

# GLAD Briefs

SUMMER 2023



Photo: Teo Eylon

## Healthcare Bans are an Attack on Our Community’s Well-being, Decision-making, and Freedom

The quotes on these pages are all from Florida parents GLAD represents in *Doe v. Ladapo* challenging a policy, first enacted by the state Boards of Medicine and Osteopathic Medicine codified in SB 254, that bans them from meeting essential healthcare needs for their transgender children. GLAD’s Senior Director of Transgender and Queer Rights, Jennifer Levi, was in federal court in Tallahassee on May 19 asking the judge to halt the ban and stop the unimaginable cruelty and distress these families face because they can’t access the healthcare they need.

In the ongoing campaign against LGBTQ+ rights, extremist forces are pushing for discriminatory legislation that specifically targets vulnerable members of our community, particularly LGBTQ+ youth and their families. One of the most alarming aspects of this campaign is the banning and, in some cases, criminalizing of safe and effective medical care for transgender youth.

As of May 2023, at least 19 states (Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kentucky, Mississippi, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Utah, and West Virginia) have implemented these policies. These bans disregard

*“This ban puts me and other parents in the nightmare position of not being able to help our child when they need us most.”*

scientific evidence, representing an unjustified intrusion into personal and family medical decision-making. They contradict established guidelines based on extensive clinical research and are endorsed by esteemed medical associations such as the American Academy of Pediatrics, the American Medical Association, and the American Academy of Child and Adolescent Psychiatry. Doctors with expertise in treating the distress experienced by transgender youth unable to live authentically, as well as parents who witness the positive transformation in their transgender children when supported, widely criticize these bans.

GLAD is challenging the bans in Florida and Alabama, arguing that they unlawfully deprive parents of their right to make decisions about their children’s medical treatment and violate the equal

*“Taking away our opportunity to help our daughter live a healthy and happy life is cruel and unfair.”*

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## From the Executive Director

Photo: InfinityPortraitDesign.com



I can't sugarcoat this: We are facing a state of emergency.

More than 500 anti-LGBTQ+ bills have been introduced in state legislatures across the country this year — and at least 50 of those bills have been signed into law.

- Parents of transgender adolescents are being blocked from obtaining the medical care necessary for their kids to thrive. Some parents are even facing criminal charges. Families who can afford it are moving out of state, becoming political refugees in their own country.
- School discussions of sexual orientation and gender identity, as well as race and racism, are being prohibited. Books are being banned, with *Gender Queer* being the most banned book in America last school year.
- Transgender students are getting kicked out of school bathrooms, locker rooms, and sports teams.
- Schools are being forced to out students to their parents, rather than supporting kids in talking to their parents in their own time.
- LGBTQ+ families are at increased risk. Courts in Oklahoma, Pennsylvania, and Michigan have recently stripped nonbiological parents of their parental rights for children they've raised since birth.
- And the Supreme Court will issue a decision any day now in *303 Creative vs Elenis*, a case in which a website design business wants permission to use disapproval of LGBTQ+ people and same-sex marriage to side-step anti-discrimination laws.

This is a deliberate, coordinated strategy by extreme, well-funded, anti-LGBTQ+, and anti-democracy forces to undo decades of progress, strip us of our freedoms, and push us back into the closet.

**But we are not backing down. And we will not be pushed back into any closet.**

GLAD's legal team is working around the clock — together with our movement and community partners, and with your support — to stop the harm these attacks are inflicting on our community and ensure people across the country can continue to live and thrive on our own terms.

**And when we fight, we win:**

- We blocked an Alabama law that would throw parents and doctors in jail for providing medically necessary health care to transgender children. And we just argued for an injunction against another law criminalizing medical care for transgender people in Florida.
- We stopped a New Hampshire bill at the eleventh hour that would have forced teachers to out students, and are fighting bills in Maine and Rhode Island that would censor classroom discussions and turn parent preferences into universal policies impacting all students.
- We played a key role in passing the federal Respect for Marriage Act in December. And we've updated parentage laws to protect LGBTQ+ families in five of the six New England states, with Massachusetts and other states across the country on the horizon.

When we come together, we can turn back the tide of anti-LGBTQ+ and anti-democracy extremism and instead forge a world where all of us have the peace of mind and self-determination to live our lives as we are with dignity, recognition, and respect. We have no other choice right now but to fight back.

**Thank you for uniting with us in this critical work.**

Janson Wu

Executive Director

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# LGBTQ+ Families at Risk: Updating Parentage Laws To Protect LGBTQ+ Parents and Their Children

GLAD is leading the effort to pass the Massachusetts Parentage Act (H 1713 / S 947) and to safeguard LGBTQ+ families across the country

A child's legal tie to their parents is never more critical than when their family is in crisis. Massachusetts LGBTQ+ non-biological parent Simone\* found this out in the most heartbreaking way when her son Daniel was abruptly removed from their home and placed in foster care at age three because of unfounded claims of neglect.

"They took him on a Friday and said we could visit him on Monday," says Simone. "But when I showed up, they wouldn't let me see him because they didn't recognize I was his parent."

Daniel was born prematurely out of state to Simone and her then-partner, Cara, who was the birth parent. Even though she and Cara planned together to build their family through assisted reproduction, although Simone was his primary caregiver, and the fact that she and Cara told the whole world they were both Daniel's parents and married days after his premature birth — the Department of Children and Families wouldn't recognize Simone as a parent.

Simone wouldn't see her son again for two months. That was the beginning of Simone's legal journey — one in which she sometimes wasn't allowed in the courtroom where her family's fate was being decided because the system considered her a legal stranger to her child. With GLAD's help, Simone's legal parentage was clarified, and she became able to participate in proceedings involving her beloved son. Then, the COVID pandemic hit. The delay in recognizing her as a parent, coupled with the pandemic, meant that Daniel spent more than two years in foster care — when he should never have been in foster care to begin with.

Simone should have been recognized as a parent under the "holding out" provision in Massachusetts law, in accordance with the Supreme Judicial Court's ruling in our case *Partanen v. Gallagher* that children born to an unmarried couple through assisted reproduction have the same protections as children born to an unmarried couple through sexual intercourse. Despite that ruling, state parentage laws remain gendered, making them unclear for parents, courts, and entities like DCF, which can harm children and families. It is critical to update parentage statutes in Massachusetts and elsewhere to explicitly include all families, regardless of gender, marital status, or the circumstances of the child's birth.

The Massachusetts Parentage Act (MPA)(H 1713/S 947) ensures equality for LGBTQ+ families and their children. It clarifies existing law and creates accessible paths to establish legal parentage for all children so that the parentage bond is clear from the outset in situations such as Simone's.



GLAD Director of Family Advocacy Polly Crozier is leading efforts to pass the MPA and to ensure LGBTQ+ families and their children are protected across the country. This work is increasingly urgent as anti-LGBTQ+ bias escalates in legislatures and courtrooms.

A judge in Oklahoma recently stripped a non-birth lesbian mom of her marital presumption of parentage because she didn't adopt her child. Courts in Idaho, Michigan, and Pennsylvania have likewise stripped children of their non-birth LGBTQ+ parent, using outdated parentage laws as justification. And LGBTQ+ families across the country are under siege by a wave of anti-LGBTQ+ legislation, such as Florida's "Don't Say Gay or Trans" law that aims to make our families invisible in schools.

"It's heartbreaking and disturbing to see hard-won legal recognition and family protections being undermined or simply taken away," Crozier says. "With extremists escalating their attacks on LGBTQ+ people and families across the country, it is more important than ever to ensure LGBTQ+

families everywhere have the recognition and legal security they need — even in Massachusetts.

Indeed, outdated parentage laws mean LGBTQ+ parents in the Commonwealth face costly, demeaning, and discriminatory barriers to securing legal ties to their children. That leaves their families vulnerable here at home, and even more so if they travel or move to a less friendly state.

In recent months, courts in Massachusetts have issued:

- additional requirements for LGBTQ+ couples wishing to adopt that are not required of other families.
- an order with the impossible condition that an LGBTQ+ couple who built their family using an unknown gamete donor provide notice to the "father."
- an order — without request or prompting from either party in the case — questioning the parentage of a lesbian mother who had signed, with the birth mother, a valid Acknowledgment of Parentage (VAP). Despite VAPs being available to unmarried LGBTQ+ parents since 2018 in response to a Supreme Judicial Court ruling, the judge questioned the VAP because Massachusetts parentage law has still not been updated in line with the ruling.

Passing the MPA this session is critical for our families and for Massachusetts to continue being a leader on LGBTQ+ protections and equality. Learn more about the MPA at [massparentage.org](https://massparentage.org)

In response to the shifting legal landscape for LGBTQ+ families, GLAD, LGBTQ MAP, COLAGE, NCLR, and Family Equality have released a special report, *Relationships at Risk: Why We Need to Update State Parentage*

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## Bernier v. Turbocam

### Religion Cannot Be a Justification for Employment Discrimination

A business owner's religious beliefs must never be a legal justification to deprive an employee of necessary healthcare. But Lillian Bernier's employer is trying to skirt its obligation to treat all its staff equally based on a claim of religious exemption. The company treats Lillian differently because she's transgender, denying her equal healthcare benefits by refusing to cover her medically-necessary, transition-related care.

Lillian dedicates her time, expertise, and commitment to her job, and like anyone, she expects fairness and equal treatment to be part of the deal. That means equal pay for equal work and equal access to benefits from her employer — whatever

the religious views of the company's owner. Anything less than equal treatment is unfair and harmful discrimination, which violates state and federal law.

Lillian was born and raised in New Hampshire, where she is now raising two children. She supports her family as a machinist at Turbocam, Inc., where she's worked since June 2019, making precision parts for the aviation and related industries. Turbocam is an international manufacturer of engine parts with over 900 employees. According to its website, Turbocam "exists as a business for the purpose of honoring God" and holds itself "accountable to God's law expressed in the Bible."

Lillian has been recognized for her dedication with multiple promotions and worked the night shift through the beginning of the COVID-19 pandemic and ensuing lockdowns. When she sought treatment for gender dysphoria in 2020, she discovered that her employer-funded medical plan excludes coverage for the healthcare she needs. As a result, she was forced to pay out of pocket for some necessary medical care and delayed scheduling recommended surgery, even though putting off her care goes against her doctor's advice.

Lillian shouldn't have to find another job just to get the healthcare she needs. She just wants to be treated equally to her colleagues. "I'm proud of my work as a machinist at Turbocam," says Lillian. "Like everyone else, I rely on the pay and healthcare coverage from my job to support myself and my family. I'm just asking for fair coverage and to be treated the same as my coworkers." When her employer refused to cover her care, Lillian came to GLAD for support.



Photo: Marty Y. Clapix

GLAD filed a lawsuit on behalf of Lillian on December 16, 2022, *Bernier v. Turbocam*. In response to our filing, lawyers for the large, international, and highly profitable manufacturer claim Turbocam is acting consistent with its "Mission, faith and the law" to justify its blanket transgender healthcare exclusion. But our state and federal nondiscrimination laws require equal treatment in employment — including in the provision of benefits — and businesses should not be able to use the owner's beliefs to defend mistreating LGBTQ+ employees in a job that has nothing to do with religion.

We are also suing a company that profits from

Turbocam's discriminatory health benefits plan. Health Plans, Inc., a Massachusetts-based Harvard Pilgrim insurance company, contracts with Turbocam to administer its health benefits plan. Without Health Plans, Inc.'s expertise and services, Turbocam's unlawful employment practices would not be possible.

"Our client is seeking the same opportunity everyone deserves to do her job, take care of her health, and be treated fairly by her employer," said GLAD Senior Director of Litigation Ben Klein when the lawsuit was filed. "Turbocam and Health Plans, Inc. are denying her equal employment benefits because she is a transgender woman. That's wrong, and it violates the law."

Turbocam has the responsibility that all employers do — to treat its employees equally and fairly. "Providing lesser health benefits to transgender workers is employment discrimination," said GLAD Attorney Chris Erchull at the time of the filing. "By maintaining a blanket exclusion of coverage for healthcare related to gender transition, Turbocam is trying to sidestep the law. Lillian has dedicated her time and energy to the company, including working onsite throughout the COVID pandemic. She is simply asking to be treated with the same dignity, humanity, and fairness as other employees."

Lillian should be treated the same as her coworkers and be able to get the healthcare her doctor recommends. As our lawsuit continues, GLAD will work to ensure that she and other employees can make decisions about their health without their employer interfering and that religion is not used as a justification for discrimination. ■

# Title IX Ensures Inclusion for Transgender Youth In School and on the Field

Photo: Alyssa Ledesma on Unsplash



All students deserve an equal education and to participate fully in school life. This includes the opportunity to play on school sports teams. Not only are sports beneficial for young people’s physical and mental health, but they also provide the opportunity to develop crucial skills like cooperation, leadership, confidence, and self-respect.

For the vast majority of youth, including transgender youth, school sports are about playing on a team with their friends, experiencing a sense of belonging and sportsmanship, and building confidence that comes from developing their game. Young people shouldn’t have to fight for their right to be included. But transgender youth like Sarah Huckman from New Hampshire, who loves to ski and run track, and Lane Joslin, a high schooler from Maine who loves to play soccer, have had to testify repeatedly against school sports bans in their states. They are making a difference for all transgender youth, and we’re honored to help them along the way.

While we’ve fortunately been able to stop bans on transgender youth participation in school sports in New Hampshire and Maine, sports bans have passed in 21 states across the country, and state legislatures have introduced at least 71 bills that target transgender athletes this session. The U.S. House also voted to pass a federal ban, HR734. While we expect it will fail in the Senate, the fact that such a discriminatory bill made it to Congress is alarming.

Anti-transgender sports bans harm transgender students, counter important efforts to create supportive school environments, and send a terrible message to all students. They also violate federal civil rights law.

In April of this year, the Department of Education issued a draft rule affirming that Title IX of the Civil Rights Act — our federal law that prohibits sex-based discrimination in education — requires the inclusion of transgender students in school sports.

The rule specifically:

- Prohibits policies restricting the ability of transgender students to participate in school sports in elementary and middle school and would permit such policies in high school only in rare circumstances and at highly competitive levels.

- Prohibits categorical bans of transgender athletes at any level, including colleges and universities.
- Presumes that any restriction on transgender students is invalid and puts a high burden on the government or school proposing the restriction to justify any exception based on specific, demonstrable, and essential educational objectives. Under the rule, the following justifications could not be used as reasons to exclude transgender students: anti-transgender bias, stereotypes, or unsupported assertions that transgender women and girls have a competitive advantage over non-transgender women and girls.

The 30-day public comment period on this proposed rule has ended, and we anticipate the Department of Education to issue the final rule by the fall. In anticipation of its release, you can read our comment and a fact sheet on the proposed rule at [GLAD.org/TitleIXComment](https://GLAD.org/TitleIXComment).

Many of the state laws barring transgender girls from playing on girls’ teams are already being challenged in court as violations of Title IX, and this rule strengthens those challenges. It also provides clear affirmation and guidance to states and schools that have maintained inclusive policies and will hopefully help stop further bans from being adopted. But we know it won’t make these harmful laws disappear overnight.

Our work must continue to ensure that transgender youth — and all LGBTQ+ youth — are included and can thrive in all areas of life. That’s what young people deserve, and it’s what GLAD has fought for, for decades.

Excluding one group of people because they are different sets a bad example that has no place in our schools. An educational environment is at its best when kids learn to embrace difference and create unity across identities. In an ever-diversifying country, learning how to be part of a team with different types of people is an essential life skill. We’ll keep using all the tools we have in the courts and beyond to build a system that prioritizes the well-being of all young people. ■



Sarah Huckman



Lane Joslin



# Defending LGBTQ+ Inclusion and the Freedom to Learn in Our Public Schools

Public schools are under attack in the US

**S**purred on by extremist politicians, a small but vocal minority is seeking to undo schools as student-centered places where young people are safe and engaged in learning what they need to succeed in life — under the banner of “parents’ rights.” In addition to putting students at risk, these efforts seek to extend the parental preferences of some into every classroom and add to the already heavy burden borne by the teachers and other professionals who work tirelessly every day to support and educate kids.



seek to make or change laws, GLAD, along with the ACLU of NH, Disability Rights Center — NH, and the National Educators Association — NH chapter, is in court continuing to challenge a related New Hampshire law that vaguely defines race, disability, gender, sexual orientation, and gender identity as “divisive concepts,” discouraging teachers from saying anything that might imperil their teaching licenses, all to the detriment of students. School district DEI professionals in New

At least 177 bills have been introduced in state legislatures this session, many of which also explicitly or implicitly target LGBTQ+ and other vulnerable students for exclusion and surveillance or making them invisible, such as with “CRT” bans. These bills are part of a coordinated, national effort at work in New England, too. In Maine, for instance, we have already opposed 18 different bills targeting education, with more to come, while also supporting counselor/social worker to student confidentiality and rulemaking addressing discrimination. In Rhode Island, we’ve seen at least nine such bills. Fortunately, the efforts of GLAD, our state partners, pro-equality legislators, and community members have been able to slow or stop most of these bills in New England, but we are not done and cannot let our guard down.

These bills run the gamut. Some attempt to police what books are available in school or classroom libraries, stifling student learning and denying them the opportunities for discovery and to see themselves and their families and friends represented. Many of the bills attempt to micromanage curriculum, even when already locally approved with public input, by insisting that teachers must accommodate parental preferences and allow broad opt-outs from whatever a particular parent might believe is “divisive” or against their values. Some would ban schools from using different names, nicknames, or pronouns at school and require monitoring of students for “changes” that must then be reported to parents, with parents obtaining a private right to sue to enforce this vague requirement. Still others aim to censor discussion of any topics related to race or sex, including sexual orientation and gender identity, restricting students’ ability to learn a fuller picture of American history and values, develop critical thinking skills, and learn to take their places in our democracy. In the end, schools are student-centered for a reason: Schools are for young people. The information parents want is also largely available from the school or school system website, the child’s school account, from talking with teachers and staff, and from existing information required to be provided to parents under state and federal laws.

In addition to making the case to the people’s representatives as they

Hampshire report that the law is causing confusion and fear for teachers, stifling teaching on essential topics, and creating greater isolation for students. A federal judge denied the state’s motion to dismiss our lawsuit in January because of its inevitable connection to teacher censorship, saying, “Given the severe consequences that teachers face if they are found to have taught or advocated a banned concept, plaintiffs have pleaded a plausible claim that the amendments are unconstitutionally vague.”

Beyond restrictions on class materials and discussion, another dangerous trend is gaining a troubling amount of traction this year — bills and targeted litigation aimed at forcing schools to “out” LGBTQ+ students and cutting them off from the support of trusted adults they rely on at school.

In New England, we’ve directly contested these bills in Maine, Rhode Island, and New Hampshire and are working with our state partners to stop them.

In New Hampshire, GLAD and our coalition partners narrowly but soundly defeated such a bill in May. SB 272 purposely singled out transgender and gender nonconforming youth to be surveilled and reported on by school staff, including any request to use a different name or pronoun, change in a student’s gender presentation, or attendance at a GSA meeting. With the bill’s defeat, New Hampshire has affirmed that schools should be a space of safety for LGBTQ+ students and that they can have conversations with their families when they are ready to do so.

In Maine, we are also working with partners and providing extensive legal background explaining how these bills, if passed, would disrupt or deny the legally acknowledged obligations of schools to manage their learning environments and of students’ rights to equal educational opportunity.

In Rhode Island, we have likewise joined with partners to speak out against several bills that threaten schools and teachers with penalties for not complying with vague requirements to allow virtually any individual parent to dictate school lesson plans, as well as bills aimed at removing teachers’ and school staff’s ability to support LGBTQ+ students in school.

*continued on next page*

## Taking Down Discriminatory Barriers To PrEP Access

In March, a federal judge in Texas issued a shocking ruling blocking a longstanding requirement under the Affordable Care Act that highly effective preventative care must be covered by health insurance plans without cost sharing like copays or deductibles. If the ruling in *Braidwood v. Becerra* is allowed to stand, lives will be lost. We know that the reimposition of cost sharing will mean that fewer people get cancer screenings, pregnancy-related screenings, preventative mental health care, and access to HIV prevention medication.

The case was filed by a conservative business owner who objected to covering the highly effective HIV prevention medication PrEP because of his religious objection to gay sex. Allowing bias and stigma to dictate health policy, as this ruling does, would have a tremendous negative impact on public health. According to researchers at Yale and Harvard, ending the prohibition on cost sharing for PrEP will increase HIV transmission among men who have sex with men by at least 17% in the first year alone.

In June, GLAD will submit a friend-of-the-court brief to the Fifth Circuit in the appeal of this devastating ruling, and we hope to see it entirely overturned. Beyond that, this case only increases the urgency of our existing efforts to take down barriers to accessing PrEP.

PrEP is safe and nearly 100% effective at preventing HIV transmission. Expanding access to PrEP is critical to end the HIV epidemic. But we know that insurance copays, deductibles, and prior authorization requirements decrease the usage of PrEP. Bias and stigma lead to barriers, including a lack of access to doctors who will provide information about PrEP and prescribe it. And healthcare inequities rooted in systemic racism compound these barriers for Black and Latinx gay and bisexual men and transgender people who already face high disparities in healthcare access.

The CDC reported in 2019 that only 23% of people eligible for PrEP were prescribed it and that only 8% of Black people and 14% of Latinx people eligible for PrEP received it compared to 63% of white people. We must do more to ensure that people at the highest risk for HIV have access to the best tool we have for preventing it. That starts, but does not end, with requiring insurers to cover all forms of PrEP for people who are at risk without barriers like prior authorization, step therapy, or costs like copays and deductibles.

“States must take action now to address the glaring danger presented by the *Braidwood v. Becerra* ruling,” says Ben Klein, Senior Director of Litigation and HIV Law. “In Massachusetts today, only 9,113 of the 24,900 Massachusetts residents at high risk for HIV have been prescribed PrEP.”

PrEP access is a healthcare, racial, and LGBTQ+ justice priority. To date, PrEP access advocacy has resulted in positive legislation passing in multiple states. In Massachusetts and Connecticut, GLAD worked with legislators and other advocates to ensure people under 18 can access PrEP without requiring parental consent. We worked to enact a Maine law that ensures people can get short-term access to PrEP from a pharmacist without needing a doctor’s prescription and can get connected to additional healthcare resources simultaneously.

To answer the now-pressing need presented by the *Braidwood* decision, we are advocating for policies to prohibit cost sharing and remove other barriers to PrEP, including insurance prior authorization requirements, in Massachusetts and Rhode Island.

To protect our community, safeguard public health, and dismantle healthcare disparities, we must ensure that all who need it have barrier-free access to PrEP, our best tool for ending the HIV epidemic. ■

## Defending LGBTQ+ Inclusion and the Freedom to Learn

*Continued from page 6*

To be clear, we support parents and their involvement in schools. A strong parent-child relationship is a lifelong protective factor. But these bills use the language of “parents’ rights” to impose specific *parental preferences* on how public schools operate their day-to-day activities and meet their obligation to support and provide an equal education for all students.

We are also working to defend positive school policies in the courts. GLAD and ACLU-NH filed a friend-of-the-court brief in the New Hampshire Supreme Court in *Doe v. Manchester School District*, supporting a lower court ruling upholding the district’s policy of supporting transgender students. That policy includes referring to students by their requested names and pronouns and maintaining student privacy when appropriate. Our brief notes the school’s legal obligation to ensure students can learn no matter who they are and their right to control the learning environment to do so. The brief also cites substantial research showing that a positive school climate that fosters a sense of safety, belonging, and respect is optimal for learning. Lawsuits like these show that some parents, despite asserting parental rights, seek to have the school insert itself into family relationships with “outing” and reporting to parents on student behavior at school.

As GLAD Attorney Chris Erchull explained, “Forcing schools to disclose information against a student’s wishes takes away a trusted source of support from transgender and gender nonconforming students and shuts down the opportunity for an important, voluntary conversation between the child and parent when the student is ready.”

GLAD is also engaged in the pending 1st Circuit case, *Foote v. Ludlow Public Schools*, raising many of the same issues. GLAD submitted a friend-of-the-court brief with the Massachusetts Superintendents Association in the District Court, which dismissed the case in December. GLAD will continue its involvement at the First Circuit, where the question remains whether the parents have adequately alleged facts to make a legal claim so that they can proceed with the litigation and try to prove their case of a violation of their rights. All rulings in this legal area are consequential.

Parents and schools can and should be natural allies when it comes to ensuring students are safe, protected, and able to learn what they need to succeed in life. The current wave of attacks on schools, libraries, and LGBTQ+ students is only creating false conflicts between parents and schools at a time when we should all be focused on ensuring that every young person, including LGBTQ+ youth, can learn and thrive in a safe environment while at school. ■

## GLAD's Justice For All Campaign

Through GLAD's Justice for All campaign you can drive impact for LGBTQ+ rights nationally and protect our community from attacks.

### WE ARE AT A FORK IN THE ROAD.

The seismic shift of the Supreme Court to the right coupled with extreme, anti-LGBTQ+ politicians seizing power in many states has created an environment of extreme uncertainty, and none of our rights seem as safe as we once thought. We are in an existential struggle between two different world views vying to shape our future: One in which power serves only a few; and one where democracy and the rule of law are bulwarks protecting all our human rights and self-determination, and where respect and dignity are extended to all of us.

**We believe that the American Promise belongs to all of us. That includes:**

**THE PURSUIT OF DIGNITY AND JUSTICE**

**THE PURSUIT OF ECONOMIC AND LIFE OPPORTUNITIES**

**THE PURSUIT OF PEACE OF MIND**

**THE PURSUIT OF HEALTH AND WELLBEING**

**THE PURSUIT OF FAMILY LIFE AS WE CHOOSE IT**



*Jason Smith, Board Member Jacob Yang, and Executive Director Janson Wu*

Our Palm Springs event was our first Justice For All event in California!





The Justice for All Campaign is projected to raise \$1.85 million dollars of new and additional support.

These funds will:

**EXPAND OUR NATIONAL IMPACT**

GLAD will expand our national impact and defend our community wherever we are needed most. From defending marriage equality to protecting LGBTQ+ youth, we are not shying away from the challenges before us.

**SUSTAIN OUR LEADERSHIP**

GLAD will grow our legal team to fight back against current attacks, win new protections, and build the bench of legal leadership for a better tomorrow.

**STRENGTHEN OUR WORKPLACE AND WORKFORCE**

GLAD will invest in our people and our technology to ensure that we can recruit and retain the best talent and allow them to work collaboratively in a hybrid work environment to sustain our impact for the next generation.

*We are thrilled to announce that GLAD has raised 2/3 of the funds needed for our Justice For All campaign! This is the launching pad for the significant growth GLAD needs to ensure that the American promise applies to us all and that everyone is free to be their authentic selves.*

Keep an eye out for our upcoming events in Philadelphia and New York City later this year!

To learn more or give to the Justice For All campaign, please contact **Carole Allen-Scannell** at **617-778-6964** or **[callenscannell@glad.org](mailto:callenscannell@glad.org)**



Senior Director of Litigation and HIV Law Ben Klein with Palm Springs event attendees.



## At the Supreme Court: *303 Creative v. Elenis* Puts Critical Anti-discrimination Protections at Risk



This June, the U.S. Supreme Court will issue a ruling in *303 Creative v. Elenis*, in which a business seeks to use the owner’s disapproval of same-sex marriage to justify side-stepping anti-discrimination laws. The plaintiff, a Colorado website design business, is asking the Court to create a “free speech” exemption from state anti-discrimination laws. For the Court to do so would dramatically reverse decades of both case law and public norms, undercutting the bedrock of assurances we all depend on to access goods and services in the general marketplace every day.

### Post-Decision Analysis

GLAD’s LGBTQ+ legal experts will share their analysis once the Court issues its ruling, likely in late June. Sign up to be the first to hear at [GLAD.org/get-updates](https://GLAD.org/get-updates)

Specifically, 303 Creative, which is subject to Colorado’s LGBTQ-inclusive anti-discrimination law, wants the right to refuse to sell wedding-related websites to same-sex couples. The business says it is entitled to an exemption allowing it to turn away LGBTQ+ people it does not want to serve so that it and other companies are not “compelled to speak” a message of support for same-sex couples by the act of selling its service.

“To be clear, the serious danger in this case is not whether this one business will sell wedding websites to same-sex couples — no couple has asked them to, and in fact, they don’t even sell wedding websites at this time,” says **Mary Bonauto, GLAD’s Senior Director of Civil Rights and Litigation Strategies**. “The danger is that this business owner seeks sweeping changes to current law ensuring that goods and services are available to all of us regardless of whether people operating the business might approve of their customers or not. For the Court to

find a free speech right for stores, shops, and services to discriminate would be a radical departure from iconic precedents that will fuel the escalating efforts to chip away at vital protections for LGBTQ+ people and other groups facing discrimination.”

The Court framed the question in the case as whether an “artist” would be “compelled to speak or stay silent” by virtue of the anti-discrimination law. But the “artist” here is a business open to the general public, and for many decades there has been *no question that states are free to regulate businesses* — including businesses that use creativity — when they sell their services in the general marketplace, as 303 Creative plans to do. The Supreme Court and lower courts have repeatedly rejected First Amendment claims to the contrary. That’s because denying service to someone because of *who they are* is discriminatory conduct, not artistry or self-expression.

### Share Your Experiences With Us

Discrimination has consequences on people’s lives. We encourage you to share with us any experience you have of being denied service or treated unfairly by a business or service provider. Contact our GLAD Answers legal information and referral line at [www.GLADAnswers.com](https://www.GLADAnswers.com)

The impact of a ruling for the business in this case could be staggering. A loss here could take many forms, such as allowing refusals specifically for wedding-related services, creating a specific right to refuse service to LGBTQ+ people, or permitting any business that is open to the public to evade anti-discrimination laws if they can argue their business is “artistic” or “expressive.”

*continued on page 12*



## Healthcare Bans are an Attack on Our Community's Well-being,

Continued from page 1



Senior Director of Transgender and Queer Rights Jennifer Levi and Human Rights Campaign Litigation Director Cynthia Cheng-Wun Weaver

protection rights of transgender youth by denying them essential, doctor-recommended healthcare. In fact, LGBTQ+ legal organizations are contesting these policies in nearly every state where they have been passed.

Encouragingly, even judges in the most conservative communities have recognized the unconstitutional nature of these bans, which infringe upon parents' rights to make informed healthcare choices for their children and unfairly target transgender adolescents. Although litigation is ongoing, judges have issued temporary injunctions against these bans in Alabama, Arkansas, and Missouri.

Last spring, GLAD helped secure a federal judge's ruling in Alabama that blocked implementing the state's criminal ban while the case moves forward. As we prepare for an anticipated trial, this injunction remains in effect.

*“Having the resources and support to make the best decisions for our daughter’s wellbeing has been so important for our family. We just want to do what’s right for our kid.”*

In Florida, our motion for a preliminary injunction to halt the ban became more urgent when the state legislature passed SB 254 at the end of the session. This new law codifies the Boards of Medicine bans and adds criminal and civil penalties.

On June 6, a federal judge issued a strong ruling that blocks the enforcement of SB 254 and the Boards of Medicine rules for the plaintiff families, ensuring that their children can continue to access needed care. The ruling also makes it clear that the law is unconstitutional and that the plaintiffs are likely to prevail once the Court issues a final ruling on the merits. It says powerfully that the ban violates parents' rights to make medical decisions for their children and violates the equal protection rights of transgender people by denying them medically necessary, doctor-recommended healthcare.

*“Our daughter is a happy, confident child, but this ban takes away our right to provide her with recommended healthcare.”*

Halting and overturning these harmful laws is crucial to safe-guarding access to essential healthcare and ensuring that parents of transgender youth can continue to provide guidance and support. It is also vital in countering the spread of misinformation, anti-LGBTQ+ legislation, and attacks on scientific knowledge and bodily autonomy, which aim to hinder progress.

While LGBTQ+ community members and advocates are diligently working to halt these laws and provide support through mutual aid and information sharing, several states are also taking positive steps. As of May 2023, ten states—California, Colorado, Connecticut, Illinois, Massachusetts, Minnesota, New Jersey, New Mexico, Vermont, and Washington—and the District of Columbia have enacted laws that protect transgender people's access to healthcare. These laws include provisions to shield patients and providers from punitive measures in other states. Additionally, bills addressing similar concerns are pending in Maine, Oregon, and elsewhere. These efforts reflect the widespread recognition of these healthcare bans for what they truly are: attacks on science, our families, our autonomy over our bodies, and our freedom and dignity. All of us — LGBTQ+ youth, adults, parents and families, supporters, and sensible policymakers — must join forces to reverse this backward trend and instead propel our nation toward greater liberation for all.

Visit [www.GLAD.org](http://www.GLAD.org) for more on GLAD's challenges to healthcare bans and other anti-LGBTQ+ laws and information on which states have passed healthcare shield laws. If you have questions about your situation or are experiencing issues with healthcare access, contact [www.GLADAnswers.org](http://www.GLADAnswers.org)



## At the Supreme Court: *303 Creative v. Elenis*

Continued from page 10

### Businesses Have an Important Role to Play

Businesses have a unique voice and can speak out in favor of inclusion and anti-discrimination and against the radical effort to erase the long-agreed upon principle that once you open your business to the public you are open to all. Contact us if you'd like to get involved at [GLADlaw@GLAD.org](mailto:GLADlaw@GLAD.org).

For the Court to grant *any* constitutional exemption to anti-discrimination laws allowing people to be turned away because of who they are would be a remarkable turning point and incredibly harmful. While this case targets LGBTQ+ people and same-sex couples who seek to marry, a new free speech defense to businesses providing service without discrimination could be invoked against people from all walks of life. Any ruling for *303 Creative* also risks being seen by some as a green light to assert a free speech defense in other areas of law.

We remain determined to fight and forge our path forward in these precarious times for our LGBTQ+ community and all Americans' individual and civil rights. We certainly hope the Court will come to the right conclusion in this case, affirm decades of precedent, and issue a ruling upholding our anti-discrimination laws. But no matter how the Court rules, it is crucial for us all to reaffirm that every individual, regardless of who we are or whom we love, deserves the fundamental freedom to go about our daily lives and access the goods and services we need without discrimination. ■

### Americans Strongly Support Nondiscrimination Protections

80% of Americans support anti-discrimination protections for LGBTQ+ people, including in public accommodations. A substantial majority, 65%, oppose allowing businesses to use religion as a basis for denying service to LGBTQ+ people. [Polling data from Public Religion Research Institute \(GLAD.org/PRRIpoll\)](https://www.glad.org/PRRIpoll).

Read GLAD's brief in *303 Creative*, developed with Lambda Legal and the National Center for Lesbian Rights, and also joined by HRC and the Task Force, at [GLAD.org/303Creative](https://www.glad.org/303Creative)

## The New GLAD.org

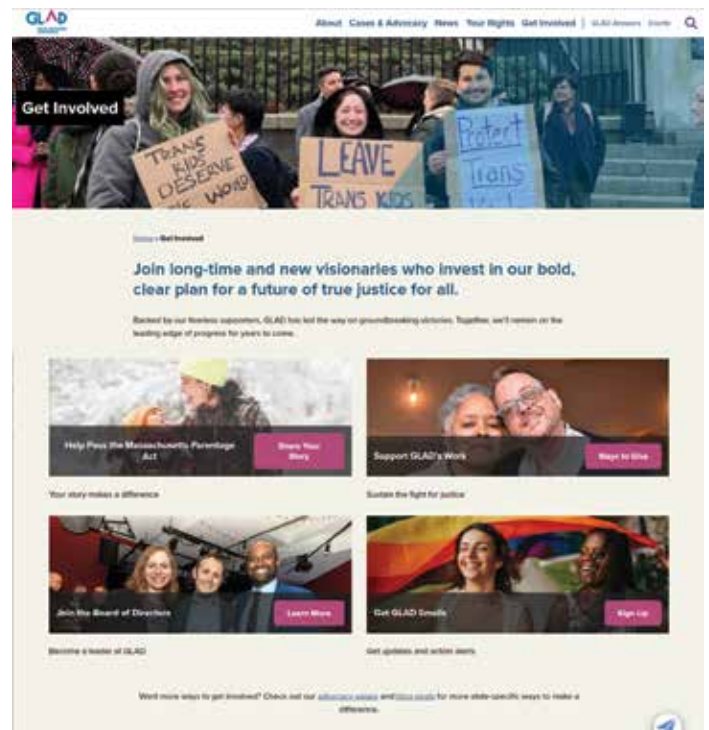
Have you visited our website recently? After months of collecting feedback from our staff and supporters, we are excited to announce that our new website is live.

GLAD.org serves several critical functions. We want it to be a straightforward hub for newcomers and longtime supporters alike to learn about the newest and most pressing areas of our work, issues impacting our community, and how everyone can get involved. Site visitors, whether they are LGBTQ+ advocates, legal professionals, lawmakers, journalists, or otherwise, must be able to find our latest cases, get support and legal information from GLAD Answers, and of course, donate to support our work.

We want to be sure that everyone can find what they need. That means our search engine is more powerful and has more ways for you to locate the information you want. You can search the News, Cases & Advocacy, Your Rights, and even our history sections by issue, location, and more to locate what matters to you. Ease and efficiency were the top priority in this redesign.

Our team reimagined the structure of our website so everyone can use it, ensuring that our site meets high accessibility standards. This means that our site is optimized for people who use screen readers, have low vision, and have other disabilities that affect website use. We are thrilled to share our work on a website that as many people can use as possible.

Accessibility is a journey, not a destination. As technology and tools continue to improve for people with various access needs, GLAD.org will continue to grow to meet those needs. Our mission is to build a justice movement for all, and that shows up in everything we do. ■



**GLAD** LEGAL ADVOCATES & DEFENDERS

About Cases & Advocacy News Your Rights Get Involved

We're suing to protect healthcare for trans youth

Protect MA Families

LGBTQ+ Rights at the Supreme Court

**FIERCELY DEFENDING EQUALITY & JUSTICE FOR ALL**

The 42 states GLAD has named challenge state policies to ensure parents do not have the authority to make unilateral decisions about their children's gender identity without consultation of the child.

Trans Justice, Employment & Life Opportunities, Safety & Public Access, Health & Wellbeing, Family, Immigration & Equity

**The Latest**

GLAD focuses in a world where it is not always the price of love, with loving, and self-determination to be our best as we are with dignity, recognition, and respect.

300 House Intentionally Passes Bill That Would Have Faculty "Oust" LGBTQ+ Students

Parents file for an Emergency Order to Block SB 294 as Governor DeSantis Signs Discriminatory Transgender Health Ban into Law

NCLJ, GLAD, and Coalition of Organizations Support Biden Administration's Inclusive Title IX Activities Rule

Learn More

**Our nation is at a critical fork in the road.**

Learn about GLAD's strategic vision

Get Involved

**Cases**

Each time GLAD engages a case or handles an event, we first share them with our community and organizations that have shared LGBTQ+ people and people living with HIV their best protection and opportunities to every one of us.

EFF v. West Virginia State Board of Education

Doer v. Ladapo

Public v. Hess

Get updates on important policies, upcoming events, and other opportunities to get involved in our work for social justice under the law.

Join long-time and new visionaries who invest in our bold, clear plan for a future of true justice for all.

Upcoming Events

Our free, confidential legal information resource

ID Project

Know your rights for your family, school, employment, housing, healthcare, and beyond.

GLAD LEGAL ADVOCATES & DEFENDERS

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GLAD is a 501(c)(3) nonprofit organization. All contributions are tax-deductible.

GLAD is an Equal Opportunity Employer. We are committed to diversity and inclusion.

**GLAD** LEGAL ADVOCATES & DEFENDERS

**Doe v. Ladapo**

Home • Doe v. Ladapo

Status: Pending

Case Documents

Complaint and Motions

Fact Sheets

Plaintiff Declarations

Expert Declarations

"We have no choice but to fight this ban to protect our daughter's health."

—Randi Jane Doe, challenging the policy on behalf of herself and her daughter Susan

On March 23, a group of Florida families filed a lawsuit with the support of GLAD and our partners against a new ban of medically necessary healthcare for transgender youth. The new policies run contrary to the guidance of physicians, medical associations, and researchers.

The rules also unlawfully strip parents of the right to make informed decisions about their children's medical treatment and violate the equal protection rights of transgender youth by denying them medically necessary, doctor-recommended healthcare to treat their gender dysphoria.

Learn about the Florida families, who are proceeding anonymously in this lawsuit for the protection of their children's privacy.

**LGBTQ+ Families at Risk**  
Continued from page 3

*Laws to Protect Children and Families*, detailing how the current patchwork of parentage laws across the country — many of which haven't been updated in decades — leaves children and their families vulnerable.

The report also offers a path forward, highlighting states that have taken crucial steps to update their parentage laws in recent years, like Connecticut, Rhode Island, Vermont, Maine, and Colorado. These updates ensure that state laws are constitutional and treat all children and families equally. They also provide LGBTQ+ parents equal access to Voluntary Acknowledgments of Parentage — an equivalent of a court judgment of parentage that can be completed through a simple form in the hospital when a child is born.

Some states are working even harder to build additional protections for LGBTQ+ families. Legislators in Rhode Island and Maine are working to advance bills this session to streamline the process of *confirmatory adoption* — providing parents who are already legal parents under their states' laws with additional security to protect their families against hostile courts or legislatures if they travel or move.

[Read Relationships at Risk: Why We Need to Update State Parentage Laws to Protect Children and Families](#) and [get more information about parentage equality at GLAD.org/parentage-report](#)



## Lawyers: **GLAD Answers Needs You!**

**T**hese are extremely difficult times for members, loved ones, and allies of the LGBTQ+ community. As we continue to see an escalating wave of anti-LGBTQ+ legislation and other attacks across the country, we are hearing the fears and concerns of our community through our legal information line, GLAD Answers.

GLAD Answers received 645 calls, emails, letters, and online intakes from our community between January and April of this year. The most common issues we are hearing about concern support for LGBTQ students in school, employment discrimination, conditions of incarceration, violence, and harassment, and requests for assistance from our Transgender ID Project.

To help respond to all the intakes we receive, GLAD Answers relies on the support of volunteers. Currently, we have 14 active GA volunteers. Because of our hybrid training schedule and remote volunteer opportunities, we have volunteers from as far as mid-coast Maine and southern Connecticut. If you are interested in volunteering, our next training will be in September. You can learn more at [GLAD.org/volunteer](https://glad.org/volunteer). We are very grateful for our volunteers!

To meet the needs of LGBTQ+ community members who contact us with a wide array of concerns, GLAD Answers staff are currently building our resource referral list as well as our Lawyer Referral Service (LRS). If you or someone you know is an attorney who is knowledgeable on how to best navigate legal concerns of the LGBTQ+ community and those living with HIV and are interested in learning more about GLAD's LRS, please contact GLAD's Public Information Manager, Gabrielle, at [ghamel@glad.org](mailto:ghamel@glad.org) for more information.

Joining the LRS and volunteering for GLAD Answers are two important opportunities to take action to support equal justice and LGBTQ+ rights in an increasingly hostile legal and legislative climate. ■



*GLAD Answers Coordinator Kayden Hall and Public Information Manager Gabrielle Hamel*

## GLAD's Summer Party 2023

*Continued from page 16*

*Honorees Ngina Lythcott and Bylye Avery, and Host Committee Member David Wilson*



GLAD's 42nd Annual Summer Party promises to be an unforgettable event filled with joy, reflection, and opportunities to support GLAD's transformative mission for LGBTQ+ rights. The event features cocktails, delicious summer fare, children's activities, and a chance to bid on exclusive experiences and unique items in our fabulous auction.

This year's honoree Bobby Wetherbee personifies the indomitable

## Snapshots from GLAD's 2022 Summer Party



*Our wonderful Summer Party volunteers*

spirit of Provincetown's LGBTQ+ community and our collective commitment to a world that embraces diversity, equality, and love.

Join us on July 22 to raise a glass to Bobby, bid on something wonderful in the auction, and help sustain GLAD's work to create a world where justice, lived equality, and freedom for all prevail. ■

*To purchase tickets, visit [GLAD.org/SummerParty](https://glad.org/SummerParty)*



## New Staff Members

### **Michelle Peng, Individual Giving and Special Events Coordinator**

Michelle (she/her) joined GLAD in January 2023 during her last semester as a Masters in Management Hospitality Student at Boston University. Michelle started her career as a medical school student at George Washington University and was elected Class Social Chair. However, when she found herself thinking more about organizing social events than studying, she left to pursue a career in event planning and has never looked back.

While away from GLAD, Michelle spends time pondering life's big questions as a Unitarian Universalist and dancing in her kitchen.

### **Jessica Vocaturo, Legal Research and Operations Manager**

Jessica (she/her) was most recently Senior Manager of Programs / Paralegal for the University of Miami School of Law Health Rights Clinic, a medical legal partnership with the University of Miami Miller School of Medicine. Prior to this role, Jessica was Manager of High School Programs at Achieve Miami, an education non-profit organization that provides college readiness and service opportunities to students at Title I schools across South Florida. She is a passionate voting rights activist and previously worked as Organizer at the League of Women Voters United States. She holds a BA in Politics from Bates College where she also studied philosophy and competed nationally as a member of the Bates Rowing team. Jessica is deeply invested in GLAD's mission, values, and vision for justice. She is excited to work directly in advocating for justice and equality as Legal Research and Operations Manager at GLAD.



*Chief Legal Officer Michael Johnson and Host Committee Member Joyce Kauffman*

## New Board Members

### **Alexandra Chandler**

Alexandra (she/her) is a Policy Advocate at Protect Democracy, where she leads the National Election Advocacy Team and coordinates the activities of the National Task Force on Election Crises, a cross-ideological group of over 50 civil society leaders who worked to ensure a free and fair 2020 election, and now seek to prevent election crises in 2024 and beyond. Previously, Alexandra was a career national security professional for 13 years, including roles at the Office of Naval Intelligence (ONI) and the Office of the Secretary of Defense. She ultimately led the Intelligence Community analytic effort to disrupt the proliferation of WMD by sea, and supported many successful U.S. policy initiatives. After leaving government in 2017, Alexandra was the first openly transgender candidate to run for Congress from Massachusetts.

Alexandra is a member of the Truman National Security Project Defense Council, and previously served on the board of Whitman Walker Health and the Steering Committee of the Massachusetts Transgender Political Coalition. Alexandra was named by Out in National Security and New America as an Out Leader in 2021, and her writings have been published in the Washington Post, The Hill, the Yale Journal of International Affairs, and the Boston Globe. Alexandra is a graduate of Brown University with a BA in International Relations, and received her law degree from Brooklyn Law School.

### **Sarah Kaplan**

Sarah (she/her) is Distinguished Professor, Director of the Institute for Gender and the Economy (GATE), and Professor of Strategic Management at the University of Toronto's Rotman School of Management. She is a co-author of the bestselling business book, *Creative Destruction*. Her latest book—*The 360° Corporation: From Stakeholder Trade-offs to Transformation*—is based on her award-winning course at the Rotman School. Her current research focuses on applying an innovation lens to social challenges such as gender inequality. She was a strategic lead in developing the Feminist Economic Recovery Plan for Canada. In 2020, she co-authored with Peter Dey *360° Governance: Where are the Directors in a World in Crisis*, which outlines corporate director responsibilities for the 21st century. She regularly advises corporations, governments, and agencies on policies related to environmental, social, and governance issues such as board diversity, board governance, care work, employment, pay equity, gender-based analysis, and other topics. In recognition of her contributions, the Governance Professionals of Canada awarded her the Peter Dey Governance Achievement Award, and she was named one of Canada's Top 100 Most Powerful Women by the Women Executive Network. Formerly a professor at the University of Pennsylvania's Wharton School (where she remains a Senior Fellow), and an innovation specialist for nearly a decade at McKinsey & Company, she earned her Ph.D. at MIT's Sloan School of Management. She has a BA in Political Science from UCLA and an MA in International Relations and International Economics from Johns Hopkins University's School for Advanced International Studies (SAIS). She resides with her partner in Toronto, Canada, and Provincetown, Massachusetts.



**LEGAL ADVOCATES  
& DEFENDERS**

*for the LGBTQ Community*

18 Tremont Street, STE 950, Boston, MA 02108

POSTAGE  
INFO

## GLAD's 2023 Summer Party



**Saturday, July 22, 2023 • 4:00 pm • Pilgrim Monument  
Provincetown, MA • To purchase tickets, visit [GLAD.org/SummerParty](https://GLAD.org/SummerParty)**

**GLAD** proudly honors Provincetown pianist Bobby Wetherbee for his fierce advocacy and enthusiastic dedication to the LGBTQ+ community and people living with HIV. With his electrifying performances, Bobby has become a beloved figure in Provincetown, embodying authenticity, acceptance, and joy.

For six decades, Bobby has graced Provincetown's stages, captivating audiences with his talents as a cabaret pianist and singer. His

performances at The Dive Bar and Tin Pan Alley are legendary, drawing crowds eager to experience his infectious energy and sophisticated fun.

Bobby's lasting impact in Provincetown extends far beyond entertainment. His performances serve as a vital source of inspiration for the community, embracing queer arts and enhancing the LGBTQ+ tourism experience. Through his captivating shows, he has cultivated a welcoming environment where people from diverse backgrounds can unite and celebrate their shared experiences.

GLAD is thrilled to honor Bobby Wetherbee at our 42nd Annual Summer Party. The Justice For All Award recognizes his remarkable contributions, unwavering dedication to promoting acceptance, and relentless pursuit of LGBTQ+ equality. It is an opportunity for the community to express gratitude for his enduring impact.

*Summer Party Details and Ticket Info on page 14*