

ACLU and the History of LGBT Rights & HIV/AIDS (3/16/2006)

Since coming to the defense of *The Children's Hour*, a play that was banned in 1936 for a suggested lesbian relationship, the ACLU has been protecting the rights of LGBT Americans. The ACLU's work challenges discrimination in the courts and legislatures -- case-by-case, law-by-law -- to change anti-gay policies.

As the efforts to win full civil rights and equality for LGBT people continue, the ACLU marks its 70 years of important legal victories. The ACLU began a full LGBT rights docket 50 years ago. The Lesbian Gay Bisexual Transgender & AIDS Project was founded 20 years ago.

The following is a timeline of major events and legal cases in our civil rights struggle, a measure of how far we've come and where we need to go.



- Pre-Stonewall -

1936

Defense of *The Children's Hour* against censorship for lesbian content

1956

Defense of San Francisco Bay Area gay bar (Hazel's Inn) raided by police

1957

Defense of Allen Ginsberg's *Howl* against obscenity charges for gay content

1963

Defense of gay man fired by U.S. Government (*Scott v. Macy*)

1963

Sodomy law challenge (*Enslin v. Walford*)

1965

Challenge to police raid on San Francisco event sponsored by the Council on Religion and the Homosexual

One of the first gay rights rallies held at Independence Hall in Philadelphia to demand changes in policies that listed homosexuality as an illness and national security threat

1966

Challenge to Florida law outlawing gay bars (*Inman v. Miami*)

1967

Challenge to Los Angeles ordinance making it illegal for performers to "impersonate a person of the opposite sex"

Challenge to deportation of gay man (*Boutillier v. INS*)

Sodomy law challenge (*Delaney v. Florida*)

1969

Demonstrations against a police crackdown at the Stonewall gay bar in New York City sparked the LGBT rights movement

- 70s -

1970

First challenge to policy on gays in the military (*Schlegel v. U.S.*)

1971

Challenge to anti-gay security clearance rules (*Gayer v. Laird*)

1972

First challenge to law restricting marriage to persons of the opposite sex (*Baker v. Nelson*)

1973

Defense of Washington teacher fired for being gay (*Gaylord v. Tacoma*)

Defense of gay man denied a security clearance (*Rock v. Department of Defense*)

1975

Defense of gay federal employee fired for being "flamboyant" (*Singer v. U.S.*)

1976

Defense of gay father denied visitation with his children (*Voeller v. Voeller*)

1977

Challenge to university's refusal to recognize lesbian/gay student group (*Mississippi Gay Alliance v. Mississippi State University*)

1978

Lawsuit against the Briggs Initiative, a measure to ban gay people from teaching in California's public schools (*California Federation of Teachers v. Eu*)

- 80s -

1980

New York high court strikes down sodomy law (*People v. Onofre*)

1981

Defense of San Francisco gay weekly paper against libel suit filed by police

1982

Suit for bereavement leave for San Francisco gay man whose partner died (*Brinkin v. Southern Pacific*)

1983

Privacy defense of membership lists of gay rights organizations involved in a boycott (*Solidarity v. Coors*)

1984

U.S. Supreme Court strikes down Oklahoma law targeting teachers who support gay rights (*NGLTF v. Oklahoma*)

1986

U.S. Supreme Court upholds Georgia sodomy law (*Bowers v. Hardwick*)

1987

Court requires Catholic university to recognize gay student group (*Gay Rights Coalition v. Georgetown University*)

U.S. Supreme Court rules disability discrimination laws apply to people with contagious diseases, including AIDS (*School board v. Arline*)

1988

Challenge to Dannemeyer Initiative, which would quarantine people with AIDS (*California Medical Association v. Eu*)

Federal courts rule that federal law protects people with AIDS from discrimination (*Chalk v. District Court; Doe v. Centinella Hospital*)

1989

Federal court overturns discharge of gay man from the military (*Watkins v. U.S.*)

New York courts recognize gay families (*Braschi v. Stahl Associates*)

- 90s -

1990

Consent decree establishes prisoners with HIV have right to equal treatment and access to prison programs (*Gates v. Deukmejian*)

CIA agrees to stop discriminating against gay employees (*Dubbs v. CIA*)

1991

Minnesota courts recognize domestic partnership in guardianship case (*In Re Kowalski*)

California court overturns Concord anti-gay rights initiative (*BANGLE v. City of Concord*)

1992

Kentucky Supreme Court strikes down sodomy law (*Commonwealth v. Wasson*)

New York courts allow adoption by gay partner (*Adoption of Evan*)

1995

Virginia court gives custody to boy's grandmother over objections of lesbian mom (*Bottoms v. Bottoms*)

1996

Federal court rules FBI illegally fired San Francisco doctor with HIV who conducted physicals on agents (*Doe v. Attorney General*)

U.S. Supreme Court strikes down Colorado constitutional amendment which would have prevented lesbians and gay men from being protected by civil rights laws. (*Romer v. Evans. Co-counsel with Lambda Legal*)

Federal Defense of Marriage Act enacted

1997

South Carolina drops its ban on insuring people with HIV (*Doe v. SCHIP*)

Federal court strikes down state law against lesbian and gay student groups (*GLBA v. Alabama*)

New Jersey becomes first state to expressly authorize joint adoption by gay couples (*Galluccio v. New Jersey*)

U.S. Supreme Court strikes down law restricting gay materials on the Internet (*ACLU v. Reno*)

1998

Federal court in Utah reinstates lesbian high school coach (*Weaver v. Nebo School District*)

Federal court in New York upholds "Don't Ask, Don't Tell" (*Able v. U.S. Co-Counsel with Lambda Legal*)

Oregon court finds state's health insurance policy, which denies benefits to domestic partners, violates the state constitution (*Tanner v. OHSU*)

1999

Maryland court strikes down sodomy law (*Williams v. Glendenning*)

Mississippi high court permits son's visitation with gay father and partner (*Weigand v. Houghton*)

Maine homeless shelter admits it was wrong to exclude HIV+ client

Federal employee wins leave of absence to take care of cancer-stricken partner

Nevada becomes 11th state to pass a gay employment rights law

Challenge to dismissal of high-level state transgender employee is successfully settled (*Doe v. Kansas*)

- 2000s -

2000

New Jersey Supreme Court extends legal doctrine of “psychological parent” to parents in same-sex relationship (*V.C. v. M.J.B.*)

Transgender Northern California high school teacher successfully defeats efforts to take away her teaching credential (*Warfield v. California Commission on Teacher Credentialing*)

Federal appeals court rules that HIV positive candidate for police department has the right to be “protected from discrimination founded on fear, ignorance or misconceptions.” (*Holiday v. City of Chattanooga*)

Vermont becomes the first state to establish civil unions.

U.S. Supreme Court rules that public universities can collect student activities fees even from students who object to lgbt student groups (*Southworth v. Grebe*)

Religious Liberty Protection Act, which would have set up religious defenses to civil rights actions, is derailed

2001

Federal court strikes down challenge on religious grounds by Pat Robertson-funded legal group to Louisville’s ordinance banning discrimination on the basis of sexual orientation (*Hyman v. Louisville*)

Minnesota court strikes down sodomy law (*Doe v. Watson*)

Federal appeals court upholds San Francisco law requiring any company that does business with the city to recognize domestic partnerships (*ATA v. San Francisco*)

New York high court holds that housing policy favoring married students discriminates against lesbians and gay men (*Levin v. Yeshiva University*)

Federal appeals court rules that public officials cannot compel minors to disclose their sexual orientation to family members (*Sterling v. Minersville*)

Federal court rules that emergency medical personnel cannot be forced to take HIV tests (*Doe v. An Oregon Resort*)

Federal court upholds right of gay/straight alliance to sue to stop harassment of students (*Loomis v. Visalia Unified School District*)

2002

Maryland court strikes measure to repeal gay rights law from the ballot

Federal appeals court issues decision allowing gay man to sue the police for failing to protect him because of his sexual orientation (*Swidriski v. Houston*)

Federal appeals court rejects claim that decision to allow transgender woman to use women’s room violates freedom of religion. (*Cruzan v. Minneapolis*)

Unprecedented court settlement calling for district-wide reforms of Northern California case involving harassment of LGBT high school students (*Loomis v. Visalia Unified School District*)

First state appeals court ruling that constitutional equality rights prohibit firing of public employee because of her sexual orientation (*Davis v. Pullman Memorial Hospital*)

2003

Effort by rural Kentucky school district to avoid recognizing a gay student club by banning all extra-curricular clubs fails (*Boyd County High School Gay-Straight Alliance v. Board of Education*)

Federal appeals court requires school officials to take effective, proactive steps to eliminate homophobic harassment when they learn that gay students are being harassed (*Flores v. Morgan Hill Unified School District. Co-counsel with National Center for Lesbian Rights*)

Successful lawsuit for Arkansas student outed by school officials and then disciplined (in part by being compelled to read passages from the Bible) for talking about being gay to other students (*McLaughlin v. Pulaski County Special School District*)

California enacts legislation providing the best domestic partnership protections in the nation except for Vermont

U.S. Supreme Court strikes down all remaining sodomy laws, ruling that same-sex relationships deserve the same dignity and respect accorded heterosexual relationships (*Lawrence v. Texas. ACLU as amicus in a case brought by Lambda Legal*)

U.S. Supreme Court orders Kansas courts to reconsider case of boy given 17 years in jail for having gay sex (if he had had relations with a girl, his sentence could not have exceeded 15 months) (*Kansas v. Limon*)

North Dakota Supreme Court overrules a decades-old decision stripping gay parents of custody rights after a divorce (*Damron v. Damron*)

Massachusetts Supreme Court opens marriage law to same-sex couples (*Goodridge v. Department of Public Health. ACLU as amicus in a case brought by GLAD*)

2004

Tennessee appellate court strikes down a family court order barring a gay dad from “coming out” to his own son (*Hogue v. Hogue*)

New York agrees that same-sex couples, like heterosexual couples, should get unemployment benefits if one leaves a job to move with the other
(*Newland v. Unemployment Compensation Appeals Board*)

Mayors Gavin Newsom and Jason West permit first same-sex marriages in the country

Legal challenges to laws restricting marriage to opposite-sex couples launched in New York, California, Oregon, Maryland, and Washington

Federal Marriage Amendment goes down to defeat in U.S. Senate

\$1.1 million settlement of lawsuit challenging school district’s practice of ignoring problems of harassment of LGBT kids (*Flores v. Morgan Hill Unified School District*)

Successful settlement of lawsuit challenging a Southern California school’s decision to keep an eighth grade student out of PE classes because her gym teacher believed her to be lesbian (*Massey v. Banning Unified School District. Co-counsel with National Center for Lesbian Rights*)

Federal appeals court rules that prison officials can be sued for damages for neglecting to protect an inmate because of his sexual orientation (*Johnson v. Johnson*)

13 states pass constitutional amendments barring same-sex couples from marrying

Housing authorities in New York and California are persuaded to allow domestic partners of tenants to live in Section 8 housing

Arkansas court overturns state’s anti-gay foster care ban (*Howard v. Arkansas*)

Montana high court rules that university system must provide gay employees with domestic partner benefits (*Snetsinger v. Montana University*)

2005

Lawsuits filed in Michigan, Utah, Georgia, Tennessee and Florida challenging measures amending state constitutions to prohibit legal recognition of same-sex couples

U.S. Supreme Court refuses to hear appeal of federal appeals court decision upholding Florida’s ban on adoption by lesbians and gay men (*Lofton v. Florida*)

West Virginia high court takes custody of a child away from his grandparents and awards it to his nonbiological mother, applying the “psychological parent” doctrine to same-sex couples. The boy’s biological mother had died in a tragic car accident, thereby initiating the custody battle. (*Burch v. Smarr*)

Rural school district in Missouri capitulates when the ACLU files suit, representing a student who was disciplined for wearing a gay-positive t-shirt to school (*Myers v. Webb City High School*)

Illinois becomes the 15th state to prohibit sexual orientation discrimination and the 5th to outlaw gender identity discrimination.

Board of Immigration Appeals grants spousal visa to El Salvadorean husband of male-to-female transgender native, rejecting the argument that their marriage cannot be recognized by immigration authorities because of the federal Defense of Marriage Act. (*Petition of Lovo-Lara*)

Arkansas Board of Cosmetology rules that a person with HIV cannot be banned from practicing cosmetology.

Federal district court strikes down Nebraska constitutional amendment barring same-sex couples from any legal recognition of their relationships. (*Citizens for Equal Protection v. Governor*)

California Legislature becomes the first legislative body in the United States to extend marriage to same-sex couples.