

Lambda
Legal

Impact



INSIDE

Clock in for
Equality Across
the U.S.

Romer v. Evans
15 Years Later



Lambda Legal
making the case for equality



How A Movement Works

Not long ago I was approached by someone at a fundraiser who was curious about what Lambda Legal's role in the movement is when there is new progress taking place in state legislatures. That's easy, I said: Our work becomes even more important.

It is an amazing time for the movement. A logjam has broken in legislatures across the country, and in the past couple of months we've seen a number of states adding protections for lesbians, gay men, bisexuals and transgender people. But these laws are only as strong as the ability to enforce them, which is where Lambda Legal comes in.

Colorado, Iowa and Oregon have all passed laws banning discrimination based on sexual orientation and gender identity in employment, housing and public accommodations. New Hampshire passed a civil union bill and Oregon a comprehensive domestic partnership bill, making them state numbers five and six to offer same-sex couples the legal benefits that married spouses receive. Additionally, Washington State passed a domestic partnership bill giving same-sex couples some of the rights and benefits married spouses receive, while in New York, Governor Elliott Spitzer took the first step to make good on his campaign promise by introducing a marriage bill in the state legislature.

Better protections for more lesbians, gay men, bisexuals and transgender people are always good news. But it is crucial to have good court decisions right out of the gate to interpret these new laws. As always, Lambda Legal will litigate and file friend-of-the-court briefs, where necessary, to fulfill the promise of these laws. We will fight efforts by extremist groups to create loopholes that

might undermine them. And we will continue to offer our expertise — whether that means assisting legislators in crafting state laws, as we did in California and Washington, or helping people navigate the complications that arise from these laws, such as what happens when people with one status (marriage, civil union or domestic partnership) move or travel to a state that does not respect it.

Lambda Legal's cases and public education work also lay important groundwork for legislative advances. Whether we ultimately win or lose in a particular case, we provide living examples of people who need protections. Sharing our stories highlights the inequality many LGBT people endure and moves public opinion in our favor. In short, we help people see that there is a problem to be solved, and we frame the argument about what equality looks like. So it's no coincidence that Iowa, New York and Washington — three states where Lambda Legal and our partners have or had marriage cases — have all moved to provide stronger protections for LGBT people.

We are making great strides, but inequality persists. The good news is that as many as 20 states will soon have specific state laws against discrimination, including 12 that expressly prohibit discrimination on the basis of gender identity, and 10 states and the District of Columbia now provide some legal recognition for same-sex relationships. That's amazing. The bad news? The rest of the states still do not. We are energized to be part of this movement for equality during such a period of progress. We've got our work cut out for us in the courts and in legislatures, and Lambda Legal's role is as vital as ever.

A handwritten signature in blue ink that reads "Kevin M. Cathcart".

KEVIN M. CATHCART
EXECUTIVE DIRECTOR

Impact

SUMMER 2007 VOL. 24 NO 2

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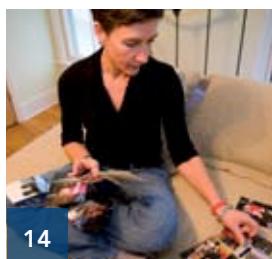
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Lambda Legal
making the case for equality

Lambda Legal is a national organization committed to achieving full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and those with HIV through impact litigation, education and public policy work.

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On the cover:

Lambda Legal plaintiff Izza Lopez is fighting back against workplace discrimination in Texas.

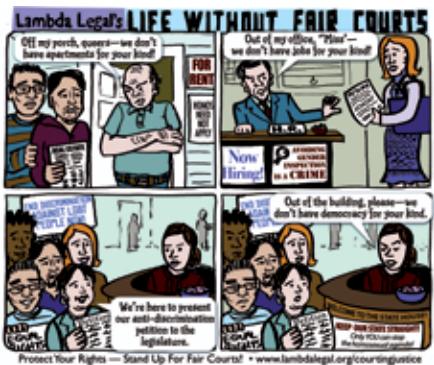
Photo: ©LauriePerez.com

Impact Magazine is published three times a year in February, June and October.

LAMBDA LEGAL FINDINGS

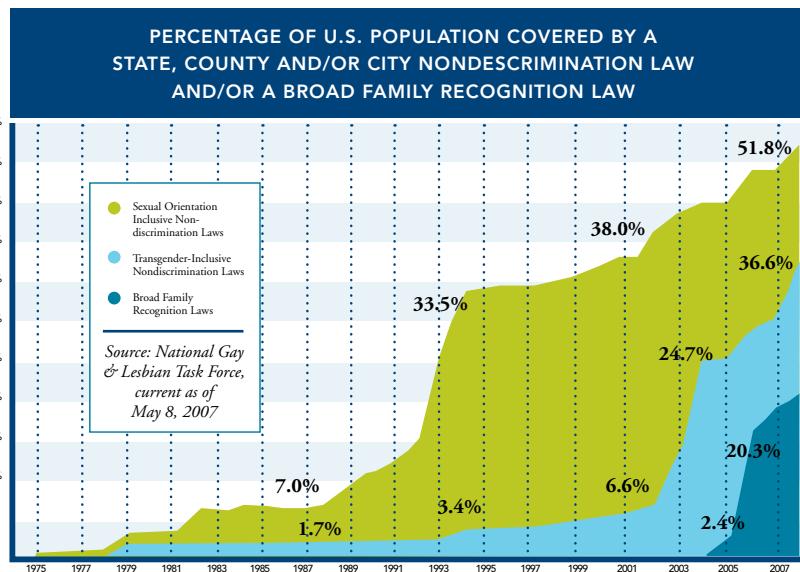
"Life Without Fair Courts" CONTEST UPDATE

This spring, Lambda Legal and Prism Comics, with media sponsor the Advocate, joined forces to host a nationwide graphic art contest about what life would look like without fair courts. Our panel of celebrity judges has narrowed the field to five finalists — and now we need your help! Visit www.lambdalegal.org/courtingjustice to cast your vote for the winner and find out more about Lambda Legal's Courting Justice campaign. The contest ends July 15, 2007, so cast your vote today!



We've Come A Long Way!

- For the first time in history, **more than 50 percent** of all people in the U.S. live in a jurisdiction that prohibits discrimination based on sexual orientation.
- In just five years, the percentage of people protected from discrimination based on gender identity and expression has jumped from **5% to 37%**.
- **One in five people** in the United States now live in a state that offers broad rights and responsibilities to same-sex couples.



ON THE DOCKET

ON THE BORDER

Lambda Legal secured asylum for Jorge Soto Vega, who suffered death threats and police beatings in his native Mexico because he is gay. Jorge fled Mexico for Los Angeles 15 years ago fearing for his life. Despite this persecution, his initial application for asylum was denied because the judge ruled that he could hide his sexual orientation if he chose. Lambda Legal challenged the decision and secured asylum for Soto Vega when the court overturned the initial decision, emphasizing that you shouldn't have to hide your sexual orientation to avoid being persecuted.



Lambda Legal won asylum for Jorge Soto Vega, who was persecuted because he is gay.

IMPACT: Our victory in this case helps lay a firm groundwork for asylum claims based on antigay persecution, while also highlighting that it is wrong for the government to force LGBT people to stay in the closet to survive.

ON THE CLOCK

As firefighters and paramedics, Larry deGroen and Faun Patzer put their lives on the line for the people of Bellevue, Washington. George Einsetler assists the public at their most vulnerable as a lead 9-1-1 dispatcher for the city. All three are in committed relationships and are being denied valuable family benefits offered to their heterosexual married coworkers. Lambda Legal filed a lawsuit on their behalf against the city of Bellevue on April 17, 2007, making a splash in local and state media outlets and securing a strong editorial supporting our claim in the *Seattle Times*. Six days later, the city council directed staff to develop a strategy to implement domestic partner benefits, which will be brought before the city council for a vote.

IMPACT: While we hope Bellevue's city council will do the right thing for its residents, Lambda Legal will press forward with our case to establish the right of gay and lesbian public employees in Washington to receive the same family benefits for their committed life partners that married heterosexual public employees receive.



Larry deGroen (right) and his domestic partner Tom Dixon are fighting for equal benefits and equal rights in Bellevue, Washington.

Not long ago, it would have been unthinkable that a lawyer working on behalf of the LGBT community would be appointed to a prominent public position in the government — but at Lambda Legal, we've had two lawyers recently leave our ranks for just that reason. This spring, Director of Constitutional Litigation Patricia M. Logue was sworn in as an associate judge on the Cook County Circuit Court in Illinois, while Staff Attorney Alphonso David was appointed as the special advisor to the commissioner of the Division of Human Rights for New York State. Logue's 14 years on staff at Lambda Legal began with opening Lambda Legal's Midwestern Regional Office in Chicago in 1993 as Managing Attorney and heading all operations there for five years. She has worked on a wide variety of state and federal matters, serving as one of the lead attorneys on Lambda Legal's landmark case *Lawrence v. Texas*, which struck down the nation's remaining sodomy laws in 2003. In his time with Lambda Legal, David worked on cases that pushed the envelope for same-sex couples and their families, securing respect for the parental rights of nonbiological gay and lesbian parents and working

Lambda Legal SALUTE



extensively on Lambda Legal's marriage-related litigation in New York. Their work has helped change the landscape for LGBT people and people with HIV, and we thank them for their leadership. We are proud to see them continue to lead as public officials.

AT HOME



A Florida judge upheld alimony for Julio Roberto Silverwolf, a transgender man, after his ex-husband tried to stop payments. Silverwolf's ex-husband alleged that Silverwolf's transition from female to male was the legal equivalent of death and therefore ended his obligation to pay alimony. Lambda Legal convinced the judge to reject this contention, and Silverwolf's alimony will continue. At the same time, the judge also cited a 2004 precedent holding that a transgender person's post-transition sex is not recognized under Florida statutes — ultimately making this a mixed decision for the transgender community.

IMPACT: Respect for a transgender person's gender identity should not come at the expense of other rights. Lambda Legal will continue to press forward to see that all transgender people are respected and treated fairly in Florida and across the country.

AT SCHOOL

Nancy Wadlington attended Holmdel High School in New Jersey and survived nearly three years of verbal and physical harassment from other students because she is a lesbian. Despite her complaints, the school administration did not take effective measures to protect Wadlington. Lambda Legal filed a lawsuit to make sure that laws protecting students from violence and harassment are enforced. The school then filed a separate lawsuit against the students who abused Wadlington, attempting to shift the blame to the very students it failed to discipline effectively. Last month a judge saw through this tactic and dismissed the case. Wadlington's case will proceed to a jury.

IMPACT: Wadlington's case highlights the violence that many LGBTQ youth still face in schools today, even in states like New Jersey where the law explicitly protects them. Lambda Legal is making sure such laws are more than just words on paper.



Nancy Wadlington was harassed for years at her high school in New Jersey because she is a lesbian.

Marjorie Hill



"Before AIDS had a name, Gay Men's Health Crisis was already making a difference in the lives of the people most directly affected. Despite monumental progress in research and treatment, there is still no cure and no vaccine. It is my hope that together with Lambda Legal and other longtime partners in this fight against AIDS, we at GMHC will continue to make a difference here and now."

— Marjorie Hill, Chief Executive Officer of GMHC Accepting a Liberty Award on behalf of GMHC at Lambda Legal's 21st Annual Liberty Awards National Dinner in New York City

Equality Across America

On May 15, 2007, Lambda Legal launched a national workplace day of action **Clock In for Equality**. More than 200 partner organizations and people in all 50 states, Puerto Rico and Washington, D.C. joined us to raise awareness about the discrimination and harassment that lesbians, gay men, bisexuals and transgender people and people living with HIV continue to face on the job. Together, we held community events, luncheons, rallies and town hall meetings. People passed out stickers and buttons at work and engaged their co-workers and allies in conversation. Here are a handful of reports from the day's events:



LEFT: Panelists Pauline Park, Chair of NYAGRA (right), and Elizabeth Rivera, of TransJustice at the Audre Lorde Project sign Lambda Legal's petition to support the federal ENDA. RIGHT: Director of Education & Public Affairs Leslie Gabel-Brett kicks off the festivities at Lambda Legal's panel on transgender rights in the workplace in New York.

10:00 A.M. NEW YORK

The law firm Sonnenschein Nath & Rosenthal LLP opens its doors for a Diversity Breakfast in its Midtown office, handing out Clock In for Equality buttons and encouraging the lawyers and staff to learn ways to be more effective allies to LGBT people and people living with HIV. Sonnenschein also supplied buttons to many of its other offices around the country to raise awareness companywide.

11:30 A.M. INDIANAPOLIS

At DowAgroSciences, the technical team has been working since early this morning setting up for this simulcast presentation. As Lambda Legal staff attorney Jim Madigan describes the state of legal protections for LGBT people and people with HIV in the workplace, Dow employees listen attentively. They learn that there is currently no federal law expressly protecting employees against sexual orientation discrimination or discrimination based on gender identity and presentation. Employ-



ees at eight additional Dow sites across the Midwest and South Central regions also see Madigan's presentation in real time video.

12:00 P.M. ATLANTA

Senior Staff Attorney Greg Nevins stands at a podium set up at one of Lambda Legal's flagship events, a community luncheon for workplace fairness. He talks about one of our plaintiffs, Izza Lopez, a transgender woman in Texas who had her job offer rescinded because her would-be employer claimed she had "misrepresented" herself as a woman on her application. A federal Employment Non-Discrimination Act, like the one that is currently pending in Congress, would explicitly protect LGBT people from exactly this kind of discrimination.

1:00 P.M. DALLAS

You can hear the clink of ice cubes as people finish their glasses of iced tea and leave their napkins on the table at the Hilton Lincoln

Center. A panel of human resources professionals from Deloitte, EDS and Ernst & Young has just wrapped up their remarks, and Lambda Legal's South Central Regional Director Dennis E. Coleman is thanking the crowd for coming to learn about the role that human resources plays in workplace equality. Currently 86 percent of Fortune 500 companies prohibit discrimination based on sexual orientation. While a much smaller number of company policies include gender identity and expression, that number is rapidly increasing.

1:30 P.M. NEW ORLEANS

The NO/AIDS Task Force is sitting down to a lunch meeting with staff and volunteers. Clock In for Equality buttons can be seen on people's T-shirts and lapels, and people are sharing their experiences with discrimination in the workplace. Many at the table commit to sending an email to their friends and acquaintances to encourage them to support LGBT people and people living with HIV in the workplace.

2:00 P.M. NEW YORK

The Gayglers, Google's LGBT Resource Group, are wrapping up a talk at their offices in Manhattan about the lives of LGBT employees at Google. The talk was open to all employees at Google and shown via video conference to their main headquarters in Mountain View, California, as well. The question & answer session is quite lively as the Gayglers discusses ways that Google can further its commitment to diversity and leadership as an LGBT-friendly corporation.

3:00 P.M. DALLAS/FORT WORTH

The Dallas/Fort Worth International Airport is teaming with travelers rushing to make their flights, while pilots, flight attendants and engineers work hard to see that those airplanes travel safely. American Airlines has posted notices to its employees, reiterating its commitment to providing a safe workplace for all employees. Members of GLEAM, the American Airlines LGBT Resource group, are distributing Clock In for Equality buttons and stickers to their co-workers on the tarmac.

4:30 P.M. WASHINGTON, D.C.

The last of the citizen lobbyists with the National Center for Transgender Equality climbs



One Clock In for Equality participant writes down the action he took that day and posts it to the wall at the LGBT Center in New York.

into the van to go home for the day. A Clock In for Equality button flashes on someone's backpack. These lobbyists have been meeting with legislators on Capitol Hill since 9:00 a.m., telling their stories and demanding change. More than 70 people had signed up to lobby for transgender equality in the workplace, representing more than 20 states.

7:00 P.M. ATLANTA, GA

A handful of committed activists stand on the steps of Georgia's capital building, raising their voices for workplace equality in the state and across the country. Lambda Legal Staff Attorney Beth Littrell and Gail Cowie of Just Equal take turns at the podium, rallying the crowd and pressing the importance of nondiscrimination laws for LGBT workers and their families. They say the contributions of LGBT workers and workers with HIV must be respected and rewarded.

8:00 P.M. NEW YORK

There is a lively discussion under way at the LGBT Center in New York. Elizabeth Rivera, the program coordinator of TransJustice at the Audre Lourde Project, is talking about the difficulties that transgender people face in finding employment. For many transgender people, the job hunt is complicated by the fact that their current legal documents, like driver's licenses and passports, may not match their other forms of legal identification, such as their birth certificates. Deputy Legal Director Hayley Gorenberg pointed out that many transgender people are wrongly viewed by employers as "lying" on their job applications when they indicate

their gender identity, leading to lost job opportunities and sometimes legal challenges.

9:00 P.M. SEATTLE

The Seattle Labor Temple is still buzzing with conversation and energy, as speakers from tonight's presentation mingle among the crowd and answer questions informally. Lambda Legal plaintiff Larry deGroen explains to a volunteer how his case with Lambda Legal seeks nothing more than equal benefits for equal work. Larry is a firefighter who serves the people of Bellevue, Washington. When his partner's father died and he made a request for bereavement leave to attend the funeral, his request was denied and he was forced to make up the day. If the city treated its gay and lesbian employees in committed relationships equally to its heterosexual, married employees, Larry would have been granted paid leave.

10:00 P.M. CHICAGO

DJ Emily gets ready to sign off on her Women on Women Music Program on WLWU 88.7 FM. WOW is a radio program devoted to female independent musicians in a cross-section of genres. She plays songs from Sonic Youth, Björk, Cibo Matto and PJ Harvey, and in between talks about Clock In for Equality. She says thousands of people taking action in their communities on the same day can make change. The experimental acoustic sounds of Daylight Basement's "Godspeed Girl" ends the show in Chicago. Meanwhile, people across the country reflect upon their day—and make plans to continue the fight with Lambda Legal tomorrow. **L**



Being

At Lambda Legal, we know something about telling stories. Every year our Help Desks hear from thousands of people who have experienced discrimination because of their sexual orientation, gender identity or HIV status. Some of these callers become plaintiffs in our high-impact lawsuits — and if they do, we share their often-harrowing stories with our members, the LGBT and HIV communities and the media.

"Part of Lambda Legal's work is to put a face on discrimination, so it's not just an abstract concept," says Leslie Gabel-Brett, Lambda Legal's Director of Education and Public Affairs. "We want people to see that our clients are real people, who have overcome real difficulties, so their stories can be inspiring for all LGBT people, people with HIV and people who care about correcting injustice."

Happily, many people in the LGBT and HIV communities have not experienced discrimination, but their stories are just as real — and just as inspiring. Now Lambda Legal's national sponsor Stolichnaya®

Vodka has captured some of these stories on film. After the successful 2006 film premiere of *BE REAL: Stories from Queer America* at LGBT film festivals and on Logo, a new five-part series titled *Stoli® Presents BE REAL: The Series* premiered on Logo in May. As a national sponsor of Lambda Legal, Stoli® has been a steadfast ally in the fight for the full civil rights of LGBT people and those with HIV. *BE REAL* continues this commitment by giving life to the stories of people they call heroes of the community.

"We wanted to recognize individuals who are totally authentic and true to themselves. Every day, LGBT heroes make the brave decision to come out and give back to their communities, and that is what *BE REAL* is all about," says Adam Rosen, Senior Brand Manager for Stoli.®

BE REAL: The Series was directed by Katherine Linton, former producer and co-anchor of the PBS gay newsmagazine show *In The Life* and writer of *The Evolution Will Be Televised*. Each of the five 30-minute episodes seeks to

REAL

Plan a Lambda Legal House Party and watch *Stoli® Presents BE REAL: The Series* on Logo.

BY MATTHEW ROJAS, MEMBERSHIP DIRECTOR



TOP LEFT: Aly and Elroi Windsor contemplate rings to demonstrate their commitment.

BOTTOM RIGHT: Calvin Gipson is a member of the San Francisco Gay Men's Chorus.

capture the stories of individuals who are working to make an impact in their community by coming out, giving back and being real.

"By virtue of being who they are and interacting with people throughout their communities, each of the cast members is making an impact," says Linton. "For example, we have the story of a female boxer who, by being an out lesbian in a fairly homophobic and sexist arena, is making a difference in the way people perceive LGBT people everywhere."

One way you can make an impact in your community is to host a Lambda Legal House Party in a Box while you tune in to Logo to watch *Stoli® Presents*

BE REAL: The Series. (Check your local listings for show times in your area.) When you order the House Party in a Box, we'll send you everything you need to host a party that will benefit Lambda Legal — including party supplies and copies of Lambda Legal's *Impact* magazine.

For more information about *Stoli® Presents BE REAL: The Series*, visit www.stoli.com/bereal or www.LogoOnline.com. To learn how to host a Lambda Legal house party, visit www.lambdalegal.org/houseparty or call our Membership Department at 212-809-8585, ext. 334. **L**

In My Own Words

LOPEZ V. RIVER OAKS

Izza Lopez is a 26-year-old transgender woman who applied for the position of scheduler with River Oaks Imaging and Diagnostic, a medical imaging company in Houston. She was invited in for an interview, completed a background check and drug test, and in October 2005, she was asked to start work as soon as possible. Lopez gave notice to her then-current employer but days later received a call from River Oaks's human resources director and one of its employment recruiters saying that the company was rescinding its offer because Lopez had "misrepresented" herself as a woman. Lambda Legal has filed a federal lawsuit against River Oaks claiming that it discriminated against Lopez unlawfully based on her sex. Lopez reflects here on her experience with River Oaks and why she chose to file this lawsuit.

When I applied for the job as scheduler at River Oaks, I had almost the same job at one of their competitors. A friend of mine who worked at River Oaks told me they were looking for a scheduler, and the pay was two dollars more per hour than I was making. I decided to look into it.

From the start with River Oaks, I was upfront about my status as a transgender person. My friend who told me about the job of course knew my status, and I asked her to make sure that the supervisor would be okay with it, because I didn't want to possibly subject myself to harassment.

When my friend told me that the supervisor welcomed my application for the position, I sent in my resume. It all happened pretty fast after that. The interview process went well, I passed a background check and drug test, and soon after that they offered me the job, and we agreed on my start date. The next day, I gave my former employer notice of my resignation.

I was really happy and looking forward to starting my new job and making more money at River Oaks. But almost a week after they offered me my job, I got a call from their director of human resources, who had one of their employment recruiters on the line with her. They told me that they were taking back the job offer because I "misrepresented" myself to them as a woman.

I was shocked. I'd taken all the steps I could think of to protect myself from

this kind of bias, and here it was on the other end of the telephone, coming from someone who I thought — who I was told — was my future employer.

They didn't want me to work there simply because I'm transgender. That hurt. They made me feel like I was a monster or something that they didn't want to have around.

When my future job was taken away from me, I asked my former employer if I could keep the job I'd just resigned from, but they said no. I spent months looking for work, but it's hard finding a job when you don't have one — especially if you're a transgender person. Ultimately, a family member gave me a job as a nanny.

I contacted Lambda Legal because I don't want other people to have to go through what I went through with River Oaks. What they did was wrong and humiliating — and illegal. I'm not only standing up for myself but for everyone else who has ever been discriminated against by an employer, especially people in the transgender community.

I'm a pretty private person, but if I have to sacrifice some of my privacy to inspire other people to stand up for their rights, that's a sacrifice I'm ready to make. **L**



Izza Lopez

For more information about your rights in the workplace, see Lambda Legal's publication *Out at Work: A Tool Kit for Workplace Equality*. The kit gives an overview of the laws in the United States that prohibit discrimination based on sexual orientation, gender identity and expression, and HIV status. It also provides an extensive Q&A about common workplaces issues for lesbians, gay men, bisexuals, transgender people and people with HIV, and what you should do to protect yourself if you experience discrimination in your workplace.

Visit www.lambdalegal.org to download your copy of *Out at Work* or contact the Lambda Legal office in your region (see contact information on the back cover of *Impact*) to request a copy.



What Colorado Can Teach Us About A CIVIL RIGHTS MOVEMENT

LAMBDA LEGAL ROMER V. EVANS RETROSPECTIVE



BY HECTOR VARGAS, DEPUTY DIRECTOR
OF EDUCATION & PUBLIC AFFAIRS
PHOTO: ©TIM TYBURSKI

Imagine a United States where entire groups of people are shut out of the democratic process by power-wielding special interest groups. Right-wing political extremists imagined such a country, and in 1992 they thought they'd achieved part of that vision in Colorado.

Just 15 years ago, our opponents embarked on a strategy to shut lesbians, gay men and bisexuals out of the political process and forever close the doors of state legislatures and other legislative bodies to antidiscrimination proposals. The furor then was over Colorado's Amendment 2, a sweeping constitutional amendment that sought to prohibit "all legislative, executive or judicial action at any level of state or local government designed to protect... gays and lesbians." In plain English, the amendment to the state constitution would deny lesbian and gay residents of Colorado the ability to advocate for even the most basic protections against discrimination.

Working together, Lambda Legal, the ACLU Lesbian and Gay Rights Project and the Colorado Legal Initiatives Project derailed these efforts. We took our challenge to Amendment 2 all the way up to the U.S. Supreme Court, and in 1996,

secured a landmark victory overturning the amendment. In his opinion for the majority, Justice Anthony M. Kennedy wrote:

"We must conclude that Amendment 2 classifies homosexuals not to further a proper legislative end but to make them unequal to everyone else. This Colorado cannot do. A State cannot so deem a class of persons a stranger to its laws."

At the time, *Romer* was the most favorable decision for gays and lesbians in the history of the U.S. Supreme Court. The Court made clear that a constitution may not be amended solely to exclude one group of people from the democratic process. The decision put our communities on equal footing with others to be able to ask the government for protection against discrimination.

The work for lesbian, gay, bisexual and transgender people in Colorado didn't end with that decision; advocates and allies

continued to press for fairness. And everyone's work has paid off. In May, Colorado joined the ranks of those states that prohibit employment discrimination on the basis of sexual orientation and gender identity and expression. Now 20 states and the District of Columbia have laws that expressly protect against sexual orientation discrimination and 12 of those protect against discrimination based on gender identity and expression — and in April, a federal Employment Non-Discrimination Act was introduced in Congress.

Had it not been for *Romer*, the Colorado Employment Non-Discrimination Act and similar laws in other states would not have been possible. That one Supreme Court decision illustrates a core principle of Lambda Legal's impact litigation strategy: What happens in the courts, over time, influences the court of public opinion and can lead to legislative action. Our experience in Colorado highlights just how critical America's democratic institutions are for the health and well being of our nation. These institutions help ensure that everyone has a fair shake — in court, at work and in the ongoing movement toward equal rights for all. **L**

Lambda Legal at PRIDE 2007

Happy Pride! Check out our event listings below to find out if Lambda Legal is coming to a Pride celebration near you – and join us to march in the parade or stop by our booth for more information about what Lambda Legal is doing for your civil rights. Then join other Lambda Legal supporters at one of our parties and events. We look forward to seeing you!



LEFT: Marketing Assistant Benjamin Riskin and Summer Intern John Kultgen hold the banner at Pride 2006. RIGHT: Lambda Legal staff and supporters in New York's Heritage Pride Parade in 2006.



For more information about our Lambda Legal events or to purchase tickets, please visit www.lambdalegal.org/events or contact Events Manager Adam Pedersen-Doherty at events@lambdalegal.org. To find out how you can volunteer with Lambda Legal at Pride, or join us to march in a Pride Parade, contact Program Associate Pamela Davis at pdavis@lambdalegal.org.

JUNE

6.2.07	Cedar Rapids PrideFest Nashville Pride
6.2 - 6.3.07	Utah Pride
6.3.07	Jersey Pride Queens Pride
6.9.07	Brooklyn Pride
6.9 - 6.10.07	Capital City Pride
6.9.07	Indy Pride
6.2 - 6.9.07	Tulsa Pride
6.9 - 6.10.07	LA Pride
6.10.07	Lambda Legal Surf Party Philadelphia Pride Capitol Pride
6.13.07	Newark-Essex Pride
6.16.07	Iowa City San Antonio Pride
6.22 - 6.24.07	Atlanta Pride Festival Seattle Pride
6.23.07	Pride Houston
6.23 - 6.24.07	PRIDEChicago Twin Cities Pride Heritage of Pride
6.24.07	San Francisco LGBT Pride Stonewall Street Festival
6.30.07	Lawrence v. Texas Celebration

Salt Lake City, UT	7.20 - 7.22.07	San Diego LGBT Pride
Cedar Rapids, IA	7.21.07	Into the Woods
Nashville, TN	7.26 - 7.30.07	Hotter Than July: Detroit Black Pride
Asbury Park, NJ	7.29.07	Dominican Pride
Queens, NY		
Brooklyn, NY	8.07	Lambda Legal in Santa Fe
Des Moines, IA	8.2.07	Seattle Garden Party
Indianapolis, IN	8.4.07	Lambda Legal in the Hamptons
Tulsa, OK		Pride in the City Picnic
Los Angeles, CA	8.11.07	Black Pride
Loveladies, NJ	8.11 - 8.12.07	Northalsted Market Days
Philadelphia, PA	8.17 - 8.19.07	Reno Gay Pride
Washington, DC	8.18.07	Los Angeles Women's Brunch
Newark, NJ	8.31 - 9.3.07	In The Life: Atlanta Black Pride
Iowa City, IA		
San Antonio, TX		
Atlanta, GA		
Seattle, WA		
Houston, TX		
Chicago, IL		
Minneapolis, MN		
New York, NY		
San Francisco, CA		
Wilton Manors, FL		
Dallas, TX		

AUG.	9.16.07	Alan Ross Texas Freedom Parade
	9.20.07	Indiana Benefit Dinner
	9.23.07	Lambda Legal Turf Party
	9.27 - 10.1.07	Southern Pride
	9.29.07	Virginia Pride
	9.30.07	Lambda Legal in Connecticut
SEPT.		
	10.07	Lambda Legal in Miami
	10.2.07	West Coast Liberty Awards
	10.13.07	Atlanta Garden Party
	10.20.07	Lambda Legal in Orange County
	10.26 - 10.28.07	Black Pride
NOV.		
	11.07	Palm Beach House Party

JULY

7.1.07	Chicago Windy City Black Pride
7.4 - 7.8.07	At The Beach LA Black Pride
7.14.07	Lambda Legal in the Pines
7.19 - 7.22.07	Miami Beach Bruthaz

Chicago, IL	
Los Angeles, CA	
Fire Island, NY	
Miami, FL	

Q&A

Yesterday's Justice, Tomorrow's Equality

CATHCART'S PHOTO BY LISA ROSS

SHAW'S PHOTO BY JOHN PINDERHUGHES

On the 40th Anniversary of *Loving v. Virginia*, the groundbreaking U.S. Supreme Court case striking down laws banning interracial marriage, Lambda Legal's Executive Director Kevin M. Cathcart and the NAACP Legal Defense Fund's Director-Counsel and President Theodore M. Shaw discuss marriage equality and the role of the courts for civil rights advocates today.

TS: It's inconceivable to many that laws banning interracial marriage were enforced just 40 years ago. Sometimes people ask why it took so long and why it required the Supreme Court to overturn such laws with *Loving v. Virginia*. We need to remember that *Loving* was decided only 13 years after the Supreme Court's decision in *Brown v. Board of Education*, which broke the back of legalized racial discrimination in this country. With 335 years of either slavery or Jim Crow segregation before that, *Loving* came after *Brown* within the blink of an eye.

KC: The parallel I see with the *Loving* decision for the LGBT community is actually *Lawrence v. Texas*, our case overturning sodomy laws in 2003. Lambda Legal had been fighting against sodomy laws in state courts for decades. When *Bowers v. Hardwick*, the first federal challenge to sodomy laws, went to the Supreme Court in 1986, the majority of states still had sodomy laws on the books, and the Supreme Court wouldn't touch it. But 17 years later, when we went back to the Supreme Court, there were only 13 state laws left — and it was easier for the Court to do a kind of "clean-up operation." *Loving* took a similar path. California was the first state to strike down its law prohibiting interracial marriage in 1948, and by the time *Loving* got to the Supreme Court almost two decades later, other states had overturned their laws, too.

TS: Sometimes the Supreme Court is out ahead of the political processes. Other times it's following the political processes and, as you say, cleaning it up. I am not suggesting that the Court's role is to "clean up," but sometimes Supreme Court decisions decide issues that have been hotly contested in the political arena. Public opinion on LGBT rights is changing rapidly, but at the same time, you have this strong religious and conservative movement in this country — a movement that was tapped in a very cynical, political way a few years ago in an election year. Gay marriage was made into a lightning rod when there were many, many

other issues that the public needed to pay attention to that had much more impact on their immediate lives.

KC: Marriage equality certainly was made into a political football. And while there are similarities between *Lawrence* and *Loving* and how they played out politically, when it comes to marriage rights for same-sex couples, we really need to change attitudes on the ground. We need to change laws and elect new representatives in the legislatures. Lambda Legal's focus is on the courts, but we can't be oblivious to the fact that there is the potential for legislative action. Look at California: When the legislature passed a marriage law for same-sex couples, the governor said it's a matter for the courts. But in every other state where we've gone to court — Washington, New York, New Jersey — the state says it's a matter for the legislature. Okay, everybody stop pointing fingers at someone else! The responsibility has to fall somewhere.

TS: When it comes to understanding whether the courts influence public opinion or whether public opinion can influence the courts, we have this chicken and egg problem. Although lawyers are taught that courts ignore public opinion, we have learned that we have to wage our battles in the court of public opinion and the court of law. Cases like *Brown v. Board of Education* showed us that we could bring about social change through litigation. But after litigating for almost three decades, I am conscious that



KEVIN M. CATHCART AND THEODORE M. SHAW

"I believe that those of us who do antidiscrimination work — though we may come to it because of our personal experiences, or because we are committed to eradicating discrimination against a particular group — eventually adopt a broader view. We come to believe that it is simply wrong morally and should be wrong legally to deprive people of the fullness of life."

—THEODORE M. SHAW

the courts are an inherently conservative instrument. Social change happens as a consequence of social and political movements. Courts can render decisions that have a catalytic effect, but courts do not lead social movements.

KC: But we can educate people on the ground about our reasons for wanting civil marriage rights, and we must. Before we can think about change on a national scale — a *Lawrence* or a *Loving* — we need to change the odds. Marriage equality is not going to happen while the states are lined up 49 to 1 with Massachusetts all by itself. The only hope we have of taking on something like the federal Defense of Marriage Act, or getting recognition across state borders, is to change these numbers. There is a lot of work to be done in the trenches first, building up from the states, before we can look to a good decision on a national level.

TS: You and I are in deep agreement about the relationship between activists and lawyers. I believe that those of us who do antidiscrimination work — though we may come to it because of our personal experiences, or because we are committed to eradicating discrimination against a particular group — eventually adopt a broader view. We come to believe that it is simply wrong morally and should be wrong legally to deprive people of the fullness of life. That includes employment, education, housing, the right to love whom you love

and live with that person with the benefits of the state's recognition that traditionally have come through marriage — all of those rights. We believe that people deserve to celebrate not only the fullness of opportunity and humanity but also to be recognized as full human beings by others, including our governments.

KC: One of the challenges is finding ways to build bridges between the civil rights and human rights issues that we each have a primary focus on. People have put our work into all these silos, as if we were talking about completely separate groups of people. In fact, there are more camps than there are feet. We have gender and race and economics and sexual orientation — there are so many pieces to our identities. We are not dealing with discrete populations. We're dealing with heavily overlapping groups of people. People need to understand that we are not going to win just for us. You can't get civil rights on one issue and not on others.

TS: People don't always connect the dots between the struggles of African Americans and LGBT people for civil rights. Often people can't see beyond their own noses; they see only what they perceive to be their own interest. I think that when people are more thoughtful, when they rise to find the best in themselves, then they realize that we are all bound together. I think about the violence that is perpetrated on gay men and lesbians these days in many places around the country. That violence should awaken

anybody to the reality of the kind of hatred that some people direct at people in the LGBT community. In many respects, it resembles the kind of hatred that motivated violence against African Americans. It's senseless.

KC: I agree completely. And a lot of antigay violence these days is aimed at people some would consider to be on the edges of the LGBT communities, whether its transgender people or African American LGBT people. In New York, within the last two years, some of the most public hate crimes involved people of color. Michael Sandy, an African American gay man, was killed by a group of white men. Sakia Gunn, a 15-year-old African American lesbian, was stabbed to death. These were all antigay crimes, but they also challenge us about race. We need to keep all of that on our radar and make sure people understand it's not a coincidence. This is who is being targeted now. Maybe life has become safer for certain subsets of people in the LGBT community, but let's not confuse safety for some with safety for all.

TS: My own personal belief is that we must follow the call to a higher sense of justice. This goes beyond what our individual interests are. If what ultimately motivates us and dictates our activism is only self interest, we don't have a lot of hope of getting the broad consensus necessary to achieve the kind of change we all want. We have to be bigger than ourselves. 

A photograph of a woman with short brown hair, wearing a black button-down shirt, sitting at a table. She is looking down at a piece of paper with a child's drawing on it. The drawing features a pink swan-like bird and some other colorful shapes. The background shows a window and a couch.

GOOD for the CHILDREN

America's courts are increasingly being asked to uphold parent-child bonds — even when there is no biological tie.

BY GREG NEVINS, SENIOR STAFF ATTORNEY
PHOTO: © REBECCA DROBIS

When Janet Jenkins met Lisa Miller, she never imagined the details of their falling in love, having a child and eventually splitting apart would someday find their way to the U.S. Supreme Court. But earlier this spring, the justices of the highest court in the land were asked to consider an appeal and refused to weigh in on this parenting case — one of the most closely watched in the LGBT community. Lambda Legal represents Jenkins, who is trying to make sure she remains in her daughter Isabella's life. After the women broke up, Miller moved from Vermont to Virginia with Isabella. She asked a Vermont court to dissolve the couple's civil union and sort out custody of the child. When the Vermont court ordered visitation for Jenkins, Miller filed a new lawsuit in Virginia, using that state's antigay marriage law to have herself declared the child's sole legal parent.

We prevailed at the Virginia Court of Appeals (the Vermont case is being handled by GLAD), which ordered that Jenkins's parental rights must be respected, and the higher courts have so far rejected Miller's appeals. But as she persists in this case, it has come to highlight the pitfalls of state-based family law, as well as the need for strong protections for LGBT parents — whether they are the biological parent or not.

Family law in the United States is governed largely by the laws of individual states, and these vary widely from place to place. Alabama is not Vermont. California is not Ohio. Over the years, Lambda Legal has developed expertise specific to each state so that, wherever LGBT families live, we can give them the best chance of security now and in the future. As it stands, the states that allow for marriage, civil unions or statewide domestic partnership provide the best protection for children. After that, the range of protections for the roughly 250,000 children in the United States being raised by same-sex couples differs profoundly. Still, the majority of states at this point will not consider a parent's sexual orientation in a custody dispute, without an adverse effect on the child.



Lambda Legal plaintiff Janet Jenkins with her daughter Isabella. Jenkins has been fighting to keep her relationship with Isabella for three years.

But what happens when two states with very different interpretations of parenting laws come up against each other, as they do in the *Miller-Jenkins* case? The federal Parental Kidnapping Prevention Act makes it clear that court orders regarding custody and visitation enacted in one state must be enforced in other states as well. The Virginia Court of Appeals recognized this when it ruled that Miller could not shop around for a state that would give her a better deal, in this case sole custody.

The message in *Miller-Jenkins* is clear: lesbian and gay parents must be treated like other couples when courts evaluate the best interest of the child in custody cases.

That holds true for biological or non-biological parents, although the law regarding a nonbiological parent's relationship to the child can get murky. Some states allow for second-parent adoptions, some recognize co-parenting agreements and others recognize psychological parents based on their longstanding role as a parent to the child.

Lambda Legal has long been active in the fight to preserve the bonds between nonbiological parents and their children. Last November, we won an important victory in

Pennsylvania that cemented the rights of non-biological parents. The courts awarded Patricia Jones (a lesbian mother) custody because they determined that she would provide a better home for her children than her ex-partner (the children's biological mother) would. While a lower court had initially awarded custody to her ex-partner, it later changed that determination in favor of Jones, and the superior court agreed, finding "convincing reasons" that it was in the best interest of the children to remain with Jones. In other words: biological ties cannot trump the best interest of a child.

On the heels of our success in *Jones* comes a case in Missouri where we are fighting to seal the bonds of both the biological and nonbiological parents with their two children. Our client and her ex-partner had each conceived a child using the same anonymous sperm donor to start their family. When they broke up, the ex-partner cut off our client from their daughter (the ex's biological child) and simply walked away from her other child, her nonbiological son. Our case seeks to reunite our client with her child and make sure that both children are able to maintain ties with their sibling and have financial support from both their parents as well.

The Missouri case, like *Miller-Jenkins*, shows just how convoluted a parenting case can become when one parent attempts to defy the very laws they had relied on in the first place to create a family. In Georgia one woman went so far as trying to invalidate her ex-partner's adoption, when she herself had years earlier urged a court to allow her ex-partner to adopt their child. Lambda Legal fought to preserve the adoption, and successfully convinced the Georgia Court of Appeals and the Georgia Supreme Court to reject this insidious attempt to keep a mother from her child and disparage the law.

That couples break up is nothing new. Neither is the sad fact that children are often forced into the crosshairs. The added twist for same-sex couples is the inconsistency of protections available when this happens. Until more states enact comprehensive protections for same-sex couples, we're likely to see more and more nasty custody disputes. And Lambda Legal will be in court to make sure anti-LGBT prejudice does not defeat the best interests of the child. **L**



LEFT: Guadalupe "Lupita" Benitez, shown with her partner Joanne Clark, is fighting discrimination at a fertility clinic in California.

ON Common GROUND

BY LESLIE GABEL-BRETT, DIRECTOR OF EDUCATION & PUBLIC AFFAIRS

A LAMBDA LEGAL QUIZ:

What do reproductive rights and LGBT rights in America have in common?

- A. They are based in the constitutional right to privacy.
- B. They are protected by the First Amendment guarantee that the religious beliefs of some cannot be imposed on others by the government.
- C. They defend the principle that adults have the right to consensual sexuality and intimacy without government interference.
- D. They are attacked by the same powerful, well-funded opponents.
- E. All of the above.

The answer, of course, is “E: All of the above.” For half a century, reproductive freedom and LGBT rights have been inextricably linked — both politically and legally. The ties between these rights are so strong that a threat to one directly and profoundly affects the other. Unfortunately, these rights remain under constant attack from conservatives eager to roll back history.

But the progress that has brought greater respect for individual privacy in how we define our sexuality and create our families is not easily reversed. The legal principles that laid the groundwork for Lambda Legal’s 2003 historic U.S. Supreme Court victory striking down all sodomy laws in the country were first articulated 30 years earlier in cases involving reproductive freedom.

In *Eisenstadt v. Baird*, a 1972 case that led up to the decision in *Roe v. Wade*, the

U.S. Supreme Court wrote: “If the right of privacy means anything, it is the right of the individual, married or single, to be free from the unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child.”

Three decades later, the Supreme Court ruled in favor of the right of same-sex couples to have sexual intimacy in Lambda Legal’s landmark *Lawrence v. Texas* case. In this case, the Court declared: “The petitioners are entitled to respect for their private lives. The State cannot demean their existence or control their destiny by making their private sexual conduct a crime.”

These and other cases established rights for all of us to control our bodies, determine our sexuality and make deeply personal decisions about whether or when to bear children. But as more LGBT adults

are choosing to bear and raise children and fighting for the legal protections and health care they need for themselves and their families, these intertwined legal rights continue to come under harsh attack.

Guadalupe “Lupita” Benitez was denied infertility treatment by the North Coast Women’s Care Medical Group in California because she is a lesbian. Her former doctors are conservative Christians who claim their religious beliefs give them a right to withhold care from Benitez that they routinely provide to heterosexual patients. With Lambda Legal’s help, Benitez has been fighting this injustice.

Across the country in Florida, Dennis Barros and his partner planned to have a child through a surrogate mother. The clinic they enlisted, however, claimed the Food and Drug Association guidelines on anonymous sperm donations, which suggest refusing donations from men who have had sex with men in the past five years, prevented it from performing the procedure. Lambda Legal filed a complaint with the Orlando Human Rights Board, arguing that the FDA guidelines, however unfair, do not even apply to Barros (who is hardly anonymous).

In addition to our litigation, we have proudly signed on to support Causes in Common, a national organizing initiative of the Lesbian, Gay, Bisexual and Transgender Community Center in New York that is bringing together LGBT and reproductive rights advocates. We also continue to promote judicial independence through our Courting Justice campaign because we need a judiciary that upholds our Constitution, free from political pressures.

Our rights and our resolve will be tested as organized conservative legal groups continue to challenge previous reproductive rights decisions and promote restrictive new laws that could affect us all. But we will pass the test because we share common ground with many people who care about the freedom to choose who we love and how we shape our lives — and because we have the law and history on our side. **L**

GIVE BACK

RIGHT: Lambda Legal Web & Design Manager Talia Kingsbury (right) and Information Technology Specialist Adrian Feliciano. LOWER RIGHT: Deputy Director Frances J. Goldstein and Southern Events Director Rick Hill.

Wear Your PRIDE On Your Sleeve

This year at Pride celebrations around the country, Lambda Legal will be offering a little style at our booths and on the street. Now through October 31, 2007, if you join or upgrade your Lambda Legal membership with \$25 or more, you can get a special **Making the Case for Equality** T-shirt.

This T-Shirt is comfortable enough to wear at the gym, around the house or marching in a Pride Parade. Every time you wear it, you can feel good knowing that your gift is helping Lambda Legal make the case for equality for lesbians, gay men,

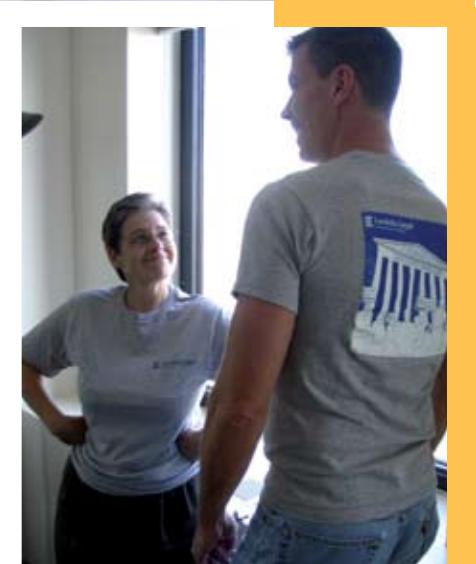
bisexuals, transgender people and people living with HIV.

To join or upgrade your membership and get this special Pride T-shirt, use the enclosed envelope or visit www.lambdalegal.org/member.

Check out our Pride and Event listings on page 11 to see if Lambda Legal is coming to a Pride celebration near you. To find out more about marching with Lambda Legal or volunteering at our booths, contact Program Associate Pamela Davis at pdavis@lambdalegal.org.



We have a limited number of T-shirts available, so get yours today. We want to see you wearing yours in the Parade!



Lambda Legal In the News

"There were disappointments in the courts, but there have been successes as well. This is how these civil rights movements go forward — with ups and downs. And the question really is whether or not we're in it for the long haul, trekking all the way to the end, even though there are some valleys and mountains. And the answer is yes."

Marriage Project Director David Buckel
National Public Radio – Morning Edition

APRIL 16, 2007

"The right to care and provide for loved ones is the cornerstone of family, whether they are gay or heterosexual. Extending health care, bereavement and family leave to domestic partners pays off with a work force high in morale and productivity and low in turnover."

Seattle Times editorial in support of Lambda Legal's domestic partnership case *deGroen v. Bellevue*

APRIL 24, 2007

"Alimony is not based on gender. It is not based on your spouse's continued approval of how you are proceeding. It's based on recognition of what happened during the marriage."

Staff Attorney Greg Nevins on *Larry King Live*, discussing our transgender rights case *Roach v. Roach n.k.a. Silverwolf*

MARCH 30, 2007



The Legal Landscape

Freedom of expression is critically important to LGBT rights. It was pressure that our love “dare not speak its name” that kept us closeted and unequal for centuries. Because our sexual orientation and gender identity may not be obvious to others, speaking out may be the only way we find one another to make progress together, and it is our best way to change attitudes. This is especially true in our nation’s schools. Invoking free speech principles, Lambda Legal has worked hard to win cases establishing that LGBT youth have the right to be out at school, to discuss issues relating to their identities in class and to form student clubs to discuss curricular topics from lesbian and gay perspectives.

Recently, Lambda Legal became involved in an ACLU case before the U.S. Supreme Court, which might seem far removed from LGBT students’ rights at first blush. *Morse v. Frederick* involves a student disciplined for holding a “Bong Hits 4 Jesus” banner at an event outside his school. School officials claimed they could bar the student’s speech because it conflicted with the school’s asserted mission of opposing illegal drug use. We realized that an overly broad ruling in this case would threaten LGBT students’ rights. What if other administrators claimed their school’s mission encompassed valuing only “traditional” family structures or insisting that all people remain abstinent unless they are legally married? Our friend-of-the-court brief urged the justices not to allow censorship of student speech simply because it may be at odds with a school’s alleged mission.

A central tenet of free speech is that all government regulation of viewpoints be neutral. When we fight for students’ rights to express support for LGBT rights, we therefore also may be bolstering their classmates’ rights to disagree.

In *Morse*, we ended up on the same side as right-wing groups who try to further students’ rights to express religious (and sometimes antigay) sentiments at school. While we believe the Constitution can limit students who harass their classmates through speech, whenever LGBT people support restrictions on others’ expression, we have to be willing to accept parallel restrictions on our own speech.

As we await the Court’s ruling, we’re hoping for a decision that protects student speech without restricting equal educational opportunity. As with much of our work, what we seek is simply to have the same rules apply to us as to everyone else.

A handwritten signature in blue ink that reads "Jon W. Davidson".

JON W. DAVIDSON
LEGAL DIRECTOR

RECEIVE YOUR EXCLUSIVE Lambda Legal

Making the Case for Equality
Pride T-Shirt when you join or
upgrade your membership!

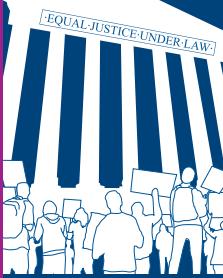
Support Lambda Legal — wear your shirt to
upcoming Pride Events. Take a look at pg. 11
to find events scheduled near you.

FRONT>>



NOTE: SHIRTS ARE GREY IN COLOR

Lambda Legal:
making the case
for equality



Look for us at a
Pride near you!

www.lambdalegal.org

<< BACK

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