

Timeline: The Courts and Gay, Lesbian, Bisexual and Transgender Rights

Date	Description
June 7, 1965	Supreme Court strikes down a state ban on contraceptives as an invasion of privacy. ¹
Oct. 24, 1966	California appellate court bans a film as obscene because it is sexually explicit and depicts gay sex. ²
Nov. 30, 1966	Ninth Circuit Court of Appeals upholds determination that arrest for “homosexual activity” demonstrates a lack of “good moral character” and is sufficient to deport an individual. ³
May 22, 1967	Supreme Court permits the deportation of an individual based on an Immigration and Naturalization Services policy that defines all gay, lesbian, bisexual and transgender individuals as psychopathic. ⁴
Dec. 12, 1969	D.C. Circuit Court of Appeals upholds the denial of top-secret security clearance to an individual solely because of his sexual orientation. ⁵
July 14, 1971	Texas appellate court upholds sodomy conviction for sex in a public restroom stall with no door, but reverses a conviction for sodomy in a restroom stall with a door because defendant had an expectation of privacy. ⁶
Oct. 15, 1971	Minnesota’s highest court prohibits same-sex couple from obtaining a marriage license. ⁷
Oct. 18, 1971	Eighth Circuit Court of Appeals permits a university to rescind an offer of employment solely because the potential employee tried to marry a member of the same sex. ⁸
Jan. 29, 1973	Arkansas Supreme Court upholds a sodomy statute, and finds that sodomy is a “crime against nature.” ⁹
Feb. 14, 1973	Oklahoma’s highest court upholds sodomy conviction and rejects individual’s argument that prohibiting consenting adults from engaging in sexual conduct violates the 14th Amendment. ¹⁰
Nov. 5, 1973	Supreme Court finds that a “crime against nature” law,

¹ Griswold v. Connecticut, 381 U.S. 479 (1965).

² Landau v. Fording, 245 Cal. App. 2d 820 (1966).

³ Tovar v. INS, 368 F.2d 1006 (9th Cir. 1966).

⁴ Boutilier v. INS, 387 U.S. 118 (1967).

⁵ Adams v. Laird, 420 F.2d 230 (D.C. Cir. 1969).

⁶ Buchanan v. Texas, 471 S.W.2d 401 (Tex. Crim. App. 1971).

⁷ Baker v. Nelson, 191 N.W.2d 185 (Minn. 1971).

⁸ McConnell v. Anderson, 451 F.2d 193 (8th Cir. 1971).

⁹ Connor v. Arkansas, 490 S.W.2d 114 (Ark. 1973).

¹⁰ Canfield v. Oklahoma, 506 P.2d 987 (Okla. 1973).

	under which the defendants were convicted of sodomy, is constitutional despite a lower court finding that it was unconstitutionally vague and void on its face. ¹¹
Aug. 12, 1976	Fifth Circuit Court of Appeals allows a student newspaper at a public university to deny a gay group the right to advertise in the newspaper. ¹²
Oct. 4, 1976	New Jersey appellate court holds that requiring a gay advocate and teacher to undergo mental health testing did not violate the teacher's First Amendment or Due Process rights. ¹³
Jan. 20, 1977	Washington's highest court upholds the dismissal of a gay teacher, reasoning that the teacher's sexual orientation could interfere with his teaching abilities. ¹⁴
June 8, 1977	Eighth Circuit Court of Appeals holds that a university's refusal to recognize a gay rights group violates the group's First Amendment rights. ¹⁵
Oct. 8, 1980	New York's highest court holds that the imposition of criminal sanctions for certain sexual activity between consenting unmarried adults is unconstitutional because it denies defendants their rights of privacy and due process. ¹⁶
Oct. 23, 1980	Ninth Circuit Court of Appeals upholds the discharge of two Navy service members for engaging in "sodomy." ¹⁷
April 20, 1981	Ninth Circuit Court of Appeals finds that the discharge of an Army service member for engaging in "sodomy" does not violate the service member's 14th Amendment rights. ¹⁸
Aug. 24, 1981	Fifth Circuit Court of Appeals finds that a county commission violated a gay employee's First Amendment rights by trying to forbid the employee from interacting with the public and discussing gay, lesbian, bisexual and transgender civil rights issues. ¹⁹
Feb. 25, 1982	Ninth Circuit Court of Appeals refuses to recognize a same-sex partner as a "spouse" for immigration purposes. ²⁰
Feb. 23, 1983	New York's highest court invalidates a statute criminalizing loitering for the purpose of engaging in sodomy because the ultimate act the statute aimed to prevent, consensual sexual

¹¹ *Wainwright v. Stone*, 414 U.S. 21 (1973).

¹² *Mississippi Gay Alliance v. Goudelock*, 536 F.2d 1073 (5th Cir. 1976).

¹³ *Gish v. Bd. of Educ. of the Borough of Paramus*, 366 A.2d 1337 (N.J. Super. Ct. App. Div. 1976).

¹⁴ *Gaylord v. Tacoma Sch. Dist. No. 10*, 559 P.2d 1340 (Wash. 1977).

¹⁵ *Gay Lib v. University of Missouri*, 558 F.2d 848 (8th Cir. 1977), *cert. denied sub nom.*, *Ratchford v. Gay Lib*, 434 U.S. 1080 (1978) (Rehnquist, J., dissenting).

¹⁶ *People v. Onofre*, 415 N.E.2d 936 (N.Y. 1980).

¹⁷ *Beller v. Middendorf*, 632 F.2d 788 (9th Cir. 1980).

¹⁸ *Hatheway v. Sec'y of the Army*, 641 F.2d 1376 (9th Cir. 1981).

¹⁹ *Van Ooteghem v. Gray*, 654 F.2d 304 (5th Cir. 1981).

²⁰ *Adams v. Howerton*, 673 F.2d 1036 (9th Cir. 1982).

Sept. 28, 1983	relations between two adults, was not criminal. ²¹ Although the medical community no longer classifies “homosexuality” as a mental disorder, the Fifth Circuit Court of Appeals affirms decision that permitted Immigration and Naturalization Services to deny permanent resident status to gay individuals because the law classified gay individuals as having “psychopathic personalit[ies].” ²²
March 14, 1984	Tenth Circuit Court of Appeals invalidates a portion of a statute that prevents public school teachers from expressing views on gay, lesbian, bisexual and transgender issues because it contravenes the First Amendment. ²³
March 22, 1984	Sixth Circuit Court of Appeals finds that the suspension, transfer and non-renewal of a bisexual guidance counselor’s employment contract did not violate the counselor’s First or 14th Amendment rights. ²⁴
Aug. 26, 1985	Fifth Circuit Court of Appeals upholds a Texas sodomy statute, finding that the statute does not violate the Due Process Clause or the Equal Protection Clause. ²⁵
June 30, 1986	Supreme Court holds that sodomy statutes are constitutional; gay, lesbian, bisexual and transgender individuals do not have a right to engage in private, consensual sexual conduct. ²⁶
June 25, 1987	Supreme Court allows the U.S. Olympic Committee to deny use of the word “Olympic” to the Gay Olympic games. ²⁷
June 15, 1988	Supreme Court rules that federal courts have the authority to determine whether a gay CIA employee was unconstitutionally terminated. ²⁸
March 29, 1989	Federal Circuit Court of Appeals upholds the discharge of a gay Navy service member, noting that “homosexual conduct” was not subject to heightened review under Due Process, the right to privacy or Equal Protection. ²⁹
May 3, 1989	Ninth Circuit Court of Appeals stops the Army from refusing to re-enlist a gay service member because the Army, fully aware of the service member’s sexual orientation, had re-enlisted the service member for 14 years. ³⁰

²¹ People v. Uplinger, 447 N.E.2d 62 (N.Y. 1983).

²² In re Longstaff, 716 F.2d 1439 (5th Cir. 1983).

²³ Nat’l Gay Task Force v. Bd. of Educ., 729 F.2d 1270 (10th Cir. 1984), *aff’d by an equally divided court*, 470 U.S. 903 (1985).

²⁴ Rowland v. Mad River Local Sch. Dist., 730 F.2d 444 (6th Cir. 1984).

²⁵ Baker v. Wade, 769 F.2d 289 (5th Cir. 1985), *reh’d denied*, 774 F.2d 1285 (5th Cir. 1985).

²⁶ Bowers v. Hardwick, 478 U.S. 186 (1986).

²⁷ San Francisco Arts & Ath. v. United States Olympic Comm., 483 U.S. 522 (1987).

²⁸ Webster v. Doe, 486 U.S. 592 (1988).

²⁹ Woodward v. United States, 871 F.2d 1068 (Fed. Cir. 1989).

³⁰ Watkins v. United States Army, 875 F.2d 699 (9th Cir. 1989).

July 6, 1989	New York's highest court recognizes a same-sex partner as a family member in the rent regulation context. ³¹
Aug. 7, 1989	Granting extreme deference to the military, the Seventh Circuit Court of Appeals upholds the Army's discharge and refusal to re-enlist a lesbian service member because identification as a lesbian indicated that the service member would engage in prohibited conduct. ³²
May 2, 1991	New York's highest court denies lesbian co-parent visitation and guardianship rights. ³³
Aug. 19, 1991	Ninth Circuit Court of Appeals affirms a decision which held that a lesbian service member's First Amendment rights were not violated when she was dismissed from the Army after disclosing her sexual orientation because she was being punished for her status as a gay individual, not for exercising her free speech rights. ³⁴
Dec. 17, 1991	Minnesota appellate court, after lengthy litigation, appoints lesbian partner as the legal guardian of her incapacitated partner. ³⁵
April 9, 1993	District of Columbia Circuit Court of Appeals upholds the dismissal of a gay man from his job as a Foreign Service officer, asserting his sexual relationships while abroad posed a security risk. ³⁶
May 5, 1993	Hawaii's highest court holds that Hawaii's marriage laws discriminate on the basis of sex by limiting the issuance of marriage licenses to opposite-sex couples. ³⁷
June 11, 1993	Supreme Court rules that it is constitutional to punish individuals who commit hate crimes more severely. ³⁸
Dec. 21, 1993	New York's highest court holds that an administrative rule recognizing non-marital relationships in eviction proceedings was within the administrative agency's authority and was not an unconstitutional taking. ³⁹
Feb. 25, 1994	Ninth Circuit Court of Appeals finds that a gay, discharged service member cannot sue military investigators who discovered his sexual orientation while searching his room on an unrelated matter. ⁴⁰

³¹ *Braschi v. Stahl Associates Co.*, 543 N.E.2d 49 (N.Y. 1989).

³² *Ben-Shalom v. Marsh*, 881 F.2d 454 (7th Cir. 1989).

³³ *Alison D. v. Virginia M.*, 572 N.E.2d 27 (N.Y. 1991).

³⁴ *Pruitt v. Cheney*, 943 F.2d 989 (9th Cir. 1991).

³⁵ *In re Guardianship of Kowalski*, 478 N.W.2d 790 (Minn. Ct. App. 1991).

³⁶ *United States Info. Agency v. Krc*, 989 F.2d 1211 (D.C. Cir. 1993).

³⁷ *Baehr v. Lewin*, 852 P.2d 44 (Haw. 1993).

³⁸ *Wisconsin v. Mitchell*, 508 U.S. 476 (1993).

³⁹ *Rent Stabilization Ass'n v. Higgins*, 630 N.E.2d 626 (N.Y. 1993).

⁴⁰ *Jackson v. Brigle*, 17 F.3d 280 (9th Cir. 1994).

April 21, 1995	Virginia's highest court awards custody to maternal grandmother over lesbian mother. ⁴¹
June 13, 1995	Wisconsin's highest court refuses to grant a non-biological lesbian parent custody of her child, but allows a lower court to consider granting her visitation rights. ⁴²
June 19, 1995	Supreme Court holds that the First Amendment right of association allows parade organizers to exclude a gay group from a parade. ⁴³
April 5, 1996	Fourth Circuit Court of Appeals holds that "Don't Ask, Don't Tell" does not violate the Equal Protection Clause, the Due Process Clause or the First Amendment. ⁴⁴
May 20, 1996	Supreme Court holds that Colorado's anti-gay referendum violates the Equal Protection Clause, reasoning that bare animus directed toward gay individuals is not a legitimate state interest. ⁴⁵
July 31, 1996	Seventh Circuit Court of Appeals permits a student to sue school officials for ignoring anti-gay peer-on-peer harassment. ⁴⁶
Oct. 3, 1996	Eighth Circuit Court of Appeals holds that "Don't Ask, Don't Tell" does not violate the Due Process clause or the First Amendment. ⁴⁷
April 3, 1997	Ninth Circuit Court of Appeals upholds the dismissal of an anti-gay member of the San Francisco Human Rights Commission because the government is allowed to limit speech hostile to a policy a public employee swears to implement. ⁴⁸
Sept. 5, 1997	Ninth Circuit Court of Appeals upholds "Don't Ask, Don't Tell," reasoning that the government has a legitimate interest in unit cohesion and furthering military readiness. ⁴⁹
Oct. 23, 1997	Sixth Circuit Court of Appeals finds a city charter amendment that prohibits the enactment, adoption or enforcement of any law that would grant special status based on sexual orientation constitutional. ⁵⁰
March 4, 1998	Supreme Court rules that same-sex sexual harassment is actionable under Title VII of the Civil Rights Act. ⁵¹
April 10, 1998	Federal district court in California prohibits the city of San

⁴¹ *Bottoms v. Bottoms*, 457 S.E.2d 102 (Va. 1995).

⁴² *Holtzman v. Knott*, 533 N.W.2d 419 (Wis. 1995).

⁴³ *Hurley v. Irish-American Gay, Lesbian & Bisexual Group*, 515 U.S. 557 (1995).

⁴⁴ *Thomasson v. Perry*, 80 F.3d 915 (4th Cir. 1996).

⁴⁵ *Romer v. Evans*, 517 U.S. 620 (1996).

⁴⁶ *Nabozny v. Podlesny*, 92 F.3d 446 (7th Cir. 1996).

⁴⁷ *Richenberg v. Perry*, 97 F.3d 256 (8th Cir. 1996).

⁴⁸ *Lumpkin v. Brown*, 109 F.3d 1498 (9th Cir. 1997).

⁴⁹ *Holmes v. California Nat'l Guard*, 124 F.3d 1126 (9th Cir. 1997).

⁵⁰ *Equality Found. v. City of Cincinnati*, 128 F.3d 289 (6th Cir. 1997).

⁵¹ *Oncala v. Sundowner Offshore Servs. Inc.*, 523 U.S. 75 (1998).

May 6, 1998	Francisco from requiring companies that contract with the city to provide equal benefits to same-sex partners. ⁵² Despite evidence that HIV cannot be transmitted through saliva, the Ohio Supreme Court upholds conviction of assault with a deadly weapon for an HIV-positive individual who spit at police. ⁵³
May 18, 1998	Federal district court in Ohio rules that a board of education discriminated against a gay elementary teacher when it decided not to renew his teaching contract. ⁵⁴
May 26, 1998	Virginia appellate court, referring to a lesbian mother as promiscuous, affirms an order granting custody of a child to a father over a lesbian mother with demonstrably broader parenting skills. ⁵⁵
June 10, 1998	New York appellate court denies a lesbian co-parent visitation and custody rights. ⁵⁶
June 19, 1998	Alabama Supreme Court permits custody determination in favor of a father based solely on the mother's same-sex relationship. ⁵⁷
July 31, 1998	Michigan's highest court rules that an employer can compel an employee to take an HIV test. ⁵⁸
Sept. 22, 1998	Missouri's highest court determines that it is permissible to consider the impact of a parent's sexual orientation on a child in making a custody determination, but notes that a parent's sexual orientation is not dispositive on custody issues. ⁵⁹
Sept. 23, 1998	Second Circuit Court of Appeals holds that "Don't Ask, Don't Tell" does not violate the Equal Protection Clause, and the courts must give great deference to the military and its goals of promoting unit cohesion, enhancing privacy and reducing sexual tension. ⁶⁰
Sept. 30, 1998	Federal district court in Puerto Rico rules that a police regulation punishing police officers for associating with gay individuals is unconstitutional because it violates the police officers' First Amendment rights. ⁶¹
Oct. 15, 1998	Colorado appellate court upholds Denver's domestic partner benefit plan for same-sex partners of city employees. ⁶²

⁵² *Air Trans. Assoc. of Am. v. City and County of San Francisco*, 992 F. Supp. 1149 (N.D. Cal. 1998).

⁵³ *State v. Bird*, 692 N.E.2d 1013 (Ohio 1998).

⁵⁴ *Glover v. Williamsburg Local Sch. Dist. Bd. of Educ.*, 20 F. Supp. 2d 1160 (S.D. Ohio 1998).

⁵⁵ *Piatt v. Piatt*, 499 S.E.2d 567 (Va. Ct. App. 1998).

⁵⁶ *Lynda A.H. v. Diane T.O.*, 243 A.D.2d 24 (N.Y. App. Div. 1998).

⁵⁷ *J.B.F. v. J.M.F.*, 730 So. 2d 1190 (Ala. 1998).

⁵⁸ *Sanchez v. Lagoudakis*, 581 N.W.2d 257 (Mich. 1998).

⁵⁹ *J A.D. v. F.J.D.*, 978 S.W.2d 336 (Mo. 1998).

⁶⁰ *Able v. United States*, 155 F.3d 628 (2d Cir. 1998).

⁶¹ *Padro v. Puerto Rico*, 100 F. Supp. 2d 99 (D.P.R. 2000).

⁶² *Schaefer v. City & County of Denver*, 973 P.2d 717 (Colo. 1998).

Nov. 25, 1998	Federal district court in Utah holds that forbidding a lesbian volleyball coach from discussing her sexual orientation outside the classroom violated the First Amendment and the Equal Protection Clause. ⁶³
Dec. 9, 1998	Oregon appellate court requires the state to make its employee benefits available to domestic partners by holding that sex discrimination incorporates sexual orientation discrimination. ⁶⁴
Jan. 26, 1999	Connecticut's highest court rules that the Connecticut adoption statute prohibits second-parent adoption by a same-sex partner, even if adoption is in the child's best interests. ⁶⁵
Feb. 4, 1999	Mississippi's highest court awards mother in an abusive relationship custody of child over gay father solely because of the father's sexual orientation. ⁶⁶
March 31, 1999	Illinois appellate court upholds Chicago's domestic partner ordinance. ⁶⁷
April 2, 1999	Second Circuit Court of Appeals recognizes a transsexual inmate's right to privacy regarding her sexuality and HIV status. ⁶⁸
April 7, 1999	Eleventh Circuit Court of Appeals allows prisons to segregate HIV-positive prisoners and to deny them the right to participate in certain rehabilitative programs. ⁶⁹
April 19, 1999	California appellate court holds that a lesbian co-parent cannot have visitation or guardianship rights absent a showing that the biological mother's care is detrimental to the children. ⁷⁰
June 2, 1999	Seventh Circuit Court of Appeals holds that an insurance company's benefit cap for individuals with HIV/AIDS does not violate the public accommodations provision of the Americans with Disabilities Act. ⁷¹
June 8, 1999	Federal district court in New York finds that granting domestic partner benefits to same-sex couples but not opposite-sex couples does not violate Title VII of the Civil Rights Act or the Equal Pay Act. ⁷²

⁶³ *Weaver v. Nebo Sch. Dist.*, 29 F. Supp. 2d 1279 (D. Utah 1998).

⁶⁴ *Tanner v. Oregon Health Sciences Univ.*, 971 P.2d 435 (Or. 1998).

⁶⁵ *In re Adoption of Baby Z.*, 724 A.2d 1035 (Conn. 1999).

⁶⁶ *Weigand v. Houghton*, 730 So. 2d 581 (Miss. 1999).

⁶⁷ *Crawford v. City of Chicago*, 710 N.E.2d 91 (Ill. 1999).

⁶⁸ *Powell v. Schriver*, 175 F.3d 107 (2d Cir. 1999).

⁶⁹ *Onishea v. Hopper*, 171 F.3d 1289 (11th Cir. 1999).

⁷⁰ *Guardianship of Z.C.W.*, 84 Cal. Rptr. 2d 48 (Cal. Ct. App. 1999).

⁷¹ *Doe v. Mutual of Omaha Ins. Co.*, 179 F.3d 557 (7th Cir. 1999).

⁷² *Foray v. Bell Atlantic*, 56 F. Supp. 2d 327 (S.D.N.Y. 1999).

June 29, 1999	Massachusetts' highest court grants visitation rights to lesbian co-parent. ⁷³
Oct. 27, 1999	In denying a post-operative female transsexual the right to sue for her husband's wrongful death, a Texas appellate court holds that a person's sex at birth is permanent for marriage purposes. ⁷⁴
Dec. 20, 1999	Vermont's highest court rules that, under the Common Benefits Clause of the Vermont Constitution, the state is constitutionally required to extend the common benefits and protections that flow from marriage to same-sex couples. ⁷⁵
Feb. 29, 2000	Ninth Circuit Court of Appeals notes that transgender individuals may be protected under Title VII if sex discrimination stems from gender stereotypes. ⁷⁶
March 14, 2000	Minnesota appellate court awards parental rights to three parents: the biological mother, the lesbian co-parent and the gay sperm donor. ⁷⁷
April 6, 2000	New Jersey's highest court grants lesbian co-parent visitation rights with her children but refuses to grant her legal decision-making responsibility. ⁷⁹
April 21, 2000	Virginia's highest court prevents Arlington from expanding the county's health benefits plan to include same-sex domestic partners. ⁸⁰
April 26, 2000	Federal district court judge in Utah orders a school to permit a gay-supportive student club to meet on campus. ⁸¹
June 28, 2000	Supreme Court holds that the Boy Scouts' rights of expressive association allow them to exclude gay individuals; state public accommodations laws could not require the Boy Scouts to admit gay members. ⁸²
July 6, 2000	Louisiana's highest court finds Louisiana's sodomy statute constitutional. ⁸³
Aug. 24, 2000	Ninth Circuit Court of Appeals grants asylum to a gay man persecuted for his sexual orientation. ⁸⁴
May 26, 2000	Florida appellate court rules that the law cannot give effect to private biases; therefore, the lower court should not have awarded custody based on concerns about the mother's

⁷³ E.N.O. v. L.M.M., 711 N.E.2d 886 (Mass. 1999).

⁷⁴ Littleton v. Prange, 9 S.W.3d 223 (Tx. Ct. App. 1999).

⁷⁵ Baker v. State, 744 A.2d 864 (Vt. 1999).

⁷⁶ Schwenk v. Hartford, 204 F.3d 1187 (9th Cir. 2000).

⁷⁷ LaChapelle v. Mitten, 607 N.W.2d 151 (Minn. Ct. App. 2000).

⁷⁹ V.C. v. M.J.B., 748 A.2d 539 (N.J. 2000).

⁸⁰ Arlington County v. White, 528 S.E.2d 706 (Va. 2000).

⁸¹ East High Sch. Prism Club v. Seidel, 95 F. Supp. 2d 1239 (D. Utah 2000).

⁸² Boy Scouts of Am. v. Dale, 530 U.S. 640 (2000).

⁸³ State v. Smith, 766 So. 2d 501 (La. 2000).

⁸⁴ Hernandez-Montiel v. INS, 225 F.3d 1084 (9th Cir. 2000).

⁸⁵ Jacoby v. Jacoby, 763 So. 2d 410 (Fla. Dis. Ct. App. 2000).

	sexual orientation. ⁸⁵
June 19, 2000	California's highest court rules that an insurance company cannot deny benefits to a policyholder with AIDS. ⁸⁶
Aug. 22, 2000	Second Circuit Court of Appeals reiterates that Title VII of the Civil Rights Act does not prohibit sexual orientation discrimination. ⁸⁷
Sept. 7, 2000	Ninth Circuit Court of Appeals rules that removing a teacher's anti-gay message does not violate the teacher's free speech rights because the school has a right to not support speech it disagrees with. ⁸⁸
Sept. 20, 2000	Federal district court in Texas rules that a city council's attempt to remove gay-themed children's books from a local library is unconstitutional censorship. ⁸⁹
Sept. 20, 2000	Florida appellate court upholds a local domestic partnership act. ⁹⁰
Nov. 6, 2000	Third Circuit Court of Appeals holds that a police officer is not entitled to qualified immunity because individuals have a clearly established privacy right to protect against the unauthorized disclosure of their sexual orientation. ⁹¹
March 1, 2001	Federal district court in Nevada recognizes the constitutional right of students to be openly gay in public schools. ⁹²
March 5, 2001	Third Circuit Court of Appeals reverses a lower court ruling that upheld a county's policy of refusing to place foster children in homes with HIV-positive family members. ⁹³
March 28, 2001	Fifth Circuit Court of Appeals holds that an employer does not have to accommodate a counselor who refuses to treat a lesbian woman because it conflicts with her religious beliefs. ⁹⁴
March 30, 2001	Fifth Circuit Court of Appeals permits HIV-positive individuals to sue for disability-based harassment under Title VII. ⁹⁵
April 17, 2001	Alaska's highest court refuses to hear a same-sex couple's challenge to Alaska's marriage law. ⁹⁶
April 20, 2001	Nebraska's highest court affirms a finding that local police were responsible for failing to respond to the plight of

⁸⁶ Galanty v. Paul Revere Life Insurance Co., 1 P.3d 658 (Cal. 2000).

⁸⁷ Simonton v. Runyon, 232 F.3d 33 (2d Cir. 2000).

⁸⁸ Downs v. Los Angeles Unified Sch. Dist., 228 F.3d 1003 (9th Cir. 2000).

⁸⁹ Sund v. City of Wichita Falls, 121 F. Supp. 2d 530 (N.D. Tex. 2000).

⁹⁰ Lowe v. Broward County, 766 So. 2d 1199 (Fla. 2000).

⁹¹ Sterling v. Borough of Minersville, 232 F.3d 190 (3d Cir. 2000).

⁹² Henkle v. Gregory, 150 F. Supp. 2d 1067 (D.Nev. 2001).

⁹³ Doe v. County of Centre, 242 F.3d 437 (3d Cir. 2001).

⁹⁴ Bruff v. N. Miss. Health Servs., 244 F.3d 495 (5th Cir. 2001).

⁹⁵ Flowers v. S. Reg'l Physician Servs., 247 F.3d 229 (5th Cir. 2001).

⁹⁶ Brause v. Dep't of Health & Soc. Servs., 21 P.3d 357 (Alaska 2001).

May 4, 2001	transgender teenager Brandon Teena. ⁹⁷ Eighth Circuit Court of Appeals upholds a state regulation denying funding for medically necessary sex-reassignment surgery. ⁹⁸
May 15, 2001	Seventh Circuit Court of Appeals allows a school board to provide domestic partner benefits exclusively to same-sex domestic partners. ⁹⁹
May 17, 2001	Federal district court in Minnesota rules that the First Amendment requires a high school to allow a student to wear an anti-gay T-shirt. ¹⁰⁰
July 2, 2001	New York's highest court holds that, in determining the disparate impact of a housing policy, courts should compare same-sex couples to married individuals, not just unmarried individuals. ¹⁰¹
Nov. 29, 2001	Minnesota's highest court rules that a transgender employee is not entitled to use the women's restroom. ¹⁰²
Dec. 7, 2001	Tenth Circuit Court of Appeals affirms a decision that permitted prejudicial use of sexual orientation in a criminal trial. ¹⁰³
Jan. 9, 2002	First Circuit Court of Appeals holds that same-sex sexual harassment is actionable under Title IX of the Educational Amendments of 1972. ¹⁰⁴
Feb. 15, 2002	Alabama Supreme Court declares that sexual orientation is sufficient, by itself, to make a custody determination. ¹⁰⁵
March 8, 2002	Nebraska's highest court denies lesbian co-parent's petition for second-parent adoption. ¹⁰⁶
March 15, 2002	Kansas Supreme Court denies a transgender wife the right to her husband's estate by concluding that she is legally male, thereby voiding her marriage to the decedent. ¹⁰⁷
May 15, 2002	Applying strict scrutiny, Ohio's highest court strikes down a state law criminalizing same-sex propositioning because it violates the Equal Protection Clause. ¹⁰⁸
June 18, 2002	Fourth Circuit Court of Appeals holds that confining gay males to single-occupancy prison cells, rather than double-occupancy, serves a legitimate penological interest and

⁹⁷ *Brandon v. County of Richardson*, 624 N.W.2d 604 (Neb. 2001).

⁹⁸ *Smith v. Rasmussen*, 249 F.3d 755 (8th Cir. 2001).

⁹⁹ *Irizarry v. Bd. of Educ.*, 251 F.3d 604 (7th Cir. 2001).

¹⁰⁰ *Chambers v. Babbitt*, 145 F. Supp. 2d 1068 (D. Minn. 2001).

¹⁰¹ *Levin v. Yeshiva Univ.*, 754 N.E.2d 1099 (N.Y. 2001).

¹⁰² *Goins v. West Group*, 635 N.W.2d 717 (Minn. 2001).

¹⁰³ *Neill v. Gibson*, 278 F.3d 1044 (10th Cir. 2001).

¹⁰⁴ *Frazier v. Fairhaven Sch. Comm.*, 276 F.3d 52 (1st Cir. 2002).

¹⁰⁵ *Ex parte H.H.*, 830 So. 2d 21 (Ala. 2002).

¹⁰⁶ *B.P. v. State*, 640 N.W.2d 374 (Neb. 2002).

¹⁰⁷ *In re Estate of Gardiner*, 42 P.3d 120 (Kan. 2002).

¹⁰⁸ *State v. Thompson*, 767 N.E.2d 251 (Ohio 2002).

June 20, 2002	therefore does not violate the Equal Protection Clause. ¹⁰⁹ Eighth Circuit Court of Appeals holds that a school district met its legal obligation by affording an alternative restroom to a teacher who did not want to use the same restroom as a transgender co-worker. ¹¹⁰
June 28, 2002	Nebraska's highest court recognizes an out-of-state second-parent adoption. ¹¹¹
July 5, 2002	Arkansas's highest court strikes down the state sodomy law. ¹¹²
July 30, 2002	Connecticut appellate court refuses to dissolve a Vermont civil union. ¹¹³
July 31, 2002	Michigan's highest court holds that a former police officer cannot sue the city for employment discrimination on the basis of sexual orientation. ¹¹⁴
July 31, 2002	Ohio's highest court permits a lesbian couple to legally adopt the last name they created. ¹¹⁵
Aug. 20, 2002	Pennsylvania's highest court upholds state adoption law, which forbids second-parent adoption; however, the court granted same-sex couples the opportunity to adopt without meeting the statutory requirements. ¹¹⁶
Sept. 24, 2002	Ninth Circuit Court of Appeals holds that an employee can sue for sexual harassment, including sexual orientation harassment, under Title VII as long as the work environment is hostile to the employee because of sex. ¹¹⁷
Feb. 11, 2003	Maryland's highest court finds that courts can legally change the sex of individuals not born in Maryland if individuals demonstrate that a change of sex is permanent and irreversible. ¹¹⁸
April 8, 2003	Ninth Circuit Court of Appeals holds that school officials who are deliberately indifferent to anti-gay peer-on-peer harassment, and thus violate the Equal Protection clause, are not entitled to qualified immunity. ¹¹⁹
April 18, 2003	Federal district court in Kentucky requires school to treat a gay-straight alliance in the same manner it treats other student groups. ¹²⁰

¹⁰⁹ *Veney v. Wyche*, 293 F.3d 726 (4th Cir. 2002).

¹¹⁰ *Cruzan v. Special Sch. Dist. No. 1*, 294 F.3d 981 (8th Cir. 2002).

¹¹¹ *Russell v. Bridgens*, 647 N.W.2d 56 (Neb. 2002).

¹¹² *Jegley v. Picado*, 80 S.W.3d 332 (Ark. 2002).

¹¹³ *Rosengarten v. Downes*, 802 A.2d 170 (Conn. 2002).

¹¹⁴ *Mack v. City of Detroit*, 649 N.W.2d 47 (Mich. 2002).

¹¹⁵ *In re Bicknell*, 771 N.E.2d 846 (Ohio 2002).

¹¹⁶ *In re Adoption of R.B.F.*, 803 A.2d 1195 (Pa. 2002).

¹¹⁷ *Rene v. MGM Grand Hotel, Inc.*, 305 F.3d 1061 (9th Cir. 2002).

¹¹⁸ *In re Heilig*, 816 A.2d 68 (Md. 2003).

¹¹⁹ *Flores v. Morgan Hill Unified Sch. Dist.*, 324 F.3d 1130 (9th Cir. 2003).

¹²⁰ *Boyd County High Sch. Gay Straight Alliance v. Bd. of Educ.*, 258 F. Supp. 2d 667 (E.D. Ky. 2003).

June 26, 2003	Supreme Court holds that sodomy statutes are unconstitutional; gay, lesbian, bisexual and transgender individuals have a right to engage in private, consensual sexual conduct. ¹²¹
Oct. 8, 2003	Arizona appellate court denies same-sex couples marriage licenses. ¹²²
Nov. 13, 2003	North Dakota's highest court holds that a parent's sexual orientation alone cannot be grounds for a change in custody. ¹²³
Nov. 18, 2003	Massachusetts' highest court rules that it is unconstitutional to deny same-sex couples the right to marry. ¹²⁴
Jan. 28, 2004	Eleventh Circuit Court of Appeals upholds a Florida law prohibiting gay and lesbian individuals from adopting children. ¹²⁵
April 6, 2004	Maine's highest court holds that lesbian co-parent is the de facto parent of her former partner's biological child and has full parental rights and responsibilities. ¹²⁶
July 1, 2004	Mississippi's highest court decides not to sanction a judge who made anti-gay remarks in a newspaper article and on a radio show; the court held that the judge's comments were protected by the First Amendment since he was commenting on matters of public concern. ¹²⁷
July 23, 2004	Florida appellate court nullifies a marriage between a woman and a female-to-male transsexual, and holds that an individual's sex is determined at birth. ¹²⁸
July 28, 2004	Eleventh Circuit Court of Appeals refuses to recognize a right of consenting adults to engage in private, consensual sexual conduct using sexual devices. ¹²⁹
Aug. 5, 2004	Sixth Circuit Court of Appeals permits a transgender individual, who informed his supervisor of his intent to change genders and was suspended from work, to sue under Title VII for employment discrimination. ¹³⁰
Aug. 12, 2004	California's highest court voids same-sex couples' marriage licenses, and holds that county officials exceeded their authority in issuing marriage licenses to same-sex

¹²¹ Lawrence v. Texas, 539 U.S. 558 (2003).

¹²² Standhardt v. Superior Court of Arizona, 77 P.3d 451 (Ariz. Ct. App. 2003).

¹²³ Damron v. Damron, 670 N.W.2d 871 (N.D. 2003).

¹²⁴ Goodridge v. Dep't of Pub. Health, 798 N.E.2d 941 (Mass. 2003).

¹²⁵ Lofton v. Sec'y of the Dep't of Children & Family Servs., 358 F.3d 804 (11th Cir. 2004), *reh'g denied*, 377 F.3d 1275 (11th Cir. 2004), *cert. denied*, 543 U.S. 1081 (2005).

¹²⁶ C.E.W. v. D.E.W., 845 A.2d 1146 (Me. 2004).

¹²⁷ Miss. Comm'n on Judicial Performance v. Wilkerson, 876 So. 2d 1006 (Miss. 2004).

¹²⁸ Kantaras v. Kantaras, 884 So. 2d 155 (Fla. Dist. Ct. App. 2004).

¹²⁹ Williams v. Attorney General of Alabama, 378 F.3d 1232 (11th Cir. 2004).

¹³⁰ Smith v. City of Salem, 378 F.3d 566 (6th Cir. 2004).

	couples. ¹³¹
Nov. 29, 2004	Third Circuit Court of Appeals rules that the Solomon Amendment violates schools' First Amendment rights by permitting the government to deny funding to academic institutions that prohibit military recruitment on campus because of discriminatory "Don't Ask, Don't Tell" policy. ¹³²
Dec. 6, 2004	Pennsylvania's highest court upholds two city ordinances that provide benefits to same-sex partners of city employees. ¹³³
Dec. 30, 2004	Montana's highest court holds that a university policy prohibiting employees from receiving benefits for their same-sex domestic partners is unconstitutional. ¹³⁴
Jan. 21, 2005	Illinois' highest court holds that a child's best interests is the primary consideration in foster care placement, not the sexual orientation of the foster parents. ¹³⁵
Jan. 31, 2005	Federal district court in Connecticut finds that the Solomon Amendment violates Yale Law School professors' First Amendment rights to expressive association and to freedom of speech by coercing them into assisting the Department of Defense in the dissemination of its discriminatory "Don't Ask, Don't Tell" message. ¹³⁶
March 15, 2005	New York appellate court strikes down an ordinance that required city contractors to provide employees' domestic partners with the same benefits they provide to married employees' spouses. ¹³⁷
March 22, 2005	Sixth Circuit Court of Appeals holds that the city of Cincinnati violated Title VII of the Civil Rights Act by discriminating against a transgender person who did not conform with sex stereotypes. ¹³⁸
April 14, 2005	Oregon's highest court voids 3,000 marriage licenses issued to same-sex couples by a county official, and holds that the regulation of marriage is within the province of the legislature. ¹³⁹
April 22, 2005	Virginia's highest court requires the state to list both same-sex adoptive parents on a child's birth certificate for children born in Virginia but adopted in other

¹³¹ *Lockyer v. City and County of San Francisco*, 95 P.3d 459 (Cal. 2004).

¹³² *Forum for Academic & Institutional Rights v. Rumsfeld*, 390 F.3d 219 (3d Cir. 2004), *cert. granted*, 125 S. Ct. 1977 (U.S. May 2, 2005) (No. 04-1152).

¹³³ *Devlin v. City of Philadelphia*, 862 A.2d 1234 (Pa. 2004).

¹³⁴ *Snetsinger v. Montana Univ. Sys.*, 104 P.3d 445 (Mont. 2004).

¹³⁵ *Berkley v. Ill. Dep't of Children & Family Servs.*, 823 N.E.2d 572 (Ill. 2005).

¹³⁶ *Burt v. Rumsfeld*, 354 F. Supp. 2d 156 (D. Conn. 2005).

¹³⁷ *Council of New York v. Bloomberg*, 791 N.Y.S.2d 107 (N.Y. App. Div. 2005).

¹³⁸ *Barnes v. City of Cincinnati*, 401 F.3d 729 (6th Cir. 2005).

¹³⁹ *Li v. State*, 110 P.3d 91 (Or. 2005).

	jurisdictions. ¹⁴⁰
May 12, 2005	Federal district court finds Nebraska's constitutional amendment prohibiting legal rights for unmarried couples unconstitutional; the amendment violated the First Amendment and the Equal Protection Clause. ¹⁴¹
June 3, 2005	First Circuit Court of Appeals affirms a decision which held that falsely calling someone gay does not constitute defamation. ¹⁴²
June 16, 2005	Federal district court in California rules that defining marriage as the union of one man and one woman is constitutional. ¹⁴³
Aug. 1, 2005	California's highest court holds that California law prohibits discrimination in favor of married couples over registered domestic partners. ¹⁴⁴
Aug. 22, 2005	California's highest court rules that two former partners are both the legal parents of a child conceived by one partner's egg gestating in the other partner. ¹⁴⁵
Oct. 21, 2005	Kansas' highest court strikes down the portion of a "Romeo and Juliet" law which punishes same-sex statutory rape more severely than opposite-sex statutory rape. ¹⁴⁶
Oct. 27, 2005	New York appellate court upholds decision forbidding a local mayor from issuing marriage licenses to same-sex couples. ¹⁴⁷
Oct. 28, 2005	Alaska's highest court declares that the denial of benefits to same-sex domestic partners of public employees violates the equal protection provisions of the Alaska Constitution. ¹⁴⁸
Nov. 7, 2005	Court of Federal Claims overturns the denial of a military pension to a gay officer discharged from the Army under "Don't Ask, Don't Tell," but refuses to invalidate the military's sodomy statute or "Don't Ask, Don't Tell." ¹⁴⁹
Dec. 8, 2005	New York appellate court holds that the state's marriage laws, which limit marriage rights to opposite-sex couples, are constitutional. ¹⁵⁰
March 6, 2006	Supreme Court reverses the Third Circuit and rules that the Solomon Amendment is constitutional. The Solomon Amendment permits the government to deny funding to

¹⁴⁰ Davenport v. Little-Bowser, 611 S.E.2d 366 (Va. 2005).

¹⁴¹ Citizens for Equal Prot., Inc. v. Bruning, 368 F. Supp. 2d 980 (D. Neb. 2005).

¹⁴² Amrak Prods. v. Morton, 410 F.3d 69 (1st Cir. 2005).

¹⁴³ Smelt v. County of Orange, 374 F. Supp. 2d 861 (C.D. Cal. 2005).

¹⁴⁴ Koebke v. Bernardo Heights Country Club, 115 P.3d 1212 (Cal. 2005).

¹⁴⁵ K.M. v. E.G., 117 P.3d 673 (Cal. 2005).

¹⁴⁶ State v. Limon, 122 P.3d 22 (Kan. 2005).

¹⁴⁷ Matter of Hebel v. West, 803 N.Y.S.2d 242 (N.Y. App. Div. 2005).

¹⁴⁸ Alaska Civil Liberties Union v. State of Alaska, 122 P.3d 781 (Alaska 2005).

¹⁴⁹ Loomis v. United States, 68 Fed. Cl. 503 (2005).

¹⁵⁰ Hernandez v. Robles, 805 N.Y.S.2d 354 (N.Y. App. Div. 2005).

	academic institutions that prohibit military recruitment on campus because of the discriminatory “Don’t Ask, Don’t Tell” policy. ¹⁵¹
March 30, 2006	Massachusetts’ high court upholds the so-called “1913 law” which prevents out of state same sex couples from marrying in Massachusetts unless they are not prohibited from marrying in their home state. ¹⁵²
May 5, 2006	Ninth Circuit Court of Appeals dismisses challenge to Defense of Marriage Act (DOMA), ruling that DOMA challenge in federal court is not appropriate at this time because of ongoing state court litigation, and because plaintiffs lacked standing to challenge DOMA. ¹⁵³
May 19, 2006	Federal district court in Oklahoma invalidates as unconstitutional 2004 amendment to Oklahoma’s adoption code which mandated that the state “shall not recognize an adoption by more than one individual of the same sex from any other state or foreign jurisdiction. . .” ¹⁵⁴

¹⁵¹ Rumsfeld v. Forum for Academic & Institutional Rights, ___ U.S. ___, No. 04-1152 (March 6, 2006).

¹⁵² Cote-Whitacre v. Dept. of Public Health et al, ___ Mass. ___, SJC-09436 (March 30, 2006).

¹⁵³ Smelt v. Orange County, ___ F. 3d ___, No. 05-56040 (May 5, 2006).

¹⁵⁴ Finstuen v. Edmondson et al, ___ F.Supp.2d ___, No. Civ. 04-1152-C (W.D.Okla. 2006).