



## NATIONAL CAMPAIGN TO **RESTORE CIVIL RIGHTS**

### **LGBT RIGHTS**

Lesbian, gay, bisexual and transgender (LGBT) Americans still face extreme forms of prejudice in many areas of life and struggle for the most basic civil rights, including the fundamental right to marry and have families. Marriage as an institution comes with innumerable protections which many of us simply take for granted, from the ability to visit one's loved ones in the hospital to tax and inheritance benefits. While an ever-increasing number of states have passed laws allowing for gay marriage or civil unions, a number of other states approved constitutional amendments restricting marriage only to heterosexual couples. Though these amendments were sold to the public as simply banning gay people from marriage, their ramifications were broader still. The amendment that passed in Michigan, for example, has already been used as a reason to strip lesbian and gay state employees of domestic-partner health-insurance benefits. In May 2004, an amendment to the US Constitution was proposed that would prohibit same-sex marriages in every state. While this legislation did not pass, the supporters of this amendment want to write discrimination into our Constitution.

Recently, there have been a number of important court decisions affecting the struggle of the LGBT community. Because laws specifically to protect LGBT individuals from discrimination have never existed at a federal level, many of these cases occur in state court and rely on widely varied state laws, and the decisions are very different from those handed down on other issues of civil rights. Federal civil rights laws prohibit discrimination on the basis of race, national origin, sex, disability, and age. However, there is currently no federal law protecting individuals from various types of discrimination based on actual-or even perceived-sexual orientation or gender identity. Because of a lack of safeguards around this issue, countless LGBT Americans have been fired from their jobs, lost custody of their children, and been denied other opportunities such as a fair chance to housing or the right to serve in the military, all with very limited recourse. It was only in 2003 that the Supreme Court ruled in *Lawrence v. Texas* that private, consensual sexual relations between adults cannot be prohibited by the government.

While the past year has also seen a good amount of progress in states outlawing discrimination based on sexual or gender identity, the security of LGBT Americans remains precarious at best. Despite cultural changes and increased visibility around this issue, for each nomination of a federal judge known to be hostile to the rights of the gay community, we get farther and farther from the ability to protect our basic civil rights.

**For more information on LGBT rights and the courts, please contact the National Campaign to Restore Civil Rights at: [rollback@nylpi.org](mailto:rollback@nylpi.org).**