



Sexual Orientation and Gender Identity Policies

- In August of 2010 policy on same-sex marriage was adopted at Annual in San Francisco - Report 111 (*Urges state, territorial and tribal governments to eliminate all of their legal barriers to civil marriage between two persons of the same sex who are otherwise eligible to marry*).
- Policy urging Congress to repeal 1 U.S.C. § 7, which denies federal marital benefits and protections to lawfully married same-sex spouses was adopted at 2009 Annual.
- At midyear 2009 policy supporting the enactment of legislation and the implementation of public policy to enable a United States citizen or lawful permanent resident who shares a mutual, interdependent, committed relationship with a non-citizen of the same sex to sponsor that person for permanent residence in the United States was approved.
- RESOLVED, That the American Bar Association urges federal, state, territorial, tribal, and local legislatures, government agencies, and courts to adopt and implement laws, regulations, policies, and court rules that promote the safety, well-being, and permanent placement of lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth who are homeless or involved with the foster care system. *Adopted August 2007*
- RESOLVED, That the American Bar Association amend the Association's Goal IX to state: To promote full and equal participation in the legal profession by minorities, women, persons with disabilities, and persons of differing sexual orientations and gender identities. *Adopted February 2007*
- RESOLVED, That the American Bar Association opposes legislation and policies that prohibit, limit, or restrict placement into foster care of any child on the basis of sexual orientation of the proposed foster parent when such foster care placement is otherwise appropriate under the applicable law of the state, territory, or tribe. *Adopted February 2006*
- Urges the federal, state, local, and territorial governments to enact legislation prohibiting discrimination on the basis of actual or perceived gender identity or expression, in employment, housing and public accommodations. *Co-sponsored by the Bar Association of San Francisco, Beverly Hills Bar Association, Los*

*Angeles County Bar Association, Association of the Bar of the City of New York, State Bar of Mexico, Young Lawyers Division. **Approved August 2006***

- Opposes any federal enactment that would restrict the ability of a state to: (a) prescribe the qualifications for civil marriage between two persons within its jurisdiction; or (b) determine when effect should be given to a civil marriage validly contracted between two persons under the laws of another jurisdiction. *Co-sponsored by the Section of Family Law, the Steering Committee on the UNMET Legal Needs of Children, the National Lesbian and Gay Law Association, the Section of Administrative Law and Regulatory Practice, and the Young Lawyers Division. **Approved February 2004***
- Supports state and territorial laws and court decisions that permit the establishment of legal parent-child relationships through joint adoptions and second-parent adoptions by unmarried persons who are functioning as a child's parents, when such adoptions are in the best interests of the child. ***Approved August 2003***
- Encourages legislation to ensure that an unmarried surviving partner who shared a mutual, interdependent, committed relationship with a victim of terrorism or other crime can qualify for crime victim compensation and assistance funds provided by that government to eligible spouses. ***Approved as revised August 2002***
- Supports the enactment of legislation and the implementation of public policy providing that adoption shall not be denied on the basis of sexual orientation when it is determined to be in the best interest of the child. *Jointly presented with the Section of Family Law, the Steering Committee on the Unmet Legal Needs of Children, and the National Lesbian and Gay Law Association. **Approved February 1999***
- Urges Congress to provide adequate funding to enable the Equal Employment Opportunity Commission to carry out its congressionally-mandated duties to investigate, conciliate and take legal action to enforce laws prohibiting discrimination. *Presented by the Section of Labor and Employment Law. Cosponsored by the Section of Individual Rights and Responsibilities. **Approved as revised February 1998***
- Supports legislation that protects the confidentiality of personally identifiable and health information in either paper or electronic form. *Cosponsored by the Young Lawyers Division, the National Lesbian and Gay Law Association, and the Steering Committee on Unmet Legal Needs of Children. Related recommendations sponsored by the Section Withdrawn (8/98) and Approved (2/99). **Approved as revised February 1996***
- Supports legislation and public policies that do not deny or restrict child custody or visitation on the basis of sexual orientation. *Jointly presented with the Section of Family Law and the Steering Committee on Unmet Legal Needs of Children. Cosponsored by the National Lesbian and Gay Law Association, the Commission*

on Women in the Profession, and the Section of Litigation.
Approved August 1995

- Opposes federal government efforts to withhold funds from educational institutions that deny access to campus placement facilities to government employers who contravene university policies by discriminating on the basis of sexual orientation. *Jointly presented with the Law Student Division.*
Approved February 1992
- Supports reauthorization of the National Endowment for the Arts with no restrictions on the content, subject matter, idea, or message of what the Endowment may fund. *Jointly presented with the Association of the Bar of the City of New York.* **Approved August 1990**
- Urges enactment of federal, state, and local legislation prohibiting discrimination on the basis of sexual orientation. *Jointly presented with the Massachusetts Bar Association, the Los Angeles County Bar Association, the State Bar of Wisconsin, the Association of the Bar of the City of New York, the Section of Family Law, the Section of Litigation and the Young Lawyers Division. Cosponsored by the Oregon State Bar, the Dade County Bar Association, the Law Student Division and the Section of General Practice.*
Approved as Amended February 1989
- Condemns crimes of violence, including those based on bias or prejudice of race, religion, sexual orientation or minority status, and urges government officials to focus public attention on this growing national problem. **Approved August 1987**
- Opposes the provision of federal financial assistance for institutions that discriminate in any of their operations on the basis of sex, race, color, national origin, age, or disability. *Jointly presented with the Section of Litigation.*
Approved February 1986
- Endorses amendments to Title II of the Civil Rights Act of 1984 to include private clubs that receive a substantial portion of their income from business sources in the definition of public accommodations. *Jointly presented with the State Bar of Michigan, State Bar of California, Detroit Bar Association, Massachusetts Bar Association, Minnesota State Bar Association, Association of the Bar of the City of New York, Oakland County Bar Association, Philadelphia Bar Association, Vermont Bar Association, Section of Litigation, and Young Lawyers Division.*
Approved August 1983
- Supports, in principle, legislation that prohibits discrimination in the sale and rental of housing on the basis of race, color, creed, sex or national origin. *Jointly presented with the Special Committee on Housing and Urban Development.*

*Related recommendation sponsored by Section Approved (8/74, 8/87); Withdrawn (8/72). **Approved as Amended February 1980***

- Supports legislation that prohibits discrimination on the basis of sex or marital status in the extension of credit. **Approved February 1974**
- Calls for a repeal of all laws that classify as criminal conduct any form of noncommercial sexual conduct between consenting adults in private. **Approved August 1973**