

Lambda
Legal

Impact



Marriage Equality in **IOWA!**

See story on page 14

Take our Health Care
Fairness Survey (see how
on p. 13)

INSIDE

Happy Pride!

Protecting
Children:
State to State



Lambda Legal
making the case for equality

SUMMER 2009



The Pride of a Movement

Forty years ago, in the early morning of June 28, 1969, gay men and lesbians, drag queens and transgender people in Greenwich Village, New York, rose up and said “No more!” to police brutality, harassment and discrimination. Their rebellion, powerful and historic, is celebrated every year as an inspiring turning point in our movement. People came out into the streets that day to demand equality. Soon after, we went to courts, legislatures and our communities and continued demanding respect and equality under the law. A broad movement emerged, and Lambda Legal opened its doors four years later.

We have made enormous changes in 40 years. In 1969, there were sodomy laws in well over half of all states that made us criminals just for expressing our sexuality; now, after Lambda Legal’s historic U.S. Supreme Court victory in *Lawrence v. Texas*, there are no state sodomy laws. In 1969, there was not a single state law protecting LGBT people against discrimination; now there are 20 states plus the District of Columbia with laws expressly prohibiting discrimination on the basis of sexual orientation, 12 of which also expressly cover gender-identity discrimination. And in 1969, no one even talked about marriage or legal recognition for same-sex couples and their families; today same-sex couples can get married in four states (by the end of the summer, there may be more!) and other laws recognizing and protecting our relationships exist in nine others across the nation.

In April, marriage equality came to the heart of America as a unanimous Iowa Supreme Court struck down the exclusion of same-sex couples from marriage in Lambda Legal’s case, *Varnum v. Brien*. Rapid progress followed as Vermont, Maine and New Hampshire passed marriage equality laws within weeks. History is moving forward quickly. But LGBT people and people with

HIV are still excluded from marriage, equal employment, safe schools, decent health care and equal protection under the law in states around the country. That’s not acceptable, and we won’t stop fighting until we achieve full civil rights for everyone.

Pride celebrations are a birthday party for our movement and they give us a chance to look back so we can gain energy and inspiration for the work ahead. Lambda Legal staff and volunteers join hundreds of thousands of others in more than 30 cities and towns around the country to march in parades, distribute information and enjoy the celebration of our movement and our community.

At Lambda Legal, we have the determination to continue winning civil rights and legal protections for gay men and lesbians, bisexual and transgender people and people with HIV — and the pride that goes along with it.

KEVIN M. CATHCART
EXECUTIVE DIRECTOR

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FEATURES

- 06 Notes from the Frontline
Deputy Director of Education and Public Affairs Hector Vargas reports on the minute-to-minute excitement of the marriage victory day in Iowa.
- 10 Protecting Children: State to State
Lambda Legal protects the legal relationships between parents and children.
- 12 Backing Equality: Meet Our Donors
Babs Conant and Anita Mae Rosenstein: two women who have pledged their commitment to our work.
- 14 Wedded to Justice
Kevin Cathcart and Patrick Flaherty of the Gill Foundation and the Civil Marriage Collaborative discuss the marriage equality movement.



DEPARTMENTS

- 04 On the Docket, In the Field
- 09 Pride Celebrations
- 13 A Closer Look
- 17 In the News
- 17 Give Back
- 18 Lambda Legal Out on the Case

COLUMNS

- 02 Letter from Executive Director Kevin M. Cathcart
- 16 In My Own Words with Joy Ladin
- 19 The Legal Landscape by Jon W. Davidson



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:

Plaintiffs Kate and Trish Varnum embrace in the moments after learning the Iowa Supreme Court upheld their right to marry. (Photo: click! Photography, Inc.)

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ON THE DOCKET, IN THE FIELD

Out of Home, In Our Care

Lambda Legal Youth in Out-of-Home Care Project Staff Attorney Flor Bermudez has been facilitating workshops across the country addressing lesbian, gay, bisexual, transgender and questioning (LGBTQ) youth in out-of-home care — foster care, juvenile justice and homeless systems of care. Recently, Bermudez has presented her work in Denver, Chicago, Washington, D.C., and Dayton Beach, FL, at various conferences and universities. Bermudez's workshops provided participants with basic information about the disproportionately high numbers of LGBTQ youth in the child welfare system and the best practices that guide culturally competent work.



FLOR
BERMUDEZ

IMPACT: Lambda Legal's Youth in Out-of-Home Care Project, which helps educate child welfare practitioners, brings the struggles of LGBTQ youth to the attention of service providers — ensuring competency so that service providers advocate for all youth.

Electric Youth

Supervising Community Educator Monroe France has been conducting trainings and workshops aimed at empowering lesbian, gay, bisexual, transgender and questioning (LGBTQ) students. Recently, France conducted a training session that was designed to empower middle school students, presenting models with which to work for social justice in their schools and communities. France led another workshop focused on the cyberbullying of LGBTQ youth. The workshop provided students with the best responses to cyberbullying and helped develop action plans that would empower them and others to take a stand against harassment and discrimination. Leslie Gabel-Brett, Director of Education and Public Affairs, recently conducted a training aimed at empowering LGBTQ students and administrators for the True Colors Conference held at the University of Connecticut.

IMPACT: Protecting and empowering LGBTQ youth in schools is an essential part of Lambda Legal's work. Our efforts to protect LGBTQ youth is twofold — through our groundbreaking litigation and our community education. Lambda Legal is setting the standard for fair and equal treatment of LGBTQ youth across the country.



MONROE
FRANCE

Antigay Agency Out of Business



ROSARIO GENNARO
& ALEXANDER
GARDNER

In March, New York Attorney General Andrew Cuomo announced that the antigay Arizona-based Adoption Profiles, LLC and Adoption Media, LLC stopped doing business in New York. This follows a complaint filed by Lambda Legal on behalf of a New York gay couple barred from posting their on-line adoptive-parent profile by the companies in question solely because they are a same-sex couple. Lambda Legal clients Rosario Gennaro and Alexander Gardner knew for a long time that they wanted to have children and that adoption was the way to make it possible. The couple wanted to post their profile on ParentProfiles.com and seek a match with a birth parent. However,

the website's eligibility requirements only allow a "qualifying husband and wife couple" that are "one male husband and one female wife" to use the service, thus discriminating against same-sex couples on the basis of sexual orientation and marital status.

IMPACT: In 2003, Adoption Profiles, LLC and Adoption Media, LLC were sued in California and are no longer doing business there for violating that state's antidiscrimination law. This recent announcement from New York's attorney general sends a clear message to all businesses that antigay discrimination will similarly not be tolerated in New York, where state laws also prohibit discrimination based on sexual orientation.

Assistance Denied

Dr. Robert Franke, a 75-year-old retired university administrator, sought assisted living at a facility operated by the Parkstone Living Center, known locally as Fox Ridge, in North Little Rock, Arkansas. Dr. Franke filled out and submitted all necessary paperwork for residency — including submitting medical forms from a local physician that indicated that Dr. Franke had HIV. After administrators learned he was living with HIV,

he was told to leave — just a day following his move into the facility. Dr. Franke did not require any special medical attention from the facility beyond daily medication and regular checkups with a physician. Lambda Legal filed a lawsuit on behalf of Dr. Franke and his daughter, alleging that he was illegally denied the basic services that this institution offers simply because he has HIV.

IMPACT: A growing number of seniors living with HIV often face discrimination either during the application process or while under the care of assisted-living facilities. A victory in this case would affirm the rights of seniors living with HIV and reinforce federal and state antidiscrimination laws as they relate to housing and other services.

California Set Back

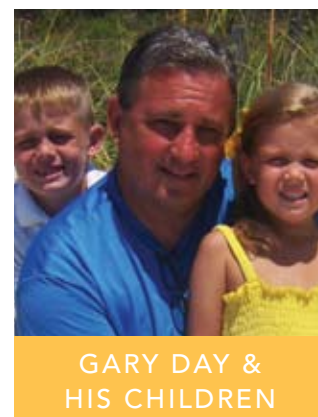
In a 6-1 decision, the California Supreme Court in *Strauss v. Horton* recently upheld the validity of Prop 8 — the statewide antigay ballot measure passed in 2008 that bars same-sex couples from marriage. Lambda Legal and our co-counsel at NCLR and the ACLU filed a lawsuit on behalf of numerous same-sex couples and Equality California before the California Supreme Court, urging it to hold Prop 8 invalid in light of constitutional guarantees of equal protection. The court opted to defer to majority voting power and uphold the ballot measure that, for the first time in California history, withdrew a basic right selectively from a minority group singled-out in a legally suspect manner. The Court did uphold the rights of same-sex couples who are already married in California — a position that Lambda Legal and our partners fought for to protect them from losing the legal rights and expectations they have since getting married.

IMPACT: The ruling that Prop 8 is valid is a setback for same-sex couples and all Californians, although the presence of thousands of married same-sex couples promises to boost Prop 8 repeal efforts significantly. In response to the ruling, Lambda Legal is launching Marriage Watch: California, a legal resource and education campaign designed to inform and assist same-sex married couples who encounter discrimination or disrespect for their married status. Visit <http://www.lambdalegal.org/take-action/marriage-watch> for more information.

Day Break

After submitting all the necessary paperwork to receive child insurance benefits for his children, Gary Day, a disabled gay father of two, waited patiently for an official response. Day expected a response from the Social Security Administration (SSA) in the standard 45 days. But one year later, Day still did not have a response. He contacted Lambda Legal and we wrote a letter on his behalf, urging the SSA to take action. The SSA eventually did respond, but cited “policy concerns” and continued to delay their final decision on Day’s application. In May 2008, more than two years after completing the application for children’s benefits, Lambda Legal, along with co-counsel from McDermott Will & Emery LLP, filed suit against the SSA, compelling the agency to act on Day’s application and urging the SSA to recognize Day as a legal parent of the children. The SSA denied the request for benefits, determining that Gary’s children “were not his children for purposes of child insurance benefits.” After amending our lawsuit and appealing the decision in April 2009, the SSA reversed their determination, finally providing Day’s children coverage — nearly three years after Day’s initial application.

IMPACT: The SSA and other government bodies designed to help families must not prevent access to funds and services to those in need, regardless of their sexual orientation or the manner in which a same-sex couple becomes parents. The decision on this case helps to ensure that the SSA treats same-sex couples equally, all the while ensuring that the Day family receives the benefits they need.





DEPUTY DIRECTOR
OF EDUCATION AND
PUBLIC AFFAIRS

NOTES FROM THE FRONTLINE

DES MOINES, FRIDAY, APRIL 3, 9:15 AM

Camilla Taylor, Senior Staff Attorney, purposefully strides into the press room. Cameras shutter, lights flash. She is barely to the microphone when she can contain herself no longer: "We won. Not only that, but it's unanimous."

Yes, we had won a unanimous decision from the Iowa Supreme Court, which confirmed the trial court's ruling: the state constitution guarantees marriage equality for same-sex couples. The journey there — in the courts and out in the Iowa fields — was a long one filled with the hope, sweat and tears of our clients, our attorneys, our community educators and our partners. But now here we were — joyful and victorious.

Just two days prior, however, we were more or less in the dark — hopeful, but without any certainty.

NEW YORK, WEDNESDAY, APRIL 1, 10 PM

I'm driving home from dinner and I get a phone call. *Work calling this late?* It's Lisa Hardaway, Lambda Legal's Media Relations Director.

"Hector, this is no April Fool's Day joke," she says. "The rumor mill has begun in earnest and some think the Iowa marriage ruling will be coming down on Friday."

I nearly have to pull over. Rumors often circulate about when decisions in high profile cases will come but no one really knows anything for sure until the announcement is public. The next 48 hours will be action-packed as we put into motion all that we've prepared in the last four years. In 2005, we filed *Varnum v. Brien* on behalf of six same-sex couples seeking the freedom to marry in Iowa. Little did we know how transformative the decision would be for America's heartland and the impact it would have on the entire country.



Plaintiff Ingrid Olson and Hector Vargas share an embrace after the press conference.

NEW YORK, THURSDAY, APRIL 2, 3:00 PM

Lisa and I are in a taxi on the way to the airport for our flight to Des Moines. Lisa had kept a packed suitcase in the office for the last few weeks, knowing that we would only have 24 hours official notice of a forthcoming decision. Our day-of-decision plans move forward: emails alerting our membership and key partners need to be sent, a press conference and day-of-decision rallies need to be finalized. There is much to do and less than 24 hours for all of it to come together.

As we leave New York, a van departs Chicago with staff from our Midwest Regional Office, including Camilla, who has been the architect of the Iowa marriage case. Two other attorneys who have played key roles in the case—co-counsel Denny Johnson, the former Iowa Solicitor General, and Ken Upton, Senior Supervising Staff Attorney from our South Central Regional Office in Dallas, are in the air headed to Des Moines.

Lisa and I talk over one another in the taxi as we rush to complete what work we can before we board. We had sent a press advisory earlier in the day so she's talking to reporters and finalizing media plans. I'm getting updates from Matt Fender, Lambda Legal's community educator in Des Moines, and talking and emailing with key national partners.

DES MOINES, THURSDAY, APRIL 2, 8:30 PM

Lisa and I, veteran business travelers, grab fast food for dinner on our way to the historic Hotel Fort Des Moines, our home away from home. As we enter the hotel, we run into Camilla and other staff members and share hugs and greetings. Everyone is nervous and excited about what lies ahead.

We meet with our plaintiff couples, most of whom have been able to rearrange their schedules to be in Des Moines (Bill Musser and Otter Dreaming are the exceptions, both traveling for work). The plaintiffs are, like us, nervous and excited. They've been waiting for this day for years. There is a lot of talk about whether any of them will be able to sleep. That doesn't seem to be much of a concern for Jamison, Reva's and Ingrid's two-and-half-year-old son. He's as cool as a cucumber and in his PJs waiting for us to end the meeting so he can get to bed.

Lisa explains that the press conference will begin at around 9:15 the next morning. We've reserved a private waiting room for the plaintiffs and we're asking them not to answer or use their phones to get news updates. We want to be sure that Camilla, their attorney, is able to announce the Supreme Court ruling directly to the plaintiffs at the press conference. After the decision is announced, they will be able to share their reactions with reporters, whatever the decision might be.

10:15 PM

The night isn't over. We have one final meeting that includes Carolyn Jenison and Brad Clark of One Iowa, the state's largest LGBT advocacy organization. We've been working side by side with One Iowa on public education efforts for the last four years and the day of decision is no different.

We walk through our plans one more time. Press conference in the morning. Check. Rallies across the state in the afternoon and through the weekend. Check. Evening reception (hopefully, a celebration) in Des Moines. Check. Everything seems set. Now, all we need is a decision.

Though every moment waiting for the decision feels like eternity, it actually comes about six months earlier than we expected. Back in 2007, when the Iowa District Court ruled denying same-sex couples access to marriage unconstitutional, the opposition appealed and moved for a "stay" on the decision the next day, which was granted. In the short period beforehand, one young couple, Tim and Sean McQuillen, were married. The stay set the stage for the Iowa Supreme Court to hear oral argument in the case in December 2008. In the meantime, we had been working with One Iowa on media and public education efforts to prepare Iowans for a marriage equality victory, incorporating everything we've learned from our recent marriage equality cases into our plans in Iowa.

FRIDAY, APRIL 3, 8:30 AM

As reporters and camera crew set up, I carefully monitor my BlackBerry for any news. The first news is not so good: the Iowa Supreme Court website is down—perhaps too many people trying to access it at once. We've planned for this, and a runner is already at the Supreme Court building trying to pick up a hard copy of the opinion.

8:42 AM

An email arrives from Jenny Pizer, Lambda Legal's Marriage Project Director. The subject line is all I need to know: WE WON—



Plaintiffs (clockwise): Dadvid Twombly and Larry Hoch with the BarbouRoske family; Tim and Sean McQuillen; Chuck Swaggerty and Jason Morgan; Reva and Ingrid's son, Jamison.

UNANIMOUS DECISION AFFIRMING, EFFECTIVE IN 21 DAYS.

It's hard to stifle my reaction. Inside I'm overjoyed but I don't want reporters to know that I know, and I certainly don't want the plaintiffs to learn anything from me.

I'm about to burst. Lisa comes back from the law offices across the street where the attorneys have gathered to quickly analyze the decision before the press conference. I walk Lisa out of the press conference room and ask her to check her email. We privately share about 15 seconds of "wows," then we know we have to put our poker faces back on and get to work.

8:50 AM

I make another announcement to the press corps gathered that at about 9:15 the plaintiffs will arrive. I tell them that the plaintiffs do not know the decision, and ask the reporters to please allow our attorneys to reveal the decision to their clients. The room is starting to fill, not just with reporters but with friends and supporters.

9:02 AM

As the first group of plaintiffs arrives and sits down, a hush falls over the room. The second group arrives and the anticipation builds.

They sit in reserved seats in the front of the room. Kate and Trish Varnum, the named plaintiffs in the lawsuit, are there. Retired teachers David Twombly and Larry Hoch sit in the very front row. Reva Evans and Ingrid Olson are joined by their son, Jamison. Jen and Dawn BarbouRouske make it a family affair too; with them are daughters McKinley and Breeanna, along with Jen's mother. Chuck Swaggerty and Jason Morgan drove the farthest, almost three hours, to be there. Sean and Tim, the only gay couple to marry in Iowa, take their seats too.



Camilla Taylor, Senior Staff Attorney

9:15 AM

Camilla announces our victory. Cheers and applause fill the room. From the back, I know that each of the couples is celebrating in their own way, but I only see Kate and Trish. They are face to face, holding each other, with the biggest smiles imaginable and tears of joy streaming down their cheeks.

The unanimous decision is simple, clear and powerful. "The exclusion of gay and lesbian people from the institution of civil marriage does not substantially further any important governmental objective," the decision reads. "The legislature has excluded a historically disfavored class of persons from a supreme important civil institution without a constitutionally sufficient justification."

The rest of the press conference is a bit of a blur, but Tim and Sean have two of the funnier and more poignant remarks from the press conference. Tim points out that most of the couples "seem like they've been together longer than we've been alive." Sean says simply, "Welcome to married life."

After the press conference and interviews end, a man in his late 50s, approaches me. He's attending the meeting across the hall from our press conference. I don't know him and haven't engaged him in any conversation. "I never thought I'd live to see the day that Iowa would get this right," he says.

Good wishes have been following us all day. At lunch, our server is excited to be with our party and congratulates our plaintiffs. Before she lists today's specials, she quips: "The good news today is that you can now get married. The bad news is, I'm off the market."

The Lambda Legal team is about to fan across the state for our rallies. Matt and the entire One Iowa staff have been hard at work preparing for rallies in several different cities and we, along with some of the plaintiffs, are scheduled to speak at five of them: Jim Bennett, our Midwest Regional Director, in Davenport; Ken with clients Jen and Dawn in Iowa City; staffers Cheryl Angelaccio and Graciela Gonzalez joining Kate and Trish at the Peoples Unitarian Universalist Church in Cedar Rapids; Camilla, Denny and David and Larry in Des Moines with more than 1,000 participants (one who holds a sign saying "Cornfed and ready to wed!"); and me, along with Reva and Ingrid, in Council Bluffs.

Late that night, Lambda Legal staff members meet back in Des Moines. We are exhausted, but still ecstatic about the day's events. We are humbled at having the privilege of participating in such a groundbreaking achievement for LGBT equality. It is the first-ever unanimous decision on marriage, and the first marriage equality victory in the Midwest. Thousands of Iowans joined us in celebration, and couples would begin to marry in just three weeks.

As Lisa and I head back to the airport Saturday morning, we decide to stop at one of our favorite breakfast spots in Des Moines. The last time we ate here, a day or two after the case was argued before the Supreme Court, one of the owners told us how he was excited about the possibility of marriage in Iowa. Although he and his partner had already done the "ceremony thing," they would, of course, want to be married under Iowa law. It takes him a minute but then he recognizes us and who we are. We get a big hug, and the pancakes are on him. **L**

LAMBDA LEGAL SUMMER PRIDE SCHEDULE

Visit Pride Central at www.lambdalegal.org to find volunteer opportunities, post your Pride photos and much more!



june

- June 1 Asbury Park, NJ
- June 7 Queens, NY
- June 7 Portland Latino Pride: La Lucha
- June 14 Philadelphia Pride
- June 12-14 Los Angeles, CA
- June 13 Brooklyn, NY
- June 13 Indianapolis, IN: Indiana Pride
- June 14 Washington, DC Capital Pride
- June 19-21 Omaha, NE
- June 21 Iowa City, IA
- June 20-21 Wilton Manors, FL: Stonewall Str Fest
- June 27 Houston Pride
- June 27-28 San Francisco, CA
- June 27-28 Twin Cities, MN
- June 28 Chicago, IL: Pride Parade
- June 28 Seattle, WA
- June 28 Manhattan, NY: Heritage of Pride
- June 28-29 Denver, CO

july

- July 20 Orgullo en Accion: Latino Pride Picnic
- July 26 New York, NY: Dominican Pride
- July 4 San Antonio Pride

august

- August 7-9 Indy Black Pride
- August 1-2 Chicago, IL: North Halsted Market

september

- September 2-7 Atlanta, GA: Atlanta Black Pride
- September 19 Amor Sin Fronteras: San Fran Latino Pride
- September 20 Dallas, TX

october

- October 10 Asheville, NC
- October 31-Nov 1 Atlanta, GA

Protecting State to State

Children:

Raising a family is challenging enough, but same-sex couples face a number of state-level legal obstacles different-sex couples do not. These obstacles include discriminatory laws in certain states and noncompliance with fair laws by state and local officials in other states. Lambda Legal is fighting to ensure that equal treatment under state and federal law is not lip service, but reality. And whether these legal battles are disputes over birth certificates or the legitimacy of a partner's custodial rights, Lambda Legal has been there to do the work as national experts on the increasingly important issues that arise from the different state-to-state laws and attitudes toward lesbian and gay parenting.

Many gay and lesbian parents are able to make choices to live in states with a legal climate that favors their family while many others are bound by jobs and other obligations and are not able to choose. With family in mind, many also have at least a subconscious list of states they hope to avoid. In reality, some of this anxiety is misplaced in that the law favors recognition of parent-child relationships recognized by other states — and Lambda Legal has worked hard in the past several years to make sure courts enforce this principle.

We have done a lot of work on behalf of adopted children and their parents. Part of this work involves enforcing laws present throughout the states that require an adopted child's birth certificate to reflect the adoptive parents' names. However, local officials have sometimes resisted complying in the case of our families. Several years ago, we represented a 5-year-old boy who was born in Mississippi and was adopted by Cheryl Lynn Goldstein and Holly Perdue in Vermont. The registrar in Mississippi refused to issue a new birth certificate with both of the women's names listed as parents. But in 2003, a court in Jackson ordered the registrar to do so, holding that Mississippi law is clear that the birth certificates are to be amended with the adoptive parents' names.





Cheryl Lynn Goldstein and Holly Perdue

In a case brought by the ACLU of Virginia, we filed a friend-of-the-court brief at the Virginia Supreme Court to argue that three same-sex couples who adopted Virginia-born children must receive amended birth certificates bearing their names. In 2005, the court agreed and required the registrar to issue the revised birth certificates. In addition to that victory, a federal court in Louisiana last December rejected the state registrar's argument that different rules applied to birth certificates for our clients. The court reasoned that the registrar was inventing "restrictions and requirements that simply are not present in the text of the statute."

An adoption decree conclusively establishes parental status, and Lambda Legal has fought hard against attempts to have states ignore adoptions from other states. In Michigan, we represented Diane Giancaspro, who had adopted her partner's children in Illinois. A Michigan trial judge refused to allow Diane to seek custody and visitation, but the Michigan Court of Appeals held that the trial judge was wrong to conclude that the Michigan constitutional amendment barring marriage for same-sex

couples had any effect on the legal relationship between a parent and child and made clear that there is no "gay exception" to Michigan's child custody laws. In February, the Michigan Court of Appeals held that Diane is a legal parent by virtue of her Illinois adoption and is entitled to seek custody and visitation under Michigan law.

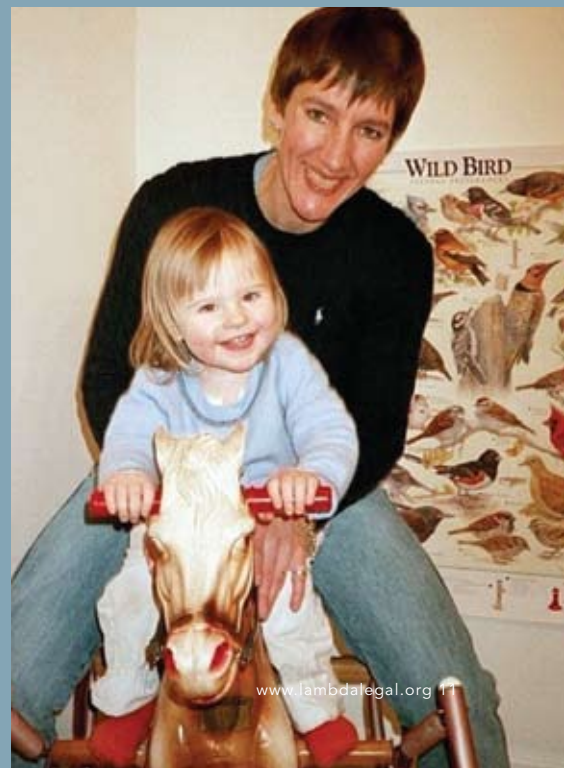
Lambda Legal has become the leader in dealing with "dueling" state custody proceedings. We have three separate cases pending in which a court has issued an order recognizing the parental rights of a nonbiological parent when a biological parent is urging a second state not to respect the first state's order. We have already secured an important victory from the Virginia Court of Appeals for our client Janet Jenkins in the first and leading case on the subject, *Miller-Jenkins v. Miller-Jenkins*. In a second case out of Virginia, we represent a male couple fighting to make sure Virginia respects their custodial rights decreed by a court in North Carolina. In the third case, we represent a woman who began custody proceedings in California, only to have her former partner try to file a separate case in Alabama a year later. The Alabama Court of Civil Appeals correctly realized last year that Alabama had no jurisdiction under the circumstances, and we are making sure the Alabama Supreme Court agrees.

Occasionally, a state actually seeks to disrupt parent-child relationships already recognized by another state. But Lambda Legal is quick to intercede, pressing the courts to adhere to the rule that, under the Constitution, any one state must respect the judgments of another state — the chief principle of the Full Faith and Credit clause. In 2004, the Oklahoma Attorney General issued what should have been a routine opinion, saying that Oklahoma law required the registrar to revise birth certificates with the names of our clients, who had adopted Oklahoma-born children. The Oklahoma legislature responded by passing a bill banning *any* recognition of adoptions by same-sex couples. We went to federal

court and, in 2007, secured a landmark victory from the Tenth Circuit Court of Appeals in Denver, *Finstuen v. Crutcher*. The court ruled that Oklahoma must recognize all final adoption decrees under the Full Faith and Credit clause.

In a case brought by the National Center for Lesbian Rights, we asked a Florida appellate court last summer to respect an adoption decree from Washington state. Emphasizing our victory in *Finstuen*, and all the constitutional principles involved, we also pointed out to the Court that the answer was simple: the Florida legislature had passed a law 35 years earlier. It read that a judgment from another jurisdiction "establishing the relationship by adoption . . . shall be recognized in this state." The Florida court agreed with our arguments and those advanced by NCLR and ruled the adoption must be recognized.

No parent should need to worry that their legal relationships to their children will suddenly become vulnerable just by moving from one state to another. Nor should one expect to receive discriminatory treatment from state and local officials in carrying out their duties. Lambda Legal's work with same-sex parents and their children is one of our main priorities and, region to region, we are leaders in ensuring that these parent-child relationships are protected and that our families can live healthfully and happily, secure in their equality under the law. **L**



left photo: Heather Finstuen and Ann Magro with their daughters
right photo: Janet Jenkins with her daughter

Backing Equality

Meet Our Donors



Anita May Rosenstein

Important alliances are created in the face of adversity, and it is no different for the relationship that bloomed between Lambda Legal and Anita May Rosenstein. Anita turned to Lambda Legal when a Los Angeles hospital blatantly discriminated against her dear friend, Connie Armijo, following the death of Connie's partner of 14 years, Dana Schwartz. With help from Lambda Legal's senior counsel, Jenny Pizer (currently serving as Marriage Project Director), and additional support from California Assembly-

woman Jackie Goldberg, Connie won the right to sue the hospital for wrongful death — a right previously limited to legally married spouses.

While involved with Connie's struggle, Anita saw firsthand how vital equal relationship recognition is for same-sex couples. To take action against the inequalities Connie suffered — and in honor of Dana — Anita created the Dana Schwartz Education Fund to support Lambda Legal's work protecting same-sex couples in California.

Prop 8 was a harsh reminder of the challenges the lesbian, gay, bisexual and transgender (LGBT) movement still faces, and Anita is continuing to help overcome these obstacles. She is currently supporting our work for marriage equality. And along with LuAnn Boylan and Connie Armijo, Anita is hosting a special major donor outreach event at her Laguna Beach home this summer. She views Lambda Legal as an organization with the mission and structure to help fulfill her vision of equality for all couples and one that is critical to the future of the LGBT movement. We are proud to share this vision with Anita and honored to have her by our side as the gay civil rights movement enters a new phase. **L**

Elizabeth "Babs" Conant had always planned to leave a significant gift to Lambda Legal. She included Lambda Legal in her will years ago, and provided for us to receive a piece of real estate she owned in Princeton, NJ, upon her passing. But Babs soon realized that she wanted to find a way to support Lambda Legal with a significant gift during these challenging economic times, and she and her partner, Camille Cox, wanted to see the impact of this gift during their lifetimes. In 2008 it became possible for Babs to achieve that goal by passing her property to a community foundation in her hometown of Buffalo, NY, for immediate sale, with a provision that Lambda Legal should receive 80 percent of the proceeds — resulting in a gift of \$460,000 in January 2009.

Babs and Camille have been together for 27 years. An important reason for their appreciation of Lambda Legal is our work on marriage recognition, including the foundational cases that have been won in New York State. Babs says "Our children and grandkids keep asking us, 'When are you going to get married?' We tell them that we hope to be able to do it here in New York very soon, thanks to the work of Lambda Legal and its sister organizations."

She continues, "Our present desire is to move marriage equality along, but there is also still so much work to do on school discrimination." Babs and Camille have a passion for working on parent education and safety in schools, and spent years giving presentations at colleges for soon-to-be elementary and high school teachers as part of their work with PFLAG — for which Babs has served as a board member since the early 1980s. Babs' and Camille's commitment to Lambda Legal deepened when, in 2000, they learned about Lambda Legal's representation of Jamie Nobozny, who for years was subjected to relentless antigay verbal and physical abuse by fellow students at his high school. Babs and Camille are dedicated to ending that kind of abuse and seeing gay-straight alliances flourish in schools.

"You can't look at any corner of antigay discrimination and not see Lambda Legal in there fighting," Babs says. "I look forward to years of seeing the great work that its lawyers and public education staff will be able to do with this donation." **L**

Babs & Camille



A CLOSER LOOK

SIMONE BELL, SOUTHERN REGIONAL
OFFICE COMMUNITY EDUCATOR



As a community educator, how does your work help fulfill Lambda Legal's mission?

My role as a community educator is vitally important to the work of Lambda Legal. I see myself as the face of the organization for the communities in my region. Legal issues can often feel overwhelming to people who are not familiar with the law. The language can be frightening and confusing and is often a barrier for those seeking help. My role is to take that language and present it in a way that makes our work accessible and therefore relevant to the communities we serve. As the messenger, it is my responsibility to make sure that LGBT people, those living with HIV, and the larger world — including our opposition — understand that we have rights, we have resources and we have the ability to take action in the face of discrimination. Thanks to the awesome work that our lawyers do, I am fully prepared to educate, train, and change hearts and minds.

What has been the focus of your advocacy work most recently?

There is so much needed work in the LGBT and HIV civil rights movement that I often feel overwhelmed by making a choice or focusing on one particular area. But this year, most of my time has been spent educating and advocating for hospital visitation rights for LGBT people, specifically by educating people about the Janice Langbehn case in Miami. I've spent two Pride seasons educating the South Florida communities about the horrible experience of Janice Langbehn and her children being denied access to partner and mother Lisa Pond while she lay dying in Jackson Memorial Hospital, simply because Janice and Lisa were lesbians. It's such a compelling story; though most people's first reaction is one of disgust and outrage, it's impossible to hear the details and not be moved to effect change. My calling is to help others take that rage and channel it

into an effective instrument of peace. I know we will find justice for Lisa's family. The Langbehn case has given Lambda Legal additional motivation to focus our energies on a health fairness campaign we'll be publicizing during this Pride season, which includes a health care fairness survey we are conducting.

> *Learn about Janice Langbehn's story online and fill out our health care fairness survey at <http://www.lambdalegal.org/healthsurvey>*

Can you describe a pivotal moment in your career as an activist and educator?

I've been an activist and educator for more than 20 years, so there have been more than a few significant moments. Most recently, I helped organize and spoke at a vigil for Jaheem Herrera, an 11-year-old boy in Atlanta who committed suicide after being constantly bullied with the word gay. Jaheem committed suicide approximately two weeks after another 11-year-old, Carl Walker-Hoover of Massachusetts, also committed suicide after being bullied in the same way. This happened right here in my home community where I have worked so hard to dismantle the oppression of homophobia. I at once feel that I have failed Jaheem and that I have been given an opportunity to go deeper into my work and effect greater change within and beyond the LGBT communities: Jaheem's death reminds me that there is still so much to be done. **L**

Lambda Legal 2009 EVENTS CALENDAR

JUNE 2	Forum Conveniens	Chicago, IL	AUG 15	Into the Woods	Harbor Country, MI
JUNE 4	Lambda Legal in D.C.	Washington, D.C.	AUG	Lambda Legal in Connecticut	Fairfield County, CT
JUNE 7	Lambda Legal's Orange Co. Brunch	Santa Ana, CA	AUG	New Jersey Turf Event	South Orange, NJ
JUNE 20	Dallas Lawrence Celebration	Dallas, TX	AUG	Lambda Legal in the City	San Francisco, CA
JUNE 25	Ladies on the Lake	Chicago, IL	SEPT 25	Indiana Benefit Dinner	Indianapolis, IN
JUNE 26	Houston Lawrence Celebration	Houston, TX	SEPT 29	West Coast Liberty Awards	Los Angeles, CA
JULY 11	Lambda Legal Pines Brunch	Fire Island Pines, NY	SEPT	Mad Hatter Garden Party	Dallas, TX
JULY 18	Lambda Legal in the Hamptons	Sag Harbor, NY	SEPT	Lambda Legal in Miami	Miami, FL
JULY 18	Long Beach House Party	Long Beach, CA	SEPT	Cleveland House Party	Cleveland, OH
JUNE	New Jersey Surf Event	Asbury Park, NJ	SEPT	Lambda Legal in Atlanta	Atlanta, GA
JULY	Denver House Party	Denver, CO	OCT	Fall Theatre Event	New York, NY
JULY	Lambda Legal in San Diego	San Diego, CA	NOV	Liberty Circle Thank You Reception	New York, NY
AUG 6	Seattle Garden Party	Seattle, WA			

Q&A

Wedded to Justice

Marriage equality for same-sex couples has made headway this year. Executive Director Kevin Cathcart and Patrick Flaherty, Deputy National Director of the Gill Foundation, discuss the recent victory in Iowa and what it means for the future of LGBT civil rights.



KEVIN M. CATHCART AND PATRICK FLAHERTY

KEVIN M. CATHCART: By focusing funding on LGBT rights work, the Gill Foundation has been a bedrock for Lambda Legal and other LGBT organizations for years now. Its funding has made a real difference in helping us do the work that brought us to the recent Iowa marriage victory. It's important to look at the investment that it took from both the foundation world and individual donors over a period of many years. We started working on the Iowa case seven years ago. The people and institutions that invest long term in organizations are key in enabling us to do all of the work that it takes to win.

PATRICK FLAHERTY: This is why the Gill Foundation has supported Lambda Legal on a national level for so long — about 13 years. This Iowa case did not come about overnight; it was seven years of Lambda Legal being strategic, doing research, laying groundwork, building coalitions and helping to support

an organization on the ground that could respond or defend a decision if necessary. The state work is a priority for us because most of the policies we need to change to secure equality are state-level policies, whether we're talking about relationship recognition, adoption, hate crimes, education or nondiscrimination laws. So, while the mainstream media might have been surprised with a victory in Iowa, we were not, as we'd seen it unfold for nearly a decade.

KC: We went to Iowa when we did because of our analysis of the Iowa Supreme Court and the role that that the court has played — its willingness to be a leader in civil rights going back more than 100 years. We felt, from a strategic legal perspective, that this was a place with good laws, a strong court, where there were same-sex couples who wanted the right to marry and where we could win. Of course, "could win" is only a starting point. So, from there, part of the strategy was to have plaintiffs from different parts of the state so we could represent many communities and tell the story in as many parts of the Iowa as possible. We relied on the local press, a very vibrant market in Iowa, to tell the story of why marriage is important and what equality would mean for same-sex couples. And now there's additional political work that needs to be done — supporting the growth of strong statewide organizations to make sure that everything is being done to help us make this victory secure.

PF: Yes, we need the ground and troops in states to create a climate in which judges can do the right thing: judges read the

newspapers, watch television, talk to their friends and some are even subject to retention votes. So, it's critical that we not just file a good lawsuit, but we create a climate in which a favorable decision can come about and be protected. We're in a position to protect a great decision, and so far, that's going well, though there are definitely challenges ahead. But, as you said, Kevin, litigation does not exist in a vacuum, and we need that political environment and that social climate to allow us to take great victories, protect them and move forward.

KC: It's very hard to know what trickles up to judges. Although they live in the same world that we all live in, just by virtue of being judges, they often stay outside of the political process. So part of our educational campaign was aimed at the judiciary, yes, but we were also creating a climate where legislators, who are going to play a very important role after the decision, are getting this information, as well as voters. The decision couldn't have been more beautifully written and couldn't have been stronger, but the next important step was getting through the end of the legislative session. I think everyone on the ground in Iowa, and especially our partners at One Iowa, should feel very good about the legislature having finished its session for this year right in the wake of the court decision without any bad actions following. But we're not done in Iowa: people on the ground there will be working hard on this issue through the next legislative

“This is a critical step in letting our relationships be recognized and treated equally in the eyes of the law.”

- PATRICK FLAHERTY

session, because of the possibility of political backlash.

PF: The other side wants to paint marriage equality as being the end of marriage or society as we know it. Obviously that's false, but it was important that One Iowa, with help from Lambda Legal, be out in front with positive messages about how this is good for Iowa, families and the larger society. And as the people of Iowa become comfortable with marriage equality and realize that there are more important issues that they need to address than taking away our civil rights, we need to persist with this message. We've seen this in other states, and we're seeing it across the country as we speak. As society becomes comfortable and as marriage for same-sex couples occur, people realize that it's not a danger and that it's in fact the right thing.

KC: Absolutely. We need to continue to normalize marriage equality in Iowa so that people get used to it. That's going to require keeping the level of conversation about equality as high as it has been throughout the last phase of the lawsuit. We have to keep media work going so people continue hearing and seeing same-sex married couples and families as part of the fabric of everyday life, as a part of the fabric of life in Iowa because that's what's going to protect us from votes and referendums.

PF: Yes, this is just one phase of the journey to equality. Having all the legal rights doesn't necessarily gain us equality. It has to sink in. But this is a critical step in letting

our relationships be recognized and treated equally in the eyes of the law and a step toward having them being treated equally in the eyes of society.

KC: Going forward, the broader vision involves doing more of what we did in Iowa in other states. Of course, it's both labor-intensive and resource-intensive. The ironic problem in the marriage movement now is that we have this incredible range of opportunities, but we're in a situation where every key player has financial constraints that make it difficult for us to do even as much as we were doing a year ago. We're in the position of having a clearer sense of what needs to be done, but yet we don't have the capacity to do nearly as much of it as we'd want. But marriage equality and greater civil rights for LGBT people are inevitable. Even people who are opposed to our civil rights are noticing the trend. But if we don't nurture it, push it, work it and fight for it every step along the way, it might become a different trend. We have to do everything that we can, even in a difficult economy and even with resource limitations, to keep things moving in our direction.

PF: And we need to be working on national and state levels with equal intensity at the same time. Federal legislation is a matter of building the arguments and then seizing an opportunity when it arises. We may have an opportunity on the horizon soon, but in the meantime, we have opportunities state by state and, as we've discussed, and we need

to keep up with the discussion that changes hearts and minds, which goes for the work to repeal the Defense of Marriage Act (DOMA) as well.

KC: I agree. There are things that can and have to happen on the federal level, but there is a lot that has to happen on the state level. There is nothing like being in the places where people really live, to reach people, to tell stories that will resonate and change their minds. And it does. That has an effect on what happens in Washington, D.C., as well. It's a two-way street. What happens in the states affects national picture, and what happens in D.C. affects the states. We need to maintain a strong and vibrant presence.

PF: I really just have two words for those considering supporting Lambda Legal: Iowa and unanimous. This is just another groundbreaking event in the march to equality delivered by Lambda Legal. I'd also like to offer a personal thank you from me and my partner, because by the time anyone reads this, he and I will be married in his hometown in Audubon, Iowa.

KC: Let me congratulate you on your upcoming wedding. It's wonderful to have a unanimous court and a beautifully written decision, but it's even more amazing to see people change their lives with it.

PF: Absolutely. We can go home and live our lives with the protections and the rights and responsibilities that come with marriage equality. **L**



In My Own Words

BY JOY LADIN

When after five years of teaching at Yeshiva University, Joy Ladin began her gender transition, she was put on indefinite research leave by her employers. Lambda Legal sent a demand letter to university administrators, and a few weeks later, with the overwhelming support of her students and colleagues, she was permitted to return to her post. Here is her story.

An English professor's return to work doesn't generally make headlines, but last September, mine did. It had been a long time since I'd actually been to work; 15 months before, right after being granted early tenure at Stern College for Women of Yeshiva University, I had been placed on "indefinite research leave." A lot had changed in that time, most notably me. Prior to receiving tenure, I had taught for five years as Jay Ladin, a bearded, *kippah*-wearing man. Once my tenure came through, I wrote a letter to my Dean, informing her that I would now be teaching as Joy Ladin, a transgender woman.

Gender transition tends to rattle employers. But since Yeshiva University is the premier institution of higher education associated with modern Orthodox Judaism, the rattle was more like an earthquake. I wasn't the university's first transgender employee, but I was the first who came out publicly, the first who was a faculty member, and thus the first to force the university to decide whether Orthodox tradition or modern law — in this case New York State and City's Human Rights Laws — would determine their policy on gender expression.

The Dean responded to my coming-out letter by telling me that I would continue receiving full salary and benefits, but students and their families could never accept someone like me as a faculty member. I would be placed on fully paid leave until I found other employment. In the meantime, I was not to set foot on campus.

It was the most cordial, respectful, well-funded form of discrimination possible, but it was still discrimination, and I, who had lived until then as a middle-class white male, was thoroughly shocked.

The administration didn't tell my students or colleagues why I was suddenly on leave, but word leaked out through the Internet, and by the middle of the fall in 2007, students began emailing me. Some were relieved (they had feared I was dying); some were confused; most, including some of the most politically and culturally conservative, wrote to tell me that they supported my transition even if they didn't completely understand it. Not one student, then or since, suggested that they couldn't accept a transgender professor.

Buoyed by my students' response, I asked the administration to reconsider my return to teaching. Once again, I was assured that that was impossible. But though the rhetoric remained the same, something had changed. Lambda Legal attorneys, who had been guiding and supporting me through the coming-out process, sent a letter a few weeks later demanding that I be allowed to teach. After a couple weeks of silence, we received an astonishing response: Yes.

And so, in early September, as a New York Post photographer snapped pictures, I became Yeshiva University's — and the Orthodox Jewish world's — first officially accepted transsexual. Though the headlines sparked a vigorous, ongoing discussion in the Jewish world, in the classroom I've found that my students are much more interested in their grades than in my gender. There have been no demonstrations, no drops in donations or enrollments, not even a disrespectful word or glance. The biggest effect of my transition has been outside the school. Neither the transgender Jews hiding within traditional communities nor the traditionalists opposed to any variant gender expression had believed a transsexual could live openly and productively in the Orthodox world. For them, when I returned to work, the world was forever changed. **L**

making the case for equality



Join Lambda Legal this year as we celebrate at Pride celebrations all around the country. Show your support by wearing our limited-edition *making the case for equality* T-shirt — yours free with a special Pride membership gift* to Lambda Legal now through October 30, 2009**.

Printed on American Apparel brand T-shirts, these 100 % cotton shirts are soft, comfortable and made in the USA! To join, renew or upgrade your membership and get the *making the case for equality* T-shirt, use the enclosed reply form.

* Minimum gift applies. See reply form or website for more information.

** Offer valid while supplies last.

In the News

"Politicians and alleged religious leaders have routinely invited us to hate gay people and call it morality. They have taught us to frame gay lives in cloudy abstracts of tradition and values. But this isn't abstract, is it?"

Columnist Leonard Pitts, Jr. of the *Miami Herald* on our case representing Janice Langbehn, who was barred by hospital staff from seeing her dying partner of nearly 20 years.

FEBRUARY 15, 2009

"Not everyone will agree with the result in this case, but anyone who takes time to examine the logic of the court's carefully constructed decision should agree it is a fair-minded explanation of why this law cannot survive under the Iowa Constitution's equal-rights dictates."

Des Moines Register editorial on the Iowa marriage victory in *Varnum v. Brien*.

APRIL 4, 2009

"The equal-protection guarantee is a promise of equality for all under law. Carving exceptions into that promise diminishes it for all. The court's analysis worries me because it accepts the use of the initiative power to target a vulnerable minority."

Marriage Project Director Jennifer C. Pizer, quoted in the San Diego Union Tribune about the California Supreme Court decision in *Strauss v. Horton*.

MAY 27, 2009



Legal Landscape

Express Yourself

The First Amendment's guarantees of freedom of expression and association are the foundation of all civil rights, because winning and preserving our liberties depends on the ability to speak out and to join with others in concerted advocacy. That has been especially true of the movement for LGBT rights, which depends so heavily on people being free to come out.

First Amendment work has long been a central part of Lambda Legal's docket. Indeed, 35 years ago, one of the first friend-of-the-court briefs we ever filed helped the gay student group at the University of New Hampshire fight censorship and win the right to hold functions on campus.

Nearly 25 years later, high school student Derek Henkle was told by school administrators that he had to remove buttons from his backpack that said "We are everywhere" and "Out" and that he had to treat his being gay as a private matter that could not be discussed at school. Lambda Legal fought for his free speech rights. We ultimately won a ruling that high school students have the constitutional right to be out at school and to discuss LGBT issues there. We understood how important this was because getting people to realize they know others who are lesbian, gay, bisexual or transgender is one of the most powerful tools our community has for combating stereotypes and biases. We understood too how coming out enables LGBT people to find one another and connect with allies, which makes possible the collective action so critical to our progress.

More recently we reached out to provide advice and engage in advocacy about students' rights to participate in the Gay, Lesbian and Straight Education Network's (GLSEN) Day of Silence, when thousands of students across the country expressed themselves by taking a vow of silence for all or part of the school day in order to

raise awareness about the harassment, bullying and name-calling experienced by LGBT youth and their allies.

We've continued our work as well supporting the right of students to form gay-straight alliances (GSAs), which also relies on free speech and association protections. Building on our successes in Salt Lake City and Orange County, we recently filed suit against a school district in upstate New York that for years refused to allow a GSA to meet on campus. Their response was to finally welcome the GSA, which is now free to meet and engage other students and the community at large about LGBT issues on the same terms as other student groups.

Of course it's not just students who rely on First Amendment protections. We are currently representing Central Alabama Pride (CAP), which stages Birmingham's annual pride parade. Because the city's mayor opposed CAP's gay pride message, he refused to provide municipal resources regularly made available to others to help display CAP's banners and gay pride flags. We are relying on the First Amendment to overcome government restrictions on our ability equally to speak the truth about who we.

Because prejudice all too frequently comes from ignorance, the federal Constitution's protections of individual and group expression makes it possible to progress to full recognition of our civil rights by being free to expose others to our words, our songs, our marches and our culture. This pride season, remember your rights and express yourself proudly.

JON W. DAVIDSON
LEGAL DIRECTOR

making the case for equality

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** Offer valid while supplies last.

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