

THE EQUAL TIMES

Women's rights. Nothing less.



LOVE WINS!

What a rush! Both the hurried kind and the exultation variety. As of December 6th, any loving, committed couple in Washington has the right to marry, regardless of sexual orientation. Emotions (and some tears) have been in full flood. And it has seemed like a super-speedy train this year. As someone remarked when Governor Chris Gregoire and Secretary of State Sam Reed certified the election results on Referendum 74, "To think we started this just 11 months ago to the day, here in the Governor's Conference Room!"

Yes and No. It was indeed January of 2012 that Gov. Gregoire announced her support for marriage equality, and since then we have been in overdrive: first the legislative session, rounding up enough votes in the House and that crucial 25th vote in the Senate (though we ended up with 28 YES votes!). Then the agony of waiting as the far right zealots started gathering signatures, and the pain of watching them turn in more than enough.

But the energy on our side was amazing: everybody kept working during signature gathering, including Legal Voice, not only on organizing the campaign, but also by challenging the

ballot title prepared by the Attorney General's office. Working with the ACLU of Washington, we were able to secure significant improvements in the language of the referendum.

Executive Director Lisa Stone served on the Governance Board of Washington United for Marriage, and our whole Legal Voice community pitched in throughout the summer and fall. And then – SUCCESS! The people of Washington joined those of Maryland and Maine to be the first to approve marriage equality by a vote of the people. And our allies in Minnesota defeated a constitutional ban on marriage equality—it was a very good year.

So it was a rush through 2012. But of course that's not the whole story. We have been working for LGBT rights for virtually our entire existence. If you're new to Legal Voice, you might not know that we also:



- Helped a lesbian couple win the first approved second parent adoption in Washington, so both partners would be legally recognized as parents of their daughter.
- Struck down Montana's law that criminalized intimate sexual relationships between same sex couples, six years before *Lawrence v. Texas* was decided by the U.S. Supreme Court.

- Helped same sex couples in Washington obtain the right to inherit upon the death of their partner.
- Secured same sex couples the right to have their assets split equitably when they dissolve their relationship.
- Established de facto parentage in Washington, so a non-biological parent who did not adopt her partner's child can still gain parental rights.
- Forced the Montana university system to provide benefits to same sex partners.
- Represented LGBT service members, including Col. Grethe Cammermeyer, in their efforts not to be discharged.
- Supported Montana same sex couples in their effort to gain domestic partnerships (they can't get married because of an anti-marriage amendment to the state constitution).
- Helped get Washington's anti-discrimination law amended to include sexual orientation and gender identity and expression.

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And, of course, there's our landmark lawsuit, *Andersen v. King County*, in which we sued the County to require it to issue marriage licenses to same sex couples. While we won at the trial court, the Washington Supreme Court, in a series of decisions that came out 5-4 against us, ruled that our state's ban on marriage for same sex couples did not violate the Washington Constitution. We thought then, and still think, that decision is legally weak, but as lawyers and advocates, we have the utmost respect for the law and our courts. So it was back to the Legislature.

And here we are. Some of our clients from the Andersen case will get married; a few now have their out-of-state marriages recognized here; and all of them deserve our utmost gratitude for stepping forward back in 2004.

Sooner or later, the national "Defense of Marriage Act" will fall—and we hope the U.S. Supreme Court will strike down key provisions of this unjust law this year. Legal Voice will continue to work for the rights of *all* families throughout the northwest.



THROWING DOWN THE GAUNTLET: A Successful Challenge to a State's Restrictions on Women's Reproductive Rights

This year saw hundreds of bills on both the federal and state levels attacking women's right to access birth control—and that's not even including a woman's right to abortion care. It felt like we were losing ground on this battle front ... until we had a surprising and significant victory for women in Idaho this fall.

In the fall of 2010, Jennie McCormack became pregnant and sought an abortion. But Ms. McCormack lives in southeast Idaho, where there are no abortion providers; the closest provider was across the state line, in Utah. At the time, she was unemployed and already the mother of three. Unable to afford the costs of travel and a surgical procedure, she terminated her pregnancy through a medical abortion, using pills obtained over the Internet.

Idaho prosecutors charged Ms. McCormack under an Idaho statute that makes it a felony for a pregnant woman—not a third party, such as a health care provider—to terminate her own pregnancy in a manner inconsistent with the state's abortion statutes.

When we first heard about this case, there were few advocates coming to Ms. McCormack's aid. Legal Voice and our allies, National Advocates for Pregnant Women and the Center for Reproductive Rights, filed a friend-of-the-court brief supporting Ms. McCormack's challenge to this statute. We argued that a statute that targets women as felons for terminating their own pregnancies *is unconstitutional*.

In the first decision of its kind, the U.S. Court of Appeals for the Ninth Circuit upheld a lower court's ruling that prevents the state of Idaho from prosecuting a woman for obtaining abortion care.

The Court of Appeals upheld a preliminary injunction that prohibits the state from prosecuting Ms. McCormack, finding that she was likely to succeed on her constitutional challenge to Idaho's criminal abortion law. The Court's opinion specifically relied on the arguments from our brief that described how the State's historical purpose for regulating abortion has been to protect—not target—women.

We are thrilled by the Ninth Circuit's unequivocal statement that statutes making it a crime for women to seek abortion care pose an undue burden on their ability to terminate their pregnancies. When women in states such as Idaho already lack access to comprehensive reproductive health care, punishing them further with criminal prosecution is not only unconstitutional: it borders on inhumane.

We know we could, and probably will, see other cases and punitive laws like this across the country as we head into a tough legislative session, and state legislatures and Congress restructure as a result of the 2012 election. We will continue to advocate for all women's rights to be empowered and supported to make their own health care decisions without fear.



REMEMBERING JUDGE BETTY FLETCHER

Our community—our city, our state, and the legal profession—lost a pioneer and trailblazer this year when Judge Betty B. Fletcher passed away at the age of 89. Judge Fletcher was on the Board of Legal Voice (then the Northwest Women’s Law Center) in its very earliest days: she resigned when she was appointed to the bench in 1979. The judge was a hero to many, and not just because of her ‘firsts’ (first woman hired at a major law firm in Seattle; first woman partner ditto; first woman governor of the state bar association, etc.). Betty Fletcher had a legal mind second to none, as well as compassion, respect for the underprivileged, and a total dedication to the law as a force for good in the world. She was just what the feminist movement envisioned for women: successful at her work, committed to her loving family, and a wonderfully successful mentor to thousands of women and men who followed her into the law.

DID YOU SEE THEM RACE TO THAT CAKE? CROWDED HOUSE, CARAMEL CAKE AND BLING!

What a wonderful evening and black-tie event to support Legal Voice! A sold-out evening, with supporters and friends bidding high for fantastic getaways and unique dinner experiences, while also engaging in a friendly competition to claim one of many beautiful and delicious desserts. **Thank you** to all of our friends, fans, sponsors and colleagues who came out and made this evening both elegant and special—and so much fun. With your help we raised more than **\$140,000!** Guests dashed away with trips to both nearby and faraway places, theatre getaways in Ashland, chef’s table dinners at Spinasse and Terra Plata, homemade dinners, house parties, and more! Save the date for next year’s Auction—**Saturday, October 12, 2013.**



SAVE THE DATES!

Cocktails for a Cause: Thursday, March 21, 2013
Legal Voice Auction: Saturday, October 12, 2013

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