

Bad Counsel

Lambda Legal is arguing that no student is entitled to a degree as a school counselor if he or she refuses to follow the American Counseling Association's ethical rules prohibiting discrimination against LGBTQ clients.

Two years ago, the Alliance Defense Fund (ADF), an antigay legal organization based in Scottsdale, Ariz., filed a lawsuit against Eastern Michigan University (EMU) after school officials dismissed Julea Ward from EMU's counselor training program. Ward, who was training to be a counselor in a high school setting, refused to counsel gay or lesbian people about any relationship issues.

ADF also filed suit in July 2010 against Augusta State University in Georgia on behalf of Jennifer Keeton, who also was studying for a master's degree in school counseling. Keeton had expressed her views on sexual orientation and gender identity both in and out of class. According to her suit, Keeton believes sexual behavior is the "result of accountable personal choice." She also believes gender is "fixed in each person at their creation." Augusta State proposed a remediation plan that included reading literature and attending workshops on counseling LGBTQ people.

ADF recently received a gift of \$9.2 million from an anonymous donor "to defend religious speech and expression at universities and colleges." With ADF matching funds, the organization now has a war chest of twice that to pay for a campaign to pressure public universities to eliminate vital protections against discrimination based on sexual orientation or gender identity.

For Lambda Legal, it's clear what the implications of Keeton's and Ward's positions are. In an environment in which homophobic and transphobic bullying persists, young LGBTQ people remain extremely vulnerable, and school counselors might be their only support. Over the last decade, eight students in Michigan are known to have committed suicide because of bullying, often relating to the students' actual or perceived sexual orientations. In Georgia, in 2009, an 11-year-old boy took his own life after his peers embarked on an unrelenting campaign that mixed homophobia with xenophobia. According to Parents, Families and Friends of Lesbians and Gays (PFLAG), 30 percent of all teen suicides



Are young people getting the right support and information?

in the United States are due to issues with sexual orientation and gender identity. The Centers for Disease Control report that suicide is one of the leading causes of death among teenagers.

Keeton's insistence that a person's sexual orientation can be changed, and Ward's refusal to counsel gay people both conflict with the ethical code mandated for counselors by the American Counseling Association (ACA), which was founded in 1952 and sets professional and ethical standards for the counseling profession.

In training people to become school counselors, universities and colleges must act in accordance with the ACA's guidelines or lose accreditation. According to Camilla Taylor, Senior Staff Attorney at Lambda's Midwest Regional Office, "The Alliance Defense Fund wants the court to tell a public university that this kind of antigay conduct is acceptable behavior, even if it risks students' lives. ADF seeks a ruling that Keeton and Ward are entitled to a degree even though they refuse to abide by the ethical rules governing the profession, and even though they intend to go into a high school setting and either deny mental health services to LGBTQ students, or else tell

"THE ALLIANCE DEFENSE FUND WANTS THE COURT TO TELL A PUBLIC UNIVERSITY ANTIGAY CONDUCT IS ACCEPTABLE, EVEN IF IT RISKS STUDENTS' LIVES."

such students that there's something horribly wrong with them."

As stated in Lambda Legal's friend-of-the-court briefs in these two cases, Keeton and Ward, as therapists, would need "to help clients clarify and realize their goals and values, rather than

continued on page 17

What's Next for



DOMIA?

When the Department of Justice decided it would not defend a key part of the **Defense of Marriage Act**, the announcement triggered excitement *and* confusion. Three Lambda Legal attorneys—Camilla Taylor, Susan Sommer and Tara Borelli—weigh in on what DOMA's status means in the courts, in Congress and on the ground.

IMPACT: Let's start by talking about the Department of Justice's announcement that it would not to defend Section 3 of DOMA. How did this happen?

CAMILLA TAYLOR, Director, National Marriage Project, Lambda Legal: We're glad the DOJ finally took this position—after fighting our client and others in court for years. We were one of the organizations to argue in various publications that there was precedent for the administration to refuse to defend a patently unconstitutional law, and it was heartening to see the administration stake out this position for itself. However, once the DOJ has determined that a law is manifestly unconstitutional and therefore indefensible, Congress has the option to determine whether it will itself defend the statute—and, unfortunately, the House leadership has decided to use taxpayers' money to do just that. Congress has retained a lawyer for this purpose who has already appeared in court in cases around the country to defend DOMA, including our case representing Karen Golinski.

SUSAN SOMMER, Director of Constitutional Litigation, Lambda Legal: Both Bush administrations, the Reagan administration as well as the Clinton administration on occasion found laws passed by Congress so clearly indefensible as a constitutional matter that those administrations would not defend them. This is nothing new.

IMPACT: Was this announcement a surprise?

SOMMER: There wasn't necessarily an expectation that the Obama administration would take this step any second. But it was certainly a step that had been long considered and discussed, certainly by many who were of the mind that DOMA is simply unconstitutional. For the Obama administration to defend the constitutionality of DOMA, it would have to make repugnant arguments that no longer have any place in our jurisprudence.

TAYLOR: Yes. The Obama administration was faced with the reality that it's not possible both to defend DOMA, and to maintain at the same time that gay and lesbian parents and their children are equal citizens deserving of a fair shake in this country. For a lawyer to defend DOMA, the lawyer must be prepared to make bogus claims dependent only on junk science, and to demonize an entire class of people and their children.

For example, take a look at what a lawyer defending DOMA would need to say to justify

using a lenient method of review for laws that target people for discriminatory treatment based on their sexual orientation. We have always argued that courts should take a skeptical look at such laws—both because of the history of discrimination against lesbian and gay people, and because we know that a person's sexual orientation has nothing to do with that person's ability to

and finally declare it unconstitutional. The administration is also saying that it's not going to be enough for a trial-level court to declare DOMA unconstitutional. This in fact has already happened in the *Gill* case, brought by GLAD, that had a victory in district court in Massachusetts and is proceeding to the First Circuit Court of Appeals.

“Our Department of Justice has concluded that it is simply impossible to find a credible argument that supports the constitutionality of this law.”



—CAMILLA TAYLOR, Director, National Marriage Project

contribute to society. There's now a growing recognition that arguments to the contrary are offensive on a gut level. I think that we'll look back on the DOJ's decision not to defend DOMA's constitutionality as a watershed moment, not just for what it accomplished in court in our cases, but also because it reflects our nation's growing understanding that discrimination against lesbian and gay people in any context is both shameful and indefensible.

However, people should understand that DOMA remains in effect, and it will remain in effect until Congress repeals it or until a court strikes it down.

SOMMER: I completely agree that the Obama administration's legal analysis—that laws discriminating on the basis of sexual orientation should be subject to heightened scrutiny—is certainly a game changer as a psychological matter. It's an extremely strong statement coming from this nation's highest government lawyer, the Attorney General. If the courts adopt that standard—and we've just seen I think a big advance in the ability to persuade courts to do so—it is incredibly difficult to imagine any law singling out gay people for disadvantage that could withstand that level of scrutiny.

However, the administration has also said that it will continue to enforce DOMA unless and until Congress repeals it or the courts definitively

TARA BORELLI, Staff Attorney, Lambda Legal: With respect to the Department of Justice's statement about the appropriate level of review, I think that's going to have significant ripple effects for other cases even when DOJ isn't representing the federal government as a defendant. For example, we're currently working on another case in federal court called *Collins v. Brewer*, that challenges the Arizona legislature's attempt to strip domestic partner benefits from the state's gay and lesbian employees. That case is against state defendants, so DOJ isn't participating to make arguments about the level of constitutional review. But when the government discriminates against gay people, that's precisely the type of discrimination that the court should view with significant suspicion, and it's powerful to have DOJ agree.

It's not clear which court in the country will be next to recognize that proposition, but the DOJ's position makes it increasingly clear that the government rarely, if ever, has any adequate reasons for singling out gay people for differential treatment, and the government should have to overcome a very heavy burden to justify the discrimination. We've been making these arguments for years, of course, but this DOJ announcement adds very important momentum.

It's also important to note that if an appellate court agrees that heightened scrutiny is appropriate in a case about DOMA, that holding will apply to government actions across the board in that

jurisdiction. Additionally, we have argued that heightened scrutiny applies to sexual orientation-based discrimination, not just because that's correct, but also because we have long believed that the failure to decide that question sends a signal that discrimination against gay people is less serious than discrimination against others. It's an invitation to private parties to discriminate. It's very important to have DOJ urging that this question be properly decided, as has been done for discrimination against other groups.

IMPACT: Can we talk about what's at stake in Lambda Legal's suit *Golinski v. U.S. Office of Personnel Management*? That didn't start out as a DOMA suit.

BORELLI: In this case, Lambda Legal represents Karen Golinski, who was denied spousal health benefits for her wife by her employer, the U.S. 9th Circuit Court of Appeals in San Francisco [see sidebar, facing page]. We didn't always think of *Golinski* as a case challenging DOMA. We originally filed the case to get enforcement of a nondiscrimination policy, arguing that there was a way to provide equal treatment that didn't require having to confront DOMA. It's quite a statement about the progress we've made that, when we began the case in 2008, it seemed easier to argue about when one branch of government gets to tell another branch of government to do something. Who could imagine that by this point in the case, DOMA would seem like the easier question?

So for some time this case was argued in the courts as an issue of Karen's employer, the judicial branch, having a right to provide her equal treatment without interference from the executive branch. It was the Obama administration's Office of Personnel Management that decided to reach across the country and insert arguments about DOMA as a justification for withholding benefits from Karen's wife, Amy.

So we filed a motion for preliminary injunction in federal trial court in Northern California to try to get access to the plan for Karen, because she's been waiting for a long time for health benefits for Amy. However, in March—in the midst of some complicated questions about intergovernmental power struggles—the judge dismissed our case, inviting us to re-file the case and to make it squarely about DOMA this time.

Judge White said that Karen has a clear right to relief and that the Court would, if it could, address the constitutionality of DOMA. We were only too happy to give the Court that opportunity, and we filed the complaint in mid-April. We're eager to press the case forward.

“For the Obama administration to defend DOMA, it would have to make repugnant arguments that no longer have any place in our jurisprudence.”



—SUSAN SOMMER, Director of Constitutional Litigation

IMPACT: What are the possibilities for striking down DOMA in Congress?

TAYLOR: The Respect for Marriage Act is a DOMA-repeal bill that's been introduced in Congress. The lead sponsors in the House are Jerrold Nadler (D-N.Y.), Barney Frank (D-Mass.), Tammy Baldwin (D-Wisc.), Jared Polis (D-Col.) and John Conyers (D-Mich.). Senators Diane Feinstein (D-Calif.), Patrick Leahy (D-Vt.) and Kirsten Gillibrand (D-N.Y.) introduced a companion bill in the Senate. And it's gaining more sponsors every day. For example, Congressmen Braley and Loeb sack and Senator Harkin, all Iowans, support it. It's important to see Iowa federal representatives interested in repealing DOMA because there are a number of Iowa married couples they represent.

“When the government discriminates against LGBT people, that's precisely the type of discrimination that the court should view with significant suspicion.”



—TARA BORELLI, Staff Attorney

Who could have anticipated five years ago that we'd have elected representatives from the Midwest supporting the repeal of discrimination against Midwest married same-sex couples? But here we are, in 2011, and a significant number of Midwest federal reps have signed on.

SOMMER: Whether there will be a congressional repeal before a judgment in court, it's hard to say. I think there's a good chance that a case involving DOMA will go to the U.S. Supreme Court before it's over.

IMPACT: What does the status of DOMA mean for couples on the ground? Is the legal status of their relationships in any way improved?

SOMMER: Not yet but there have been some organized or individual efforts to register, in different ways, opposition to DOMA and to its enforcement. For example, there are ways for couples, without incurring penalties, to make sure the government knows at tax filing time that they are married and that their marriages should be respected. We have information on our website about that.

TAYLOR: In the context of immigration, under the current laws, where one spouse is a U.S. national and the other one is not, couples are particularly vulnerable. The spouse who is a U.S. national may have no way of rejoining his or her spouse in the nation of origin of the spouse. It may not be possible to get a visa to travel to that country or to remain there, and so they may be separated permanently if the spouse is deported. Similarly, LGBT immigrants are often escaping considerable antigay discrimination in their home countries. And regardless of whether they are eligible to file for asylum, it can be cruel to send an LGBT immigrant back to his or her country of origin. The administration has great discretion with respect to how and when to enforce immigration laws concerning deportation and when a U.S. citizen is permitted to petition, and we have just witnessed an important step by Attorney General Holder, who exercised his discretion in a deportation case in New Jersey and vacated the previous ruling that had relied on DOMA. But repealing DOMA would clearly be the best solution for binational couples.

IMPACT: What problems will a DOMA repeal not address?

SOMMER: The cases that are working their way through the courts now are focused on taking down Section 3 of DOMA, that portion of DOMA focused on the deprivation of federal protection to those married under their states'

laws. People shouldn't be confused into thinking that those DOMA challenges are a broad-scale federal constitutional challenge to states that still don't allow same-sex couples to marry. That is a different issue.

TAYLOR: Yes. The DOMA cases that are currently in the courts—including *Golinski*, *Gill*, *Pederson* and *Windsor*, concerning whether the federal government must respect a state's determination of who is married—wouldn't cause a state with a marriage ban to have to alter it in any way. Also, of course the repeal of DOMA would not conclude the work that we still have to do in the many states where marriage is still barred for same-sex couples and in the areas of workplace discrimination, transgender rights, school-based discrimination and the rights of people living with HIV, as well as LGBT seniors, just to name a few examples.

IMPACT: But if DOMA is struck down, can a couple get married in Iowa or another state where marriage is legal for same-sex couples and then file taxes jointly?

SOMMER: It depends on where you live. If you live in Mississippi, get married in Iowa and move back to Mississippi, chances are you wouldn't be able to file your taxes as married because the federal government, in most of its benefits, looks to the law of the state in which you live to determine if you're married. There's a good chance that simply with a ruling in a case like *Gill*, people who have gone to other places to get married but live in states that in no way respect their marriages are still not going to get federal benefits. That will be litigation for another day.

IMPACT: So even though people should feel somewhat excited about the possibility of DOMA ending, it still sounds like there's a lot of work to do.

SOMMER: I don't necessarily want to say it's a marathon rather than a sprint, but this is going to be a process. We encourage people who are feeling the terrible pinch and bite of DOMA to contact us with questions and their concerns. We can fill people in more on what's going on in their particular context, and see if we can offer help. **L**



The Couple Behind the Case

An interview with the plaintiff in Lambda Legal's DOMA challenge, **Karen Golinski** (above, left, with wife **Amy Cunningham**)

Did you ever expect things to proceed this way when you first sought to enroll Amy in your benefits plan? No, we did not, although (former Lambda Legal Marriage Project Director) Jenny Pizer warned us that my "little employment dispute" might take on a life of its own. When I first put in my paperwork to add Amy to my health insurance, she and I joked that we were going to try, but hoped we wouldn't have to "make a federal case out of it." We laugh quite a bit about that now, two and a half years and a federal lawsuit later.

How do you feel about the case now moving forward as a direct challenge to DOMA? We feel honored and a bit overwhelmed to be part of this movement that is challenging DOMA. When we talk to people about our case, it seems so simple and unfair to everyone, and we are glad that our case highlights the clearly discriminatory nature of DOMA. We are also amazed by how the legal landscape has changed since I first tried to add Amy to my health insurance—the number of cases across the country that are now challenging the unfair treatment of lesbians and gay men due to DOMA, as well as the Administration's significant decision to stop defending this discriminatory law.

"LAMBDA LEGAL WARNED US THAT MY 'LITTLE EMPLOYMENT DISPUTE' MIGHT TAKE ON A LIFE OF ITS OWN."

As an attorney, what has it been like for you to find a very personal issue of your own at the center of a high-profile case? Quite honestly, it has been uncomfortable at times, especially as a federal judiciary employee now suing the federal government. With that said, I am incredibly grateful to my employer, the Ninth Circuit Court of Appeals, for its comprehensive employee dispute resolution plan, which covers both sex and sexual orientation discrimination. The court has tried in every way possible to treat me fairly and to put Amy on my health plan.

What have the past three years been like for you as a family? An emotional rollercoaster! It is difficult to explain to friends and family that despite having won several rulings during the employee dispute resolution process, Amy has not yet been added to my family health plan. It is surreal. Amy and I are also fairly private people, and the public nature of this case has been challenging. We steel ourselves for the appearance of news articles, reminding each other that we are fighting an important fight for our own family and for others like ours.





Sharing Strength

Lambda Legal Executive Director **Kevin Cathcart** and **Deepak Bhargava**, executive director of D.C.'s Center for Community Change, talk about why immigration is an urgent LGBT issue.

DEEPAK BHARGAVA: The Center for Community Change was founded in 1968 as a living memorial to Robert Kennedy—by people in the civil rights movement, the labor movement and the war on poverty. Its mission is to support grassroots community organizing in low-income communities and communities of color all over the country, and to enable low-income people to have a voice in the policies that affect our lives.

Currently we are working in four areas, including affordable housing; unemployment; a recently launched campaign to save and improve Social Security (although not widely understood as such, it's the largest anti-poverty program in the country's history) and our longest standing campaign, immigration reform, which for us means legalization of the undocumented, the ability for immigrants in the United States to bring close family members to the United States and a variety of other things such as the Dream Act.

I know people in the LGBT movement feel like it's an incredibly hard slog, but at a little bit of a remove, it's so exciting to see the speed at which the country is going through a cultural and legal transformation.

I think the LGBT movement is one of the few progressive social justice movements that is really moving the country in the right direction. The work that the LGBT movement has done on every front, from legal and legislative to cultural, offers a good model for the immigrant rights movement.

CATHCART: It's interesting, because inside the LGBT movement, people are incredibly frustrated by how slowly things go. We can't even get ENDA to pass, and "Don't Ask, Don't Tell" is not really gone yet. When you're in the middle of it, there is something to be learned from other peoples' perspectives. But I also think it says something about how much of a disconnect there often is between people who are primarily LGBT or HIV activists, and the other movements that are all out there.

One of the challenges that we face as a mainstream LGBT rights organization is: How do we bring in our supporters on broader issues? It is not clear to everybody who exactly our community is. We can explain that LGBT people who are not legalized are often afraid to report hate crimes, fight job or housing

"LGBT PEOPLE WHO ARE NOT LEGALIZED ARE OFTEN AFRAID TO REPORT HATE CRIMES OR FIGHT JOB DISCRIMINATION."

discrimination, report police abuse or stand up for their own civil rights, which will have an impact on all other LGBT people. The same thing is true for people with HIV. Because the risks are too great. Are you going to report housing discrimination if you think you're going to be deported?

BHARGAVA: I think the first and most important reason why immigration reform should be such a priority for the LGBT community is that

a large and growing part of the LGBT population is in fact newcomers to the United States. They face a special set of challenges, in addition to the challenges that LGBT people already living here face—for instance, they're more likely to have a same-sex partner or spouse from outside the U.S., whom they need to be able to petition to come to the U.S. or stay here, but can't. And LGBT immigrants who are in detention, particularly transgender immigrants, are often subjected to horrendous conditions and abuse. At the level of moral commitment, every movement has to ask the question, are we really for everybody? Core immigration issues like providing a path to citizenship for 12 million undocumented people in the United States are gay issues because there are so many LGBT people for whom it is the single most transformative thing that could be done to improve their lives. At the level of politics, this constituency is gaining in numbers and clout. And the LGBT agenda in political terms will ultimately be in the hands of this newly empowered constituency.

Also, immigration reform really is crucial for the future of our country. It's part of our identity, that we are a nation of immigrants—and welcoming. It's part of the American genius, it's part of prosperity, it's part of how the country is renewed, with new ideas, new talent, new visions.

The last thing I'll say is it's equally important that the immigrant rights community embrace the LGBT agenda, and that is just as challenging and just as fraught with difficulty.

CATHCART: I have always suspected that LGBT people may be over-represented in immigrant populations, because there are good reasons perhaps for gay people to leave a lot of places in this world and to try to come here. There is this sort of magnet effect that the United States has, and the more we succeed with an LGBT movement in general in this country, the sharper the contrast is between the United States and some other places. And that would cause people living in rougher conditions to decide it could be worth the trouble to come here.

But it's so hard to figure out even how many gay people there are and where we are, let alone in populations that have good reasons to stay somewhat underground. And it's a challenge around HIV-related work. While the epidemic is still heavily gay, it is also heavily people of color and heavily a poverty epidemic.

So how do you organize in communities where there's a variety of challenges, and things like language and culture are maybe the least

of it? Because people are staying underground and they're not necessarily out in the way that the LGBT movement or the HIV movement in general thinks of out?

“PROVIDING A PATH TO CITIZENSHIP IS A GAY ISSUE. FOR SO MANY LGBT PEOPLE, IT IS THE SINGLE MOST TRANSFORMATIVE THING THAT COULD BE DONE TO IMPROVE THEIR LIVES.”

BHARGAVA: I think it's actually a very good hypothesis that there's a higher share of LGBT people in the immigrant community than in the country as a whole. It's certainly very striking, the extent to which, in the immigrant rights leadership and activism within the country, LGBT people are everywhere. It might be half queer young people who are leading that effort. And the borrowing from the LGBT movement in terms of the whole notion of coming out as undocumented is not accidental. You know, it really has to do with the echoes for those young people between their experience as queer and as undocumented.

CATHCART: Have you encountered any skepticism or misinformation in the LGBT community around immigration reform?

BHARGAVA: One thing I've heard occasionally is: Isn't the massive wave of immigration bringing lots of very socially conservative people to the United States, who are likely to oppose full equality for LGBT people? And my response to that typically is that immigrants who come to this country are in a certain structural position with regard to the broader society. They feel like outsiders. They have to navigate between cultures. And so I actually think there's tremendous openness in the immigrant community to the LGBT agenda. And that's especially true for the children of immigrants, or people who come as first-generation immigrants at a young age. My experience is they're quite sympathetic.

It is true that the Catholic Church and to an increasing extent evangelical churches are playing a very central role in the lives of many immigrants, and you know, it's been a very rough challenge, but I think we're kind of on the other side of it now. We have the leadership in the immigrant community speak up for equality for binational couples. It has not come without some real blow-backs.

The Catholic Church has been a major funder of immigrant rights work in the United States, and they have yanked funding from groups that have taken a stance for LGBT equality. But without

exception, all the groups that have faced that kind of choice have taken the right path and said, we won't take your money if it means that we can't speak for the entire immigrant community. So I think there's very good reason to be optimistic that there could be a real partnership between the LGBT community and the immigrant community.

The other myth that I would highlight is about immigration being bad for the economy. All the evidence actually suggests the opposite. There was a study by the Center for American Progress that showed that immigration reform would actually grow the economy by \$1.4 trillion over the next decade, in GDP growth, and substantially reduce the budget deficit because it would allow people to come forward and pay taxes. And the history of the country is that immigrants are pretty critical to innovation and entrepreneurship. You see that in major pockets of the economy like high tech.

CATHCART: So what would you say to a mainstream LGBT audience, not about *why* they should be involved but *how* they should be involved?

BHARGAVA: I think it's critical that organizations join forces at the state and local level, where the LGBT community and the immigrant community face the same opponents using the same tactics, from salary initiatives to horrendous laws. And that joining of forces is happening in some really exciting ways in places like California and Oregon.

Also, just as the LGBT community has advanced in part because straight people increasingly feel passionately about equality for LGBT friends and loved ones, the immigrant rights community is only going to advance when non-immigrant communities speak up in support.

To learn more about the Center for Community Change, visit communitychange.org. 

LAMBDA LEGAL & FRIENDS



FORT LAUDERDALE SPONSOR RECEPTION: Maxine Michael with Executive Director Kevin Cathcart and former board member Mona Pittenger at the home of Liberty Circle members Dan Clancy and Paul Lefort, March 25, 2011.



LAMBDA LEGAL IN ARIZONA: Staff Attorney Tara Borelli with host committee members Jack Luciano and Bobby Barnes at the home of NLC member Larry Trachtenberg, April 14, 2011.



JEFFREY FASHION CARES: Event co-chairs Chris Wile and Dan Rothmann with honorary event co-chair Nate Berkus, event co-chair and founder Jeffrey Kalinsky and event co-chair and NLC member Todd Sears on the *Intrepid*, New York City, March 28, 2011.

Photo © Sarah Parkins



AN AFTERNOON OF WINE, WOMEN AND LAMBDA LEGAL: Former board members Gale Richards and Ann Mei Chang, Executive Director Kevin Cathcart and former board member Pat Cain at the home of Gale Richards and Ruth Dawson in San Francisco, February 6, 2011.



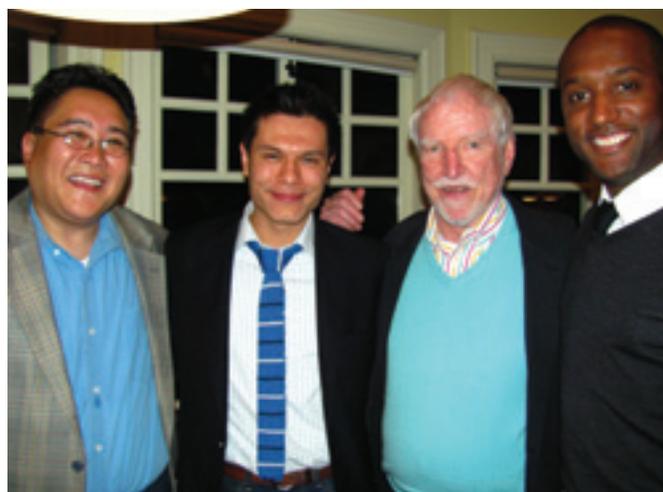
BON FOSTER GALA: Event honoree Zach Wahls with his mother, Terry Wahls M.D., National Marriage Project Director Camilla Taylor, Communications Director Lisa Hardaway and Wahls' other mother, Jacqueline Reger, at the Spertus Institute, Chicago, April 28, 2011.



DALLAS WOMEN'S BRUNCH: NLC member Jennifer Guyot-Wallace, National Marriage Project Director Camilla Taylor and Dallas Leadership Committee member Angel Irvin at the Bellamy Compound, April 2, 2011.



LAMBDA LEGAL AT THE STANDARD: Defender Liberty Circle member David Bryan introduces event host committee member Brian Delshad, New York City, April 11, 2011.



LIBERTY CIRCLE APPRECIATION DINNER WITH NATIONAL BOARD OF DIRECTORS: Western Regional Director Loren Javier, Defender Liberty Circle members Michael Nguyen and Jim Hormel, and board member Vincent Jones at the home of board co-chair Bruce Deming and Jeff Byrnes, San Francisco, February 5, 2011.



SAN FRANCISCO CELEBRATION: Event co-chairs and Liberty Circle members Christopher Stuart and Daniel Slaughter with Executive Director Kevin Cathcart at the Four Seasons Hotel, April 21, 2011.

Sheryl Teslow and Tauni Waddington

This Lincoln, Nebraska couple supports Lambda Legal through its monthly giving program, the Justice Fund

Sheryl Teslow and Tauni Waddington have been together for 19 years, describing themselves as “as solid a couple as any you could hope to find.” Waddington works as a private practice therapist and serves as the executive director of an adolescent girls group home. Teslow has been a freelance court reporter for 32 years and is a co-owner of a freelance agency. Together, they talk about why they have supported equality as members of Lambda Legal’s monthly giving program, the Justice Fund, for nearly a decade.



“WE HAVE BEEN TOGETHER FOR 19 YEARS, BUT IN OUR HOME STATE, WE ARE LEGALLY STRANGERS.”

Sheryl Teslow and Tauni Waddington

What does the fight for equality mean to you both?

We have been together for 19 years, but in our home state of Nebraska we are legally strangers. We can’t get family health insurance, we can’t file joint tax returns, we can’t inherit as family members—the list goes on and on. We have signed all the documents that we think we need to protect ourselves and our relationship, but we also know there is no guarantee that they will be respected in a time of emergency. We want—we *need* a marriage license that is valid in all 50 states and that is equal in every way to the one our parents had. We want the real thing.

Why do you support Lambda Legal?

Of all of the different types of organizations working for equality, it seems to us that Lambda Legal has the best chance to make tangible progress. Whether it’s DADT or marriage or workplace protections, the courts are where we have made the most progress and Lambda Legal is the one in the trenches doing all the hard work necessary to make it happen. Lambda Legal has been an integral part of most, if not all, the major victories in the LGBT community and we feel it makes the best use of our money.

Why is monthly giving to Lambda Legal an important part of your philanthropic efforts?

We know that raising money is always a difficult process. By committing to a set amount every month we are adding a small degree of certainty in Lambda Legal’s budget process and that’s important to us. It’s important for us to know that our money is being used as effectively as possible.



TO LEARN MORE ABOUT THE JUSTICE FUND, VISIT lambdalegal.org/365for365, see our ad on page 18 or call 212-809-8585 ext. 334.

“Bad Counsel,” continued from page 13

prescribe what those goals and values should be.” Greg Nevins, Supervising Senior Staff Attorney in Lambda Legal’s Southern Regional Office, explained, “A counseling session is not a free speech arena; you’re supposed to perform your job in a way that is conducive to a client’s mental health.”

Both Keeton and Ward lost their cases at the district court level, and the cases are currently under appeal. Lambda Legal filed amicus briefs in both cases in support of the schools, on behalf of

PFLAG and the Georgia Safe Schools Coalition (in *Keeton*) and for PFLAG, Gay, Lesbian, and Straight Education Network, Affirmations and the Ruth Ellis Center (in *Ward*).

Ultimately, Lambda Legal argues, the First Amendment does not shield incompetent, unethical and affirmatively harmful performance of one’s profession. Ward and Keeton could, of course, exercise their First Amendment rights and criticize their chosen profession on this issue

and write scholarly articles about the purported benefits of “reparative therapy” and supposed shortcomings of current ethical standards. But as Lambda Legal argues in its brief, withholding counseling, steering clients toward potentially harmful therapies—which Keeton has considered offering students—or proselytizing to clients in a clinical setting are all harmful and unethical practices, and no law requires universities to award degrees or professional licenses for that. **L**