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press center > 2010 > press release



## FOR IMMEDIATE RELEASE | April 20, 2010

### NCLR Files Suit Challenging Discriminatory Athletic Policy Athletes, Coach humiliated at public interrogation about sexual orientation

(Seattle, WA, April 20, 2010) — Today, National Center for Lesbian Rights (NCLR) clients and the law firm of K&L Gates LLP filed a lawsuit in the United States District Court for the Western District of Washington challenging the discriminatory practices of the North American Gay Amateur Athletic Association (NAGAAA). The lawsuit alleges that NAGAAA violated Washington's laws governing discrimination in public accommodations, and state consumer protections by implementing and enforcing a "two heterosexuals per team" cap during the 2008 Gay Softball World Series in Seattle, and also violated the plaintiff softball players' rights by subjecting them to a series of invasive questions about their sexual orientation and private lives in front of more than 25 people, most of them strangers.

When NCLR clients Steven Apilado, LaRon Charles, and Jon Russ traveled with their softball team to the 2008 Gay Softball World Series in Seattle, they encountered discrimination, hostility, and suspicion. Their team, D2, had been playing together in the San Francisco Gay Softball League for years. In 2008, they had practiced more than ever in the hopes of winning the World Series, and they made it all the way to the championship game.

During the championship, D2 learned that another team challenged their eligibility to play based on a tournament rule that each team could have no more than two straight players. Immediately after the game, five D2 players were summoned to a conference room for a protest hearing, despite NAGAAA's stated mission of promoting "amateur sports competition, particularly softball, for all persons regardless of age, sexual orientation or preference, with special emphasis on the participation of members of the gay, lesbian, bisexual and transgender community." Each player was forced to answer intrusive questions about his sexual orientation and his private life in front of a room of over 25 people, most of whom the players did not know. The players were forced to answer whether they were "predominantly attracted to men" or "predominantly attracted to women," without the option of answering that they were attracted to both. After each player was interrogated, a panel voted on whether he was "gay" or "non-gay." NAGAAA's committee refused to entertain the idea that the players could be bisexual. In response to a player's statement that he was attracted to both men and women, a NAGAAA member responded, "This is the Gay World Series, not the Bisexual World Series."

Ultimately, the predominantly-white committee voted that Charles, Russ, and Apilado, all men of color, were not gay. The committee voted multiple times on at least one player. The committee also declared that the other two players, both white—one of whom had given precisely the same answers as Russ—were gay. The committee recommended disciplinary measures against Apilado, Charles, and Russ their team, and the San Francisco Gay Softball League, including forcing their team, D2, to retroactively forfeit their second-place World Series win.

"This case shows that bisexual people are an integral part of the lesbian, gay,

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