

30 March 90

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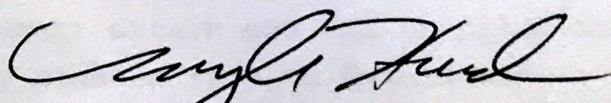
Dear Bob,

My lover, Joel Gerugthy, and I have been HTG members for many years.

In November of 1988, when I was scheduled to go to Washington, Joel had a mild heart attack and was hospitalized for three days. When I asked TWA for a refund on my "super-saver" ticket because of a family emergency, I was initially denied the refund. When I pressed them for a reason, I was told that "a live-in lover is not considered immediate family".

I brought this to the attention of National Gay Rights Advocates and together with the pro-bono assistance of Ray Wheeler and Anne Zinkin of the law firm of Morrison and Foerster, we brought it to the attention of TWA's senior administration. We threatened to sue them if they did not recognize my "family" and refund the ticket according to their stated family emergency precedents, and assure us that they would not discriminate against anyone else in a similar situation in the future. Though TWA reserved the right to determine on a case-by-case basis what constituted an "emergency" and who is and who isn't "family", I did receive a refund and a letter from TWA's senior vice-president, Mark A. Buckstein, which said quite clearly that "sexual orientation is not a factor that we consider in determining whether a passenger qualifies for a refund".

To my knowledge, this is the first time that a national and international corporation has recognized a gay couple as a family, and I applaud TWA for their courage to be one of, if not the first, corporation to do so. I sincerely hope that other corporations follow their lead. Since we never went to court over the issue, the story has not made the front pages of the blood-thirsty and news-hungry tabloids. It was a quiet victory, but it is a significant victory nonetheless. I hope that HTG's membership and gay people everywhere will realize that their "families" have been and will continue to be recognized.



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# NGRA

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## Press Release

FOR IMMEDIATE RELEASE

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February 22, 1990

### NGRA SETTLES CLAIM AGAINST TWA FOR

### GAY COUPLES' RIGHTS

San Francisco --- On the eve of filing a lawsuit over gay couples' rights against Trans World Airlines, Inc. (TWA) in the Superior Court of California, National Gay Rights Advocates (NGRA) and its cooperating attorneys, Raymond Wheeler and Anne Zinkin of the prestigious San Francisco law firm of Morrison & Foerster, reached a settlement of the dispute.

The case against TWA arose out of the airline's initial denial of a refund to a gay man under its family emergency guidelines. The would-be plaintiff, Tony A. Hurd of San Francisco, had purchased a non-refundable, super-saver roundtrip ticket from TWA for air travel from San Francisco to Washington D.C. On the day that Hurd was to travel to Washington, his partner of eleven years, Joel Gerughty, had a heart attack and was hospitalized. As a result, Mr. Hurd cancelled his planned trip to Washington.

TWA normally grants refunds of a non-refundable or special fare tickets which are not used because of a family emergency. When

(more)

Mr. Hurd wrote to TWA asking for a refund of his ticket on the grounds that he had cancelled the trip because of a family emergency, however, he was initially denied such a refund. TWA responded that its policy of refund compensation applied to "immediate family members" and that a "live-in lover is not considered immediate family." NGRA and its cooperating attorneys threatened to bring suit on behalf of Hurd against TWA, challenging TWA's policy as arbitrary and blatant discrimination due to sexual orientation, marital status, and familial relationship, in violation of the California Unruh Civil Rights Act.

In response to NGRA's demand, TWA tendered a full refund to Mr. Hurd and a letter of apology for the delay in processing the refund request. Writing on behalf of TWA, its senior vice-president and general counsel Mark A. Buckstein, stated that, "Sexual orientation is not a factor that we consider in determining whether a passenger qualifies for a refund [in a family emergency situation]." Rather, in determining when prospective persons constitute immediate family members, TWA will evaluate the facts and circumstances of each situation and will not discriminate against gay couples if the circumstances otherwise merit a refund.

NGRA cooperating counsel, Raymond Wheeler, praised TWA for affording equal treatment to gay couples in application of its family emergency refund policy. NGRA legal director David Bryan echoed that praise, but also expressed concern over TWA's initial denial and the delay. "TWA's initial reaction underscores how gay couples are frequently discriminated against. While NGRA is pleased with TWA's ultimate sensitivity to the request, it took a year and the threat of a lawsuit for TWA to respond. NGRA intends to contact all major airlines to invite them to adopt the kind of enlightened policy now followed by TWA as a result of Mr. Hurd's persistence."