

July 2003

Dear Friends,

The 2002 edition of this report, NCAVP's seventh annual *National Report on Lesbian, Gay, Bisexual and Transgender Domestic Violence* is being released just weeks after the United States Supreme Court handed down its historic ruling in *Lawrence and Garner v. Texas*. The victory is still fresh and celebrations continue in many LGBT communities and among allies in the reproductive rights, sexual liberation and like-minded movements. The Court's ruling affirmed the right to privacy regarding adults' involvement in consensual sexual behavior.

This ruling is – without a doubt – a tremendous step toward true LGBT civil rights and may have positive implications for those seeking the right to self-determination in other areas as well including reproductive rights and same-sex marriage. At almost the same time as the US Supreme Court ruling, the Canadian Prime Minister announced that the Canadian federal government would not challenge the Province of Ontario high court's ruling making same-sex marriage a legal reality there, and opening the doors for legal changes in the remaining Canadian provinces.

These victories in the US and Canada may prove to have great implications for LGBT victims of domestic violence. Indeed, the legal advances in the US will likely make accessing protective orders for LGBT people in at least one state with sodomy laws a reality, helping to promote safety against further abuse and danger (see the legal section of this report, beginning on page 19, which provides a summary of this issue). This may also diffuse some of the power behind many LGBT victims' fear that discovery of their sexual orientation by the courts will leave them open to criminal prosecution and loss of access to or custody of their children. As these milestones are celebrated and strategies are developed for future successes, it is vital to remember that the American tradition of individual rights, which has been solidified by Supreme Court decisions regarding the right to privacy, has also been misinterpreted through the years to justify individual right to privacy for adults in their homes and families to commit violence, abuse and sexual assault of intimate partners, children, the elderly and other family members – since the beginning of time.

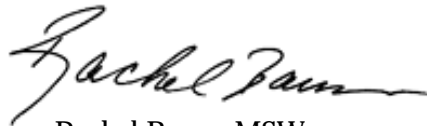
Just as LGBT people are charting new paths to relationship recognition, creating unique and radical ways to construct families, and finding satisfaction in non-traditional family and intimate partnerships, it is incumbent upon the community to insist on using its newly-affirmed right to privacy for security rather than to hiding, justifying or ignoring abuse when it happens in LGBT lives and communities. As LGBT people work for equality in relationship and family recognition, this “traditional” and historic misapplication of privacy and the abusive legacy it holds is one not to accept as ‘part of the package.’

This is a moment in time when the LGBT community is necessarily contemplating the meaning of privacy. However, part of that process must include LGBT individuals and communities' joining with others in insisting on community accountability and support for naming, confronting and addressing intimate partner, familial and other types of violence both within and against the LGBT community. This is an opportunity that must not be missed. The community must let the struggle to get to this moment be a reminder that privacy is a privilege and a right, but is not to be used as a weapon or a blinder. LGBT people throughout the United States, proceeding with great hope, must take advantage of this moment when we have the opportunity to contemplate and redefine privacy, the meaning and actions attached to it, and the traditions we will create out of it. If we refuse to take on the legacy of abuse that has come to be an American tradition associated with privacy, it will be possible to create safety in newly acknowledged and legal relationships; safe and healthy communities in which to celebrate present and future victories and where individuals and families can grow and thrive.

Thank you,



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