

ACLU's LGBT and AIDS Advocacy: The Highlights

Pre-1970

- 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
- 1956 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
- 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."
- 1967 Challenge to deportation of gay man (*Boutilier v. INS*)
- 1967 Sodomy law challenge (*Delaney v. Florida*)

1970s

- 1970 Challenge to policy on gays in the military (*Schlegel v. US*)
- 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*)
- 1973 Defense of San Francisco Bay Area 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 run an ad about an off-campus gay group (*Mississippi Gay Alliance v. Goudelock*)
- 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*)

1980s

- 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*)
- 1987 U.S. Supreme Court rules disability discrimination laws apply to people with contagious diseases, including AIDS (*Schoolboard v. Arline*)
- 1988 Challenge to Dannemeyer Initiative, which would have quarantined people with AIDS (*California Medical Association v. Eu*)
- 1988 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.*)
- 1989 New York courts recognize gay families (*Braschi v. Stahl*)

1990s

- 1990 Consent decree establishes prisoners with HIV have right to equal treatment and access to prison programs (*Gates v. Deukmejian*)
- 1990 CIA agrees to stop discriminating against gay employees (*Dubbs v. CIA*)
- 1991 Minnesota courts recognize domestic partnership in guardianship case (*In Re Kowalski*)
- 1991 California court overturns Concord anti-gay rights initiative (*BANGLE v. City of Concord*)

- 1992 Kentucky Supreme Court strikes down sodomy law (*Commonwealth v. Wasson*)
- 1992 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 did physicals on agents (*Doe v. Attorney General*)
- 1996 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*)
- 1996 Federal Defense of Marriage Act enacted
- 1997 South Carolina drops its ban on insuring people with HIV (*Doe v. SCHIP*)
- 1997 Federal court strikes down state law against lesbian and gay student groups (*GLBA v. Alabama*)
- 1997 New Jersey becomes first state to expressly authorize joint adoption by gay couples (*Galluccio v. New Jersey*)
- 1997 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*)
- 1998 Federal court in New York upholds "don't ask, don't tell" (*Able v. U.S.*)
- 1998 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*)
- 1999 Mississippi high court permits son's visitation with gay father and partner (*Weigand v. Houghton*)
- 1999 Nevada becomes 11th state to pass a gay employment rights law
- 1999 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*)
- 2000 Transgender Northern California high school teacher successfully defeats efforts to take away her teaching credential (*Warfield v. California Commission on Teacher Credentialing*)
- 2000 Federal appeals court rules that HIV+ candidate for police department has the right to be “protected from discrimination founded on fear, ignorance or misconceptions.” (*Holiday v. City of Chattanooga*)
- 2000 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 law banning sexual orientation and gender identity discrimination (*Hyman v. Louisville*)
- 2001 Federal appeals court upholds San Francisco law requiring any company that does business with the city to recognize domestic partnerships (*ATA v. San Francisco*)
- 2001 New York high court holds that housing policy which favors married students discriminates against lesbians and gay men (*Levin v. Yeshiva University*)
- 2001 Federal appeals court rules that public officials cannot compel minors to disclose their sexual orientation to family members (*Sterling v. Minersville*)
- 2002 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*)
- 2002 Federal appeals court rejects claim that decision to allow transgender woman to use women’s room violates freedom of religion. (*Cruzan v. Minneapolis*)
- 2002 Unprecedented settlement (calling for district-wide reforms) of Northern California case involving harassment of LGBT high school students (*Loomis v. Visalia Unified School District*)
- 2002 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*)

- 2003 Federal appeals court requires school officials to take effective, preventive measures when they learn that LGBT students are being harassed (*Flores v. Morgan Hill Unified School District*)
- 2003 Successful defense of Arkansas student outed by school officials and then disciplined (in part by being forced to read the Bible) for talking about being gay (*McLaughlin v. Pulaski County Special School District*)
- 2003 California enacts legislation providing the best domestic partnership protections in the nation except for Vermont
- 2003 U.S. Supreme Court strikes down all remaining sodomy laws, ruling that same-sex relationships deserve the same respect accorded heterosexual relationships (*Lawrence v. Texas*)
- 2003 North Dakota Supreme Court overrules a decades-old decision stripping gay parents of custody rights after a divorce (*Damron v. Damron*)
- 2003 Massachusetts Supreme Court opens marriage law to same-sex couples (*Goodridge v. Department of Public Health*)
- 2004 Tennessee appellate court strikes down a family court order barring a gay dad from “coming out” to his own son (*Hogue v. Hogue*)
- 2004 New York court rules that transgender people are protected from discrimination by existing state and local sex discrimination laws (*Hispanic AIDS Forum v. Estate of Joseph Bruno*)
- 2004 Federal Marriage Amendment goes down to defeat in U.S. Senate
- 2004 Housing authorities in New York and California are persuaded to allow domestic partners of tenants to live in Section 8 housing
- 2004 Montana Supreme Court rules that University of Montana System must provide its LGBT employees equal benefits for their domestic partners (*Snetsinger v. Montana University System*)
- 2005 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*)
- 2005 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*)

- 2005 Illinois becomes the 15th state to prohibit sexual orientation discrimination and the 5th to outlaw gender identity discrimination
- 2005 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*)
- 2005 Arkansas Board of Cosmetology rules that a person with HIV cannot be banned from practicing cosmetology
- 2005 California Legislature becomes the first legislative body in the United States to extend marriage to same-sex couples
- 2005 Kansas Supreme Court frees Matthew Limon, sentenced to 17 years in prison for having consensual sex (when he was 18) with a teenage boy with whom he lived in a home for developmentally disabled youth. If Limon had had sex with a teenage girl, his sentence would have been no more than 15 months. (*Kansas v. Limon*)
- 2005 Maine enacts a law banning sexual orientation discrimination in employment, housing, public accommodations, credit, and education. The law survives a challenge at the ballot box in November.
- 2005 Federal judge rules that constitutional religious freedom rights do not give parents and students the right to choose not to participate in court-ordered LGBT sensitivity training programs (*Morrison v. Boyd County Board of Education*)
- 2005 Alaska high court extends domestic partner benefits to lesbian and gay government employees, despite constitutional provision limiting marriage to opposite-sex couples (*Alaska Civil Liberties Union v. Alaska and Anchorage*)
- 2006 A lawsuit on behalf of a 17-year-old teenager, repeatedly disciplined for showing affection with her girlfriend at school and outed to her mother by the principal, results in a decision upholding the right of minors to control the dissemination of personal information about them (*Nguon v. Garden Grove Unified Board of Education*)
- 2006 California Department of Corrections reverses its policy of banning HIV-positive inmates from having spousal family visits
- 2006 After considering extensive social science evidence on the impact of gay parenting, the Arkansas high court strikes down a state rule that banned gay people, and anyone living in a household with a gay adult, from being foster parents (*Howard v. Child Welfare Agency Review Board*)

- 2006 Washington passes a law outlawing discrimination based on sexual orientation and gender identity – the 17th state to do so for gay people, and the 7th state to protect its transgender community
- 2006 Maryland circuit court rules that denying same-sex couples the right to marry is sex discrimination, violating the state constitution’s Equal Rights Amendment (*Deane & Polyak v. Conaway*)
- 2006 In response to a Missouri trial court overturning a policy of the state Department of Social Services of not placing children with lesbian or gay foster parents, the DSS decides to replace its policy with one that does not discriminate on the basis of sexual orientation (*Johnston v. Missouri Department of Social Services*)
- 2006 Federal judge orders rural Georgia school district to recognize high school gay support club PRIDE, ruling that the district’s banning of all noncurricular clubs was an impermissible attempt to discriminate against PRIDE (*Pacer v. White County School District*)
- 2006 The first case in the country to specifically address the treatment of LGBT youth in juvenile facilities is settled in Hawaii. The state agrees to new policies protecting LGBT youth from harassment in the Hawaii Youth Correctional Facility, and to paying over \$600,000 to compensate the plaintiffs and to cover the costs of a training program for HYCF staff (*R.G. v. Koller*)
- 2006 Under pressure from the state high court, New Jersey establishes civil unions
- 2006 Arizona voters defeat an anti-marriage constitutional amendment. Similar measures are kept off the ballot in eight states
- 2007 In a Pennsylvania case about probation restrictions for a long-term gay couple, a federal judge reinforced the *Lawrence v. Texas* ruling that the Constitution protects intimate family relationships, including those of same-sex couples, and applied the strictest standards to the government’s refusal to allow the couple to be together while on probation (*U.S. v. Roberts & Mangini*)
- 2007 Iowa and Oregon become the 18th and 19th states to pass protections against discrimination based on sexual orientation, and the 9th and 10th states to pass laws prohibiting gender identity discrimination.
- 2007 ACLU litigation reunites a seven-year-old girl in Georgia with her legal guardian. By court order the girl had been taken away from her guardian and put into foster care because the guardian is a lesbian (*Hadaway v. Fowler-Dennard*)
- 2007 Federal judge orders a Florida school district to recognize a gay-straight alliance, rejecting the argument that such recognition violates the state’s “abstinence-only” policy. (*GSA of Okeechobee High School v. Okeechobee School Board*)

