



Photo credit: Michael Woolsey

LGBT RIGHTS

The fight for equality for lesbian, gay, bisexual, and transgender (LGBT) people is a core civil liberties issue; it's not about "special rights," but simply the right of everyone in this country to be included in the promises and guarantees of the Constitution. The ultimate goal of the ACLU's LGBT rights work is an America free of discrimination based on sexual orientation and gender identity. This means an America where LGBT people can live openly; where LGBT identities, relationships, and families are respected; and where there is fair treatment on the job, in schools, housing, public places, health care, and in government programs. The ACLU has advocated on behalf of LGBT people for over 75 years. Today, the ACLU brings more LGBT cases and advocacy initiatives than any other national organization.

A Very Long Engagement

Edie Windsor met Thea Spyer in a restaurant in Greenwich Village in 1963. By 1967, long before marriage for same-sex couples was on the horizon, Thea proposed to Edie. Thea couldn't give her an engagement ring because Edie wouldn't have been able to explain it to her co-workers, so she gave her a circular diamond brooch instead. They were inseparable for the next 40 years.

In 1977, Thea was diagnosed with multiple sclerosis, and together the couple coped with Thea's progressive paralysis. In 2007, with Thea's health failing, the couple married in Canada. It was worth the wait. "The word 'marriage' has a magical quality that conveys very clearly that you and your spouse are united," says Edie. "In the whole world, everyone understands that."

However, when Thea died at age 77, Edie discovered that for the purposes of estate taxes, they are considered strangers under the federal "Defense of Marriage Act" (DOMA). The ACLU filed a constitutional challenge to DOMA on behalf of Edie in November 2010. The case remains pending, and the ACLU is now backed by a powerful ally: the Obama Administration, which agrees that DOMA is both morally and legally indefensible.



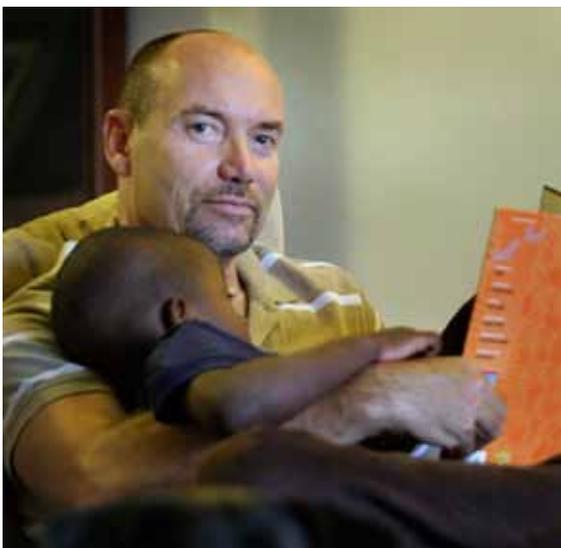
Thea Spyer and Edie Windsor were together for over forty years and married in Canada in 2007. Edie is now challenging the Defense of Marriage Act, which precludes the federal government from recognizing their marriage. (Photo: Edie Windsor and the creators of *Thea and Edie: A Very Long Engagement*, distributed by Breaking Glass Pictures)

Forging the Path Ahead

Fairness for LGBT people has advanced dramatically in recent years. The ACLU has helped end laws criminalizing same-sex intimacy, required schools to protect LGBT students from harassment, struck down laws banning LGBT parents from adopting, and put the final nails in the coffin of Don't Ask, Don't Tell. Twenty states now have marriage or other relationship protections for same-sex couples—up from none in 1999.

However, the fight for equality is far from over. Without formal protections in place, anti-LGBT discrimination remains acceptable in many places, including in the workplace, housing, and public accommodations. The federal government and a majority of states have laws specifically excluding same-sex couples from marriage and other relationship protections. LGBT youth face significant discrimination and harassment in schools. And there is a concerted effort by our opponents to reverse the march of equality through laws, constitutional amendments, and special religious exemptions from nondiscrimination policies.

Using the momentum of our hard-won successes, the ACLU is charging forward to counter such efforts and advance equality—in legislatures, as well as in the courts of law and public opinion. Our hard work is paying off: major national polls show unprecedented support for LGBT rights and even marriage. We will keep fighting until the promises of the Constitution are realized for LGBT people.



On behalf of Martin Gill, the ACLU successfully challenged Florida's 33-year old ban on adoption by gay people. He is now the proud parent of two young brothers he and his partner have been caring for as foster parents since 2004.

(Photo: Carl Juste/© THE MIAMI HERALD, [2008])

Our Work for LGBT Equality

- In 1936, the ACLU took on its first gay rights case defending Lillian Hellman's play *The Children's Hour* against censorship because of its "lesbian content."
- The ACLU and our allies won an historic U.S. Supreme Court case in 1996, *Romer v. Evans*, establishing that gay people have the same right as other groups to seek government protection from discrimination.
- In 1997, the ACLU brought the lawsuit that triggered the first state policy authorizing joint adoption by gay couples, and in 2010, the case that ended the last state law explicitly banning adoption by gay people.
- In a milestone for transgender rights, the ACLU won a 2008 case on behalf of Special Forces veteran Diane Schroer, whose job offer at the Library of Congress was rescinded when officials learned that she was transgender.
- In 2010, the ACLU won the first court order allowing an openly gay service member—Major Margaret Witt—to serve under *Don't Ask, Don't Tell*.
- The ACLU has fought for decades to ensure that LGBT youth are free from harassment and discrimination in their public schools. In 2010, we successfully defended Constance McMillen, a lesbian student in Mississippi, who became a global face for equality when her high school canceled its prom rather than let her bring her girlfriend to it.