. ▼

## The Legacy Society

A number of our supporters have included a gift to GLAD in their will or via estate planning tools such as trusts. We are deeply appreciative of such generous donations. Since they are often larger than other gifts, they provide powerful resources for our work on behalf of the LGBT and HIV+ communities and will ensure our strength well into the future.

If you have included GLAD in your will or if you are interested in making GLAD the beneficiary of a trust or other financial planning instrument (which can have significant tax advantages) please let us know. We would like to thank such thoughtful donors in our publications as members of GLAD's new Legacy Society. We will, of course, respect the wishes of our donors who request that such gifts remain confidential.

We would be happy to discuss these matters with anyone who is interested in exploring support for GLAD through planned gifts. Please contact Janet Lawn or Buzz Harris in the Development Office at 617.426.1350 or at [development@glad.org](mailto:development@glad.org). ▼

# Securing Parental Rights for Non-Biological Parents



MAINFRAME PHOTOGRAPHICS 2001

Staff Attorney Karen L. Loewy

**SAFEGUARDING RELATIONSHIPS BETWEEN GLBT PARENTS AND THEIR CHILDREN** is a crucial component of GLAD's work. For parents and children who are not legally related by birth or adoption, obtaining legal recognition of the strong attachments they feel for each other often brings them to the courthouse. GLAD has achieved great victories recognizing non-biological parents as de facto parents and extending parental rights to de facto parents in Massachusetts (*E.N.O. v. L.M.M.* in 1999), and in Rhode Island, (*Rubano v. Di Cenzo* in 2000). The time has come to expand these victories throughout the rest of New England, and to ensure that the protections already recognized remain robust and expansive.

Currently, GLAD is involved in cases in both Maine and New Hampshire seeking parental rights and responsibilities for lesbian mothers whose former partners are seeking to deny such rights with regard to the children the women have raised together.

## MAINE

In *CEW v. DEW*, GLAD represents a lesbian mother whose former partner is seeking to terminate contact between our client and their child. Their 5 year-old son currently spends one half of his time at his "Umma's" house playing baseball and enjoying his dog. In an unusual move, counsel for the biological mother, DEW, conceded that our client is the child's de facto parent, but argued that the court does not have the authority to grant parental rights to a de facto parent unless the biological parent is unfit. GLAD's motion for summary judgment seeks to extend Maine law on de facto parents to same-sex families, which would be the first pro-gay family law ruling in Maine. GLAD fully expects that this case will be appealed to Maine's highest court. Former GLAD board member Patricia Peard and Ken Altschuler are cooperating attorneys on this case.

Additionally, GLAD is representing a couple seeking parental rights for the non-biological parent through the guardianship process in Maine. A lesbian couple has filed a petition to name the non-biological mother of the couple as a co-guardian along with the biological mother (*In re the Estate of I.A.H.*). As a co-guardian, the non-biological mother would have all of the rights and responsibilities of legal parenthood but not the legal status of a parent. Such requests had been routinely granted until recently, when the probate courts started to issue only limited co-guardianships rather than full co-guardianships, thus diminishing the range of parental rights and responsibilities a non-biological parent can obtain. GLAD seeks to reverse this trend and restore the access of non-biological parents to full co-guardianship.

## NEW HAMPSHIRE

GLAD has participated at the trial court level in previous cases in New Hampshire which recognized de facto parents, and GLAD is now assisting attorney Lizabeth MacDonald in the case of *K.P. v. K.B.* The non-biological mother is seeking visitation with her child. After she and the child's biological mother separated, she was denied any contact with the child they had jointly raised for three and a half years. K.P., the non-biological mother, filed a petition for visitation, which the biological mother moved to dismiss, arguing that the court lacked the power to recognize K.P. as the child's parent. The trial court judge denied the motion, ruling that the court does have the power to hear this case and to determine what is in the child's best interests. The judge ordered interim visitation until the case is resolved. The biological mother appealed to the New Hampshire Supreme Court.

GLAD assisted with a motion urging the court to summarily affirm the lower court's order. If the summary affirmance is denied and the state Supreme Court hears the case, GLAD will be working to ensure that K.P. may continue to be a parent to her child.

## MASSACHUSETTS

GLAD is also acting to protect the victory won in the *E.N.O.* case in Massachusetts in 1999. *Blixt v. Blixt* raises questions about the validity of the grandparent visitation statute and is currently pending at the Supreme Judicial Court (SJC). GLAD has filed an amicus brief because this case raises questions about the ability of the courts to grant visitation and other parental rights to people who are not the legal parents of a child. The U.S. Supreme Court decision in *Troxel v. Granville* in 2000 has cast a cloud over this area of law. We hope that the SJC will clarify the reach of *Troxel* as well as the question of how much deference a court must give to a legal parent's decision about who may spend time with his or her child. The case was argued February 5, and is now in the hands of the court. ▼

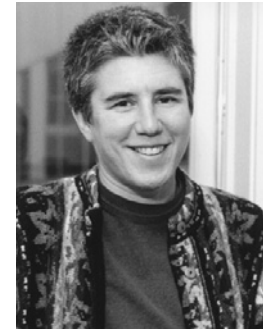
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# Civil Rights Docket

For information on GLAD's work on marriage, assisting same-sex surviving partners from 9/11, seeking to overturn sodomy laws, and securing parental rights for non-biological parents, see articles throughout these briefs.

## BOY SCOUTS — VICTORY!

The United States District Court for Connecticut has ruled that while the Boy Scouts of America (BSA) may be allowed to discriminate, they are not entitled to special privileges from the state if they do so. GLAD worked to stop the special access of the Boy Scouts to the Connecticut state employees' charitable campaign in light of their discrimination based on sexual orientation. 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. Therefore, GLAD 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 to be a part of the payroll deduction campaign. In large part based on GLAD's analysis, the CHRO ruled that BSA's inclusion in the campaign would violate state law. After being advised that they could not participate in the campaign, BSA filed suit in federal court against the state comptroller. GLAD filed an amicus brief on behalf of ourselves, the Connecticut Women's Education and Legal Fund, and the Connecticut Coalition for LGBT Civil Rights arguing that the exclusion of BSA from the campaign is proper. (*Boy Scouts of America v. Wyman*)



Senior Staff Attorney  
Jennifer Levi, Esq.

MAINFRAME PHOTOGRAPHICS 2001

## HEALTH INSURANCE BENEFITS — CONNECTICUT

Health insurance benefits constitute a significant portion of an employee's compensation. Using Connecticut's anti-discrimination provisions based on sexual orientation and marital status, GLAD is arguing that denying these benefits to same-sex partners of employees' amounts to unequal pay for equal work — something the law will not tolerate. A group of teachers and school administrators in Manchester, CT are seeking to obtain insurance benefits for their domestic partners. One of the teachers has repeatedly applied for and been denied these benefits. GLAD hopes to persuade the Board of Education to provide the health benefits through negotiations or legal action, if necessary (*Rossi, et al. v. Manchester, CT Board of Education*)

**WITH FAMILY MEMBERSHIPS, GLAD IS SEEKING TO REMEDY ANOTHER OF THE REGULAR INDIGNITIES FACED BY SAME-SEX COUPLES DUE TO THE NON-RECOGNITION OF THEIR RELATIONSHIPS AND FAMILIES.**

## PUBLIC ACCOMMODATIONS — NEW HAMPSHIRE — VICTORY!

The first case to test the sexual orientation protections in the New Hampshire public accommodations anti-discrimination laws was successfully resolved by GLAD. GLAD's case was on behalf of T.T., who was denied treatment by her dentist because she is a lesbian. This dentist had treated T.T. for nearly three years. However, when she was asked to update 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 confronted her in the lobby of the office, outraged that T.T. listed a woman as her spouse, claiming that treating her would be against his philosophy, and telling her that, had he known, he would never have treated her in the first place. GLAD filed a complaint on T.T.'s behalf with the New Hampshire Commission for Human Rights, which, after an investigation, issued a probable cause decision crediting her allegations of discrimination. The defendant removed the case to Belknap

County Superior Court, and, after lengthy discussions, the case has been resolved to the satisfaction of the parties. (*T.T. v. Joseph C. Roper, Jr., DDS*)

## FAMILY DISCOUNTS — CONNECTICUT

GLAD is seeking to remedy one of the regular indignities faced by same-sex couples due to the non-recognition of their relationships and families. The Town of West Hartford municipal pool, known as the Cornerstone Aquatics Center, offers discounted family memberships 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 families, the difference in cost is several hundred dollars. Together with 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 order

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Public Education Director  
Gavi Wolfe

## PUBLIC EDUCATION

### Putting Transgender Rights Into Your Hands

On the heels of a series of major legal victories for transgender rights, GLAD has published *Transgender Legal Issues in New England*, a comprehensive outline of the legal protections for transgender people. The new publication also tackles the complicated issues of how transgender people can change their personal identification and documents to correctly reflect their gender.

“We wrote this publication to ensure that transgender people are aware of their legal protections under the law,” said Jennifer Levi, Senior Staff Attorney. “Transgender people continue to face discrimination in the workplace, the housing market, at local businesses, and even in terms of their ability to form families. It is important that GLAD equip the transgender community with information on how they can protect their rights.”

Though many existing non-discrimination laws do not explicitly protect people from discrimination based on gender identity and expression, thanks to recent GLAD victories, transgender people can often seek protection based on other factors, such as sex, disability, or sexual orientation. The publication discusses how transgender people may have recourse against discrimination and the unique family law concerns of transgender people. It also addresses transgender people’s right to be free from harassment and violence in places ranging from public restrooms to prisons. Lastly, it explains how transgender people can make name and sex designation changes to accurately reflect their gender identity on documents ranging from social security cards to drivers’ licenses. *Transgender Legal Issues in New England* aims to be a practical tool, helping people fight discrimination and making a difference in real people’s lives.

#### HIGHLIGHTS OF RECENT TRANSGENDER RIGHTS — VICTORIES

**Massachusetts** – GLAD won two landmark decisions from the Massachusetts Commission Against Discrimination (MCAD), which ruled that transgender people are protected under Massachusetts state laws prohibiting sex and disability discrimination.

**Connecticut** – GLAD won a ruling from the Connecticut Commission on Human Rights and Opportunities (CHRO) that Connecticut state law prohibiting discrimination on the basis of sex encompasses discrimination against transgender individuals.

**Rhode Island** – GLAD played a major role in writing an amendment to the state’s anti-discrimination law that created explicit protection for transgender people, making Rhode Island only the second state to adopt a non-discrimination law that clearly prohibits discrimination based on gender identity and expression. ▼



### At Your Service...In Writing, On the Phone, On the Web.

GLAD is proud to publish new publications giving you greater access to your legal rights. In addition to *Transgender Legal Issues in New England*, our most recent publications include *Overview of Legal Issues for People with HIV* for the state of Vermont (completing the series of all six New England states) and a *Massachusetts Guide to Culturally-Specific HIV & GLBT Services*.

Call GLAD’s Legal Information Hotline, **1-800-455-GLAD**, any weekday afternoon for copies of these and other publications or read your rights 24 hours a day by checking out GLAD’s full range of publications at [www.glad.org](http://www.glad.org). ▼

## GLAD Welcomes New Development Staff!



Shawn Jacobs  
Events Coordinator

In November of 2001 Shawn Jacobs began as GLAD’s new Events Coordinator. Shawn has a strong background in events management in both activist and theater contexts, and has already done a fabulous job at the 2002 Winter and Summer Parties.

Janet Lawn joined GLAD as our new Director of Development in February of 2002. Janet has a broad fundraising background, including work for The Horizons Initiative and the Asian Task Force Against Domestic Violence. She is now charged with expanding GLAD’s strong financial base in order to guarantee our ongoing work for the LGBT and HIV+ communities.



Janet Lawn  
Director of Development



# winter party 2002

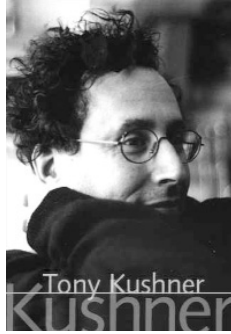


# GLAD Happenings!

MARK YOUR CALENDARS! -----> COMING ATTRACTIONS

## September 27 New England Spirit of Justice Dinner

honoring Pulitzer and Tony-Award winning playwright Tony Kushner, whose work, including *Angels in America*, has educated and challenged society's attitudes on AIDS, politics and much more. Call Shawn Jacobs about sponsorships or tickets 617-426-1350. Royal Sonesta Hotel, Cambridge.



**August 25th The 5th Annual Rhode Island Party** at the home of Barry Field, GLAD Board President, and Kurt Weidman in North Kingstown, RI.

**September 14 The Ogunquit Party** on the beautiful gardens and grounds of The Black Boar Inn, hosted by Wayne Fette and Tim Stein.

**October 5 North Central Massachusetts Party** hosted by Diane Lincoln at her bucolic horse farm in Royalston.

## Thank you to our wonderful hosts and guests!

**GLAD's 20th Annual Summer Party July 27th**, Provincetown. Special thanks to Ken Stilwell and Harry Harkins for hosting a pre-party reception at their lovely home.

**New England Pride Celebrations.** GLAD was there for all eight Pride celebrations throughout New England!

**The Maine Party** celebrated 11 years in Portland on May 19. Hosted by Dan Kennedy and John Hatcher.

**2nd Annual Lesbians & Friends Dance party May 31.** Organized by Board Member Sue Wilson.

**The Women's Event April 17**, hosted by Elyse Cherry was a time for GLAD's women supporters to shine.

**The Winter Party** was once again a smash at the Boston Ballet on March 24. See photos page 9.

**Coming soon to a neighborhood near you** — events are planned for Washington, DC; Springfield, MA; New Hampshire and Vermont. Watch for an invitation in the mail or check our website at [www.glad.org](http://www.glad.org) or contact Shawn Jacobs at 617-426-1350 or [sjacobs@glad.org](mailto:sjacobs@glad.org) for more information.



Boston Pride



The Summer Party



The Women's Event

SUE WILSON 2002

MARYANN CHAISSON 2002

MAINFRAME PHOTOGRAPHICS 2002

## Civil Rights Docket

*continued from page 7*

to avoid a hearing at the CHRO, the town filed a request for declaratory judgment in the Superior Court. GLAD has moved for summary judgment, and the parties have agreed to enter into mediation. If mediation fails, a hearing will be held to resolve the legal issues involved. (*Brett, et al., v. Town of West Hartford, CT*)

### FAMILY MEMBERSHIP — NEW HAMPSHIRE — VICTORY!

As with the *Brett* case (see above), GLAD has intervened on behalf of a lesbian couple and their family in New Hampshire who are suffering the degradation of not being recognized as a family. When our clients applied for a family membership rate at the YMCA in Nashua for themselves and their children, they were told that because they are not married, they were not eligible for such a rate. The YMCA said that one of the women and the children could receive the family rate, but the other woman would have to buy a separate adult membership at a cost of several hundred dollars. GLAD filed a claim at the New Hampshire Commission for Human Rights, alleging that the YMCA's existing policy discriminates in a place of public accommodations on account of sexual orientation

and marital status. Having undertaken some initial negotiations with the YMCA, the YMCA has agreed to revisit their policy and to extend a family membership to our clients. (*Rose v. YMCA of Nashua, NH*)

### ILLEGAL TAPE RECORDING STOPPED — MASSACHUSETTS

GLAD is putting the right-wing on notice that they cannot use intimidation tactics to try to stop vitally important sex education information from getting to young people. Scott Whiteman, Brian Camenker, and the right-wing Parents Rights Coalition publicly distributed an unlawfully obtained tape recording of a sexuality and HIV/AIDS prevention education workshop conducted in March, 2000 at a conference sponsored by Gay, Lesbian and Straight Education Network (GLSEN). GLAD filed suit in Massachusetts Superior Court on behalf of Julie Netherland, a former employee of the Department of Education, and obtained a temporary restraining order (later converted to a preliminary injunction) to stop the defendants from distributing the tape recording. After a lengthy discovery period, GLAD filed a motion for summary judgment, which is now pending. (*Netherland v. Whiteman et al.*) ▾

**Know your rights.**

**GLAD**  
equal justice under law

**Tell Someone Your Story ▼ Learn Your Rights ▼ Fix The Problem.**

**Legal Information Hotline**  
**800-455-GLAD**

Gay & Lesbian Advocates & Defenders (GLAD) is New England's leading legal rights organization dedicated to ending discrimination based on sexual orientation, HIV status and gender identity and expression

[www.glad.org](http://www.glad.org)

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