

# IMPACT

WINTER 2017

 **Lambda Legal**  
making the case for equality

## BRING IT ON

HOW LAMBDA LEGAL IS GEARING UP  
FOR THE CHALLENGES AHEAD

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*"It's important to  
fight the good fight"*

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# BRAVE NEW WORLD

When Lambda Legal began in 1973, the far horizon of what our founders Bill Thom, Michael Lavery and Cary Boggan could imagine was decriminalization.

Bill and Mike and I have talked about this period. Their goal was for us not to be criminals, and to be allowed to work and love and serve openly as a result.

When the national gathering of LGBT lawyers first met more than 30 years ago, Lambda Legal and our peers called it the Ad Hoc Sodomy Law Task Force. Now called the LGBT Civil Rights Litigators Roundtable, we met before the inauguration, more than 100 lawyers strong.

We changed the world, and we are not going back.

We are now on defense, no question about it. The shift from a presidential administration that embraced us to a cabinet stocked with homophobes is a rude awakening—



literally. Our new president is a bully, and proud of it. He may say he exempts LGBT people from his disdain—at least those of us who aren't immigrants, women, Muslim, or disabled—but the choices he is making say otherwise. Some of the attacks on us will be direct and obvious. Some will be hidden, until Lambda Legal ferrets them out.

We are not afraid. Our equality does not depend on executive orders or agency guidance, though we will fight hard to keep them. Our equality rests on the Constitution and the laws of the land, and decades of case law protecting us.

We know this infrastructure is solid. We built it.

Even in these times, we will continue to move forward. We are too out, too proud not to. Our strength lies not only in the Constitution and the rule of law, but the broad support of the American people. Our success belongs not only to LGBT people, but to our family and our friends, and the millions of Americans who share our pride and love and our wish for a more equal society.

We are your lawyers and we are here to defend you.

RACHEL B. TIVEN  
CEO, LAMBDA LEGAL

## IMPACT

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Rachel B. Tiven, CEO

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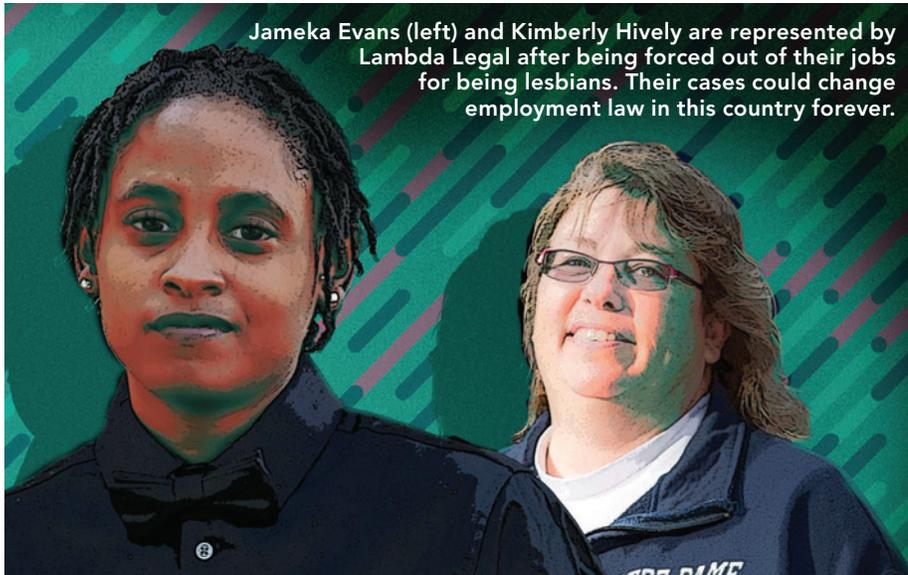
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Jameka Evans (left) and Kimberly Hively are represented by Lambda Legal after being forced out of their jobs for being lesbians. Their cases could change employment law in this country forever.

## Lambda Legal Takes Two Workplace Cases to High Courts

Security guard Jameka Evans and college instructor Kimberly Hively were both forced out of their jobs because of homophobia. Colleagues criticized Evans about her “masculine appearance.” Hively was spotted giving another woman a good-bye kiss in a campus parking lot. Now Lambda Legal’s lawsuits against both their former employers have succeeded in taking the lack of protections for LGBT employees to its highest level ever—the Eleventh and Seventh Circuit Courts of Appeals, respectively. Lambda Legal Counsel and Employment Fairness Program Director Greg Nevins argued last December, in both cases, that LGBT employees are protected from workplace discrimination under Title VII of the 1964 Civil Rights Act. “These are issues whose time has come,” Nevins says.

## Lambda Legal Helps Two Men Fight for Name Change

Rowan Elijah Feldhaus looked forward to making his name legal last year, bringing all the required paperwork to a Georgia courthouse. But Judge J. David Roper wouldn’t accept Elijah

as Feldhaus’s middle name. Andrew Norman Baumert, a grad student at Georgia State, encountered the same obstruction from Judge Roper. Arguing that it could be “dangerous” for others not to be able to tell gender by one’s name, he denied both of their applications. Lambda Legal sued. On January 20, the Georgia Court of Appeals unanimously decided in favor of the two men, reversing a lower court decision and sending their case back to trial court. “It was hurtful and insulting to be denied my legal name change,” says Baumert. “I’m happy that this is over, for myself, for Rowan, and for any other transgender person who wants to change their name legally in Georgia.”

## Breakthrough in Intersex Passport Case

In 2014, Dana Zzyym, who was born with sex characteristics that do not fit typical binary notions of male or female bodies, wanted a passport to travel to an intersex conference in Mexico. But the State Department demanded an impossible choice on the application: check “male” or “female.” Zzyym, a veteran who served tours of duty in Beirut and the Persian Gulf, wrote: “I am not male or female.” When the State

Department rejected Zzyym, Lambda Legal sued. In November, a judge, finding the binary-only gender marker policy for passports wasn’t “rational,” ordered the State Department to reconsider its policy. Many other countries provide other gender marker options on passports. The ruling is a boost for Zzyym’s case. Even though the State Department is reviewing the policy further, Zzyym says, “I’m hoping I get more than that—a ruling on my civil rights.”

## Lambda Legal Gets Anti-Gay Birth Certificate Policy Fixed

Melissa and Meredith Weiss married in Canada in 2003 and had two children. But when their sons were born in North Carolina, the state would only list one of the spouses on their birth certificates. Once, when their younger son was injured, the Weisses had to struggle with hospital staff asking who his “real” mom was.

The problem: North Carolina wouldn’t recognize as parents any same-sex spouses who had children before marriage equality became law in 2014.

Lambda Legal filed a complaint. In November 2016 North Carolina agreed to amend the birth certificates of the Weisses’ children and to change its policies. The Weisses are thrilled and relieved not to have to go through episodes like what happened at that hospital again. “It was pretty great to share this with them,” said Melissa says of telling their children about the victory, “and to show them that if you persevere, you can win.”

## Catholic Hospital Rejects Transgender Patient

A Catholic hospital in New Jersey that refused medically necessary surgery to a transgender man will now have to answer for its mistreatment of him

in court. Lambda Legal client Jionni Conforti, 33, had gone through his share of emotional upheaval as he wrestled with his gender identity. The least he expected from St. Joseph's Regional Medical Center in Paterson, NJ, which had treated family members of his for years, was kindness and professionalism.

At first, a surgeon with admitting privileges at the hospital agreed to do the surgery. But shortly thereafter, he received an email which stunned him: hospital administrator Father Martin Rooney wrote that St. Joseph's could not perform the surgery because it was a Catholic institution. Conforti felt betrayed and became deeply depressed. In January, Lambda Legal sued in federal court on his behalf. "I know so many trans people who get discriminated against all the time, but they do nothing because they're scared. I just felt like it was something I had to do," says Conforti.

## Lambda Legal Takes On Nursing Home with HIV Bias

Nursing assistant Michael Janssen had been working at a nursing home for about a year, feeding and bathing patients and helping them get around. But that ended in the fall of 2013. He tested positive for HIV, and immediately told his boss about his diagnosis. Even though he posed no risk to patients, the home fired him. Lambda Legal represented Janssen when he first filed a complaint with the Equal Employment Opportunity Commission and is now joining an EEOC lawsuit against the nursing home. "The nursing home caved in to the fear and ignorance surrounding HIV and unlawfully fired Michael," says Lambda Legal Senior Attorney Paul D. Castillo. "A health care facility should know better." Indeed, when Granite Mesa nursing home let Janssen go, he was immediately rehired

by his previous employer.

## After 14 Years, Transgender Assault Survivor Leaves Prison

Good news out of Texas: In December, we learned our client Passion Star is finally receiving parole. She had endured 14 miserable years in a gauntlet of male prisons, surviving rapes and other violent assaults. One especially

vicious razor attack on her face required 36 stitches. The Texas Department of Criminal Justice (TDCJ) did nothing to protect her, so Lambda Legal filed a federal lawsuit in 2014—still pending—and then got Star into protective housing and helped win her parole. Star will be released in May. She wrote Lambda Legal that she is "extremely excited" about having her freedom and finally being safe. [L](#)

## LAMBDA LEGAL LINGO undetectable viral load

For HIV, this means a person living with HIV is on successful treatment and has reduced the amount of virus in their blood to such a low level that the tests used to measure viral load when this term was coined would not have been able to detect it.

Research indicates that a person with an undetectable viral load poses little, if any, risk of transmission to sexual partners. As our readers know, it's also long-established that the risk of transmission by merely living or working with people with HIV is

essentially zero. Sadly, misinformation and prejudice continue to fuel the firing, mistreatment and criminalization of people living with HIV.

**How to use it: "My viral load is undetectable" or "a person with an undetectable viral load."** Do not use phrases like "undetectable people," as this contributes to the perception of invisibility within the community.

## TALKING POINTS

**THE CLAIM:** "I wouldn't go into a Catholic church to marry my lesbian partner. It just doesn't make much sense... and neither does going to a Catholic hospital to have a hysterectomy as a trans man. They are going to throw the lawsuit right out, citing religious freedom."

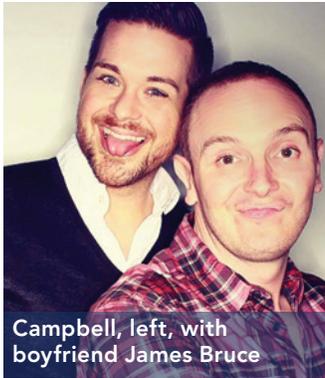
### THE FACTS:

- A hospital should not be allowed to decide who their patients are, particularly when they receive government funds.
- If a hospital provides a service, it cannot deny that service to a patient based on who the patient is.
- Health care providers must comply with federal and state antidiscrimination laws.
- Many states have laws that clearly prohibit discrimination because of sex and gender identity.
- At the federal level, section 1557 of the Affordable Care Act prohibits discrimination on the basis of sex.

**7 MINUTES  
WITH**

# MACK CAMPBELL

Senior Major Gifts Officer, Lambda Legal, Dallas



Campbell, left, with  
boyfriend James Bruce

## What do you do at Lambda Legal?

I work with volunteers on both coasts to engage our Liberty Circle donors and grow our support. Most of my work includes bragging on Lambda Legal's work, how it changes lives and encouraging others to join me in making a donation.

## What's challenging about your job?

Compressing the complexities and scope of our work into a five-minute speech or 30-second conversation. From HIV discrimination to marriage equality, transgender cases to LGBT youth, I'm proud that we are the lawyers for the LGBT and HIV positive community and I'm so proud to call them my colleagues.

## How did you first learn about Lambda Legal?

After its victory in *Lawrence v. Texas* in 2003. I was a closeted gay

man at a conservative college in central Texas. If I had come out (or was outed), I would have lost my scholarship and been kicked out. I lived in that fear every day. I work at Lambda Legal so that no one lives in fear for who they identify as or who they love.

## What are you most proud of?

I grew up poor (and homeless for a time). I struggled not only with paying for school but also reconciling the faith I was raised with and my sexuality. Today, I stand a proud gay man, recognizing that I stand on the shoulders of all those who came before me in this journey.

## How do you decompress?

I sing. I'm a baritone in the Turtle Creek Chorale, Dallas's gay men's chorus. Every Tuesday, I gather with 225 other men to rehearse and create music. We perform for more than 2,500 people at each of our four annual concerts. I'm also very proud of my work raising funds to build the Interfaith Peace Chapel and a new LGBT Community Center in Dallas—buildings that inspire and save lives. [TL](#)



# Equality Under the Law

Mayer Brown celebrates the important steps taken toward equality in recent years and remains proud to support Lambda Legal.

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### Bring Us Your Urgent Passport and ID Questions

Lambda Legal raced to help transgender people update key personal documents in January amid national uncertainty about the new administration in Washington. Forty transgender and gender-nonconforming people showed up at a series of Empowerment and Passport Clinics in Atlanta, Dallas and Houston. Lambda Legal staff, along with pro bono attorneys from King & Spalding, LLC, Vincent & Elkins, LLC and Reed Smith, LLC, helped guide participants through the process of how to change the gender markers on various documents. The concern is that gains made under the Obama Administration may be reversed, including the right to make gender updates on passports and Social Security documents without undergoing surgery.

### FDA Moves, Finally, Toward a Fair Blood Donation Policy

Any man who has had sex with another man in the past year is still banned from giving blood. It looks like that may finally change, however. In November, Lambda Legal submitted comments to the Food and Drug Administration (FDA) in support of its proposal to begin evaluating individuals' specific risks instead of simply noting whether they are gay, straight or bisexual. Did they have receptive anal sex, for instance, and did they use a condom? "The FDA prides itself on acting solely on what the science dictates, and the science points clearly in the direction of a policy based on behavior, regardless of one's sexual orientation or gender identity," says Lambda Legal HIV Project Director Scott Schoettes.

### Protections for LGBTQ Youth in Florida Foster Care

LGBTQ youth are overrepresented in foster care and group homes, not to mention the unchecked cruelty and prejudice that many endure. That's why it was a milestone last fall when Lambda Legal helped win Florida foster kids in group home care the first-ever explicit legal protections inclusive of sexual orientation and gender identity in all of the South. Among the new rules: no more harassing LGBTQ youth or treating them differently just because of who they are. And no more conversion therapy in group homes. Earlier last year, two faith-based groups had threatened to topple this plan. But Lambda Legal, Equality Florida and the Florida LGBTQ Youth in Out-of-Home Care Network put together a public hearing and—after three hours of moving testimony—won it back. "LGBTQ youth in the system deserve dignity and all government-funded group home providers must ensure their safety and treat them fairly," says Currey Cook, Director of the Youth in Out-of-Home Care Project at Lambda Legal.

## Championing diversity for the greater good.

McDermott is delighted to be a national sponsor of Lambda Legal. We applaud your education and advocacy efforts to create a world of justice and equal opportunities for members of the LGBT community and those living with HIV.

## SNAPSHOT

**ELISSA RIDENOUR**, 18, senior  
at Pine-Richland High School, PA

**Favorite class:** Biology and English

**Extracurricular:** Musical theater school

**Her family:** “My family is very doofy and very acceptance-oriented. Having my family’s support means the world. I really don’t know where I would be without that.”

**After high school:** “I plan to pursue a career in obstetrics and gynecology.”

**On having the support of her peers:** “Seeing my peers there to support me has been very grand. I now know that there are people in this world who love me for who I am, no matter what, and that’s just really something great to know.”

# WE HAVE THE RIGHT TO GO

Elissa and Juliet used the girls’ bathroom like all the other girls at their school—until some parents and the school board blocked them.

**JULIET EVANCHO**, 18, senior  
at Pine-Richland High School, PA

**Favorite class:** AP Art

**Extracurricular:** “I write music.”

**After high school:** “I want to take a year off to become an activist for all trans issues, because they worth fighting for.”

**On being in the public eye:** “I know how scared trans youth can be and how trapped they can feel. I want to show that there is hope.”

**On school board members who voted for the anti-transgender policy:** “They made it a lot harder for us to get up in the morning and get dressed and go to school.”

**In September 2016**, the Pine-Richland school district in Pennsylvania changed its once-inclusive bathroom policy under pressure from a few parents and anti-LGBT groups. Elissa and Juliet were no longer allowed in the girls' bathroom.

The next month, Lambda Legal sued the school district on Elissa and Juliet's behalf. The district argued that the Constitution doesn't protect transgender students. The lawsuit continues while Elissa and Juliet finish their senior year.



**Elissa** had been using the girls' bathroom since her first day at Pine-Richland High School in 9th grade. It had not "been much of an issue at all" until the school board adopted its new discriminatory policy. Reacting to the school board's actions, Elissa adds, "I feel very appalled and saddened that this had to occur."

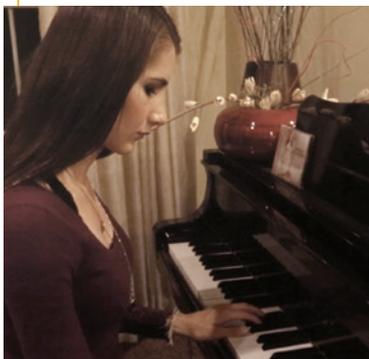
**Juliet** came out before her junior year and started going to the women's bathroom. "I could check myself in

the mirror so I could fix my makeup and hair." Juliet explains their options: "Either we go back to feeling trapped in the men's room, or we duck and run to the unisex bathroom and wait so no one sees us leave."

Pictured here with **her three siblings**, Juliet is ecstatic about their support. "Before, I was walking on shards of glass. My family put down the blanket for me to walk on."

Elissa feels supported by many students at Pine-Richland, including **her brother Alex**.

"We have a very good relationship," and then she jokes, "from time to time." Elissa and Juliet have gone to school board meetings and press conferences to advocate for themselves. "Lambda Legal's support has been a godsend," adds Juliet. "I'm really glad that they're here to help." **LL**



*If you experience discrimination, contact Lambda Legal's Help Desk, [lambdalegal.org/helpdesk](http://lambdalegal.org/helpdesk)*



## CORPORATE SPOTLIGHT: MERRILL LYNCH Working Together for the LGBT Community

Merrill Lynch has been a National Sponsor supporter of Lambda Legal since 2007. As a leader in the financial services industry on LGBT issues well before marriage equality was a reality for most of the country, Merrill Lynch has conducted life and financial planning programs in partnership with Lambda Legal for over 10 years. Together, our teams have worked to educate LGBT people on the issues unique to the community, to ensure that people are aware of the legal rights and responsibilities that come with marriage equality, and to share strategies to help minimize the financial impact of the inequities LGBT people and same-sex couples can face.

In addition to this educational partnership, Merrill Lynch, a Bank of America Corporation, has provided significant financial support to Lambda Legal over the past decade, helping to ensure that our work for full equality for LGBT people and those living with HIV continues and grows. In 2016, Merrill Lynch increased its support to the Circuit Plus level of National Sponsorship, making even more victories possible. Moreover, numerous Merrill Lynch wealth management advisors and trust officers in their U.S. Trust Division, along with many other committed employees, have dedicated countless hours to volunteering with Lambda Legal as members of our Board of Directors, National Leadership Council and Local Leadership Committees.

Lambda Legal is proud of and grateful to Merrill Lynch for its years of generous support.



# BRING IT ON

**What exactly does Lambda Legal expect to be up against this year and will it require new strategies?**

AN INTERVIEW WITH LAMBDA LEGAL SENIOR COUNSEL AND LAW AND POLICY DIRECTOR JENNIFER C. PIZER

**What immediate challenges does the LGBT community face at the federal level?**

**Pizer:** It's crucial that we protect what we have accomplished so far. During the Obama Administration, we focused on solving problems and getting things done. Obama issued orders that protect LGBT people from discrimination from federal contractors and a wide range of health care and service providers as well as insurance companies that receive federal funds. These orders also protect transgender people from discrimination by federal employers. These steps genuinely improved life for so many in our community. The Obama Administration took many of them based on federal statutes and the U.S. Constitution. Clearly, those did not evaporate with the election.

Lambda Legal achieved a huge

amount. Because of our expertise, we were invited to participate behind the scenes with the Obama Administration. People didn't necessarily hear about that because of the often pretty technical nature of the work. But now we're going to be in resistance mode, so you'll be hearing about it a lot!

Moving forward, we anticipate a dramatically different situation. Having Mike Pence and his religious extremist allies in power is serious cause for concern.

We don't know who will be confirmed by the time readers see this, but to date the nominees for top Trump Administration roles are a huge issue. Some are more grossly inappropriate than others and we are expecting some real fights. Among the federal agencies, the Departments of Justice, Health and

Human Services (HHS), Education and Housing and Urban Development (HUD) are particularly important to our work protecting the LGBT community. And all four nominees are problematic. Tapping multi-billionaire Betsy DeVos as Education Secretary is really scary because she's poured her fortune into defunding public schools, trying to block marriage equality and pushing conversion therapy. Ben Carson, selected to lead HUD, has equated being gay or bisexual with bestiality and child molestation. Jeff Sessions, nominated for Attorney General, has views that are so extremely racist and homophobic that the Senate once refused to confirm him to the federal bench. Tom Price, up for HHS, opposes not just the Affordable Care Act but also Medicare and Medicaid.

This is not even to mention the

blocked nomination of Merrick Garland to the Supreme Court and the 100 picks to come for federal judgeships—all purposefully held vacant during the Obama Administration by an obstructionist Senate.

### **How is Lambda Legal preparing for the fights ahead?**

We are litigators, and we are preparing for the litigation that might be warranted—just as we’ve been doing for decades. That includes shifting resources to support our new role as the fierce opposition. Lambda Legal is opening an office in Washington, for instance, reaching out for more pro bono support—so that we can take on still more cases—and investing in our state-level work even more aggressively than before. We’re also doing more direct service: In January, we co-ran legal clinics in Dallas, Houston and Atlanta to help transgender people and LGBT parents update crucial documents.

Lambda Legal has a strong record of success. We challenge government; that’s not new for us. But perhaps our work will be even more important now. The Obama Administration sometimes litigated side-by-side with us, especially against state-based attacks such as North Carolina’s anti-LGBT House Bill 2 (HB2). Maybe the federal government will join cases *against* us more often now, for instance to prevent trans youth from having equal access to education. That would be an ugly throw-back to earlier eras, but it may happen.

### **What threats loom in the states?**

We think the first half of 2017 will bring a tidal wave of attacks against the LGBT community, largely in the form of bills that attempt to roll back protections for our community under the guise of religious freedom. In 2016, there were a shocking 200 attack bills nationwide,

roughly double the 2015 count. 2017 will likely be worse still.

In Texas, Georgia and Missouri, for instance, where numerous anti-LGBT religious exemption bills were blocked in the past, the proponents of those bills may bring them back. In South Dakota and Washington, where bills targeting transgender people in restrooms were stopped last year, lawmakers have already pre-filed similar bills for 2017.

Mississippi’s HB 1523, which passed last year, strips protection from LGBT people against mistreatment not just by private businesses and individuals but also medical and social services agencies, health professionals of all kinds, schools, adoption and foster care agencies, homeless shelters and more. In a bald-faced rebuke of *Obergefell*, public employees can refuse to marry same-sex couples and pretty much anyone can bar transgender people from using the restrooms they choose.

Both Mississippi, where we are suing to strike down HB 1523, and Michigan seem to be inspiring copycat laws in other states. In 2015, Michigan passed three laws that allow state-funded agencies to reject LGBT people who want to foster or adopt. Tennessee passed a law last year allowing mental health providers to turn patients away if they have a religious belief or “personal” objection to their sexual orientation or gender identity. Now legislators there want to expand that law to allow adoption and foster agencies to rule out applicants on the basis of sexual orientation or gender identity as well.

There will also be more bills allowing businesses to refuse to serve customers who are LGBT, or requiring employees to dress according to gender expectations. Some of these will involve religion and some won’t.

We’re really concerned as well about state-level bills that are not directly about LGBT rights but which seek to

block local civil rights laws, minimum wage rules or other local protections for workers, tenants and customers.

### **Are there any new twists at the state level?**

We all know how crucial privacy and safety are when it comes to protecting people, especially youth, who are LGBT or living with HIV. But now we’ve seen at least one bill that would force teachers and school counselors, if they find out a kid is LGBT, to tell that kid’s parents—even if the child begs for confidentiality and support. It’s a backlash against school officials around the country who are accommodating trans students, and it is a new and very troubling wrinkle.

We don’t have a crystal ball. We know there will be surprises; the essence of the state process is surprise and speed. But Lambda Legal has been served well by a strategy of working through our regional offices, developing close state and local relationships—and matching that with solid resources and experience at the national level. That will continue.

### **Will some good come of the fire being lit under the LGBT rights movement?**

There has always been a fire, so to speak. But yes, the intensity of the emerging threats is an opportunity to take Lambda Legal’s educational work and policy advocacy to the next level—like we did fighting religious exemption bills in Indiana and Arizona and when we won marriage. Support for our work is growing, and that support is really essential right now.

After all we’ve been through, there’s no chance we’re going to let up. We are definitely not going back. **LI**

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*To join Lambda Legal campaigns in this new political climate, visit [lambdalegal.org/resistance](http://lambdalegal.org/resistance)*

# All the RIGHT MOVES

6 things LGBT and HIV positive people can do right now to protect themselves

**O**UR MOVEMENT has made tremendous progress in recent years. But since election night, many in our community have had grave concerns about what might happen to our rights. “The Constitution has not changed,” says Legal Director Jon Davidson, “and it prohibits the government from discriminating based on sexual orientation or gender identity.” State and local laws and court rulings should also continue to protect the rights of people who are LGBT or living with HIV.

If there are any challenges, Lambda Legal is prepared to go to the mat for you (see “Bring It On,” page 8).

This includes challenges to marriage equality. Your spouse will not stop being your spouse overnight. The new government could definitely make life harder for LGBT people and their families. But the Supreme Court is unlikely to reconsider its two landmark decisions affirming the right of same-sex couples to marry—even if the balance of the Court shifts with one or more appointments from the new administration.

If you encounter discrimination, call Lambda Legal. In the meantime, we recommend you consider taking these six steps.

## SHOULD YOU GET MARRIED?

If you’re registered as domestic or civil union partners, or in a same-sex partnership with no formalized status:

- You are not eligible for many of the vast majority of federal protections and benefits given married couples.
- If you count on your partner’s employee health plan, such programs may not last. This has nothing to do with who is running the government, however. With marriage equality, many employers began shifting away from covering unmarried same-sex couples. “Companies will phase out domestic partnership policies in favor of marriage—even without Trump,” says Camilla Taylor, Lambda Legal Senior Counsel.

### ► Get your life-planning documents in order.

If you’re hospitalized or become unable to make your own medical decisions, make sure hospital staff and other professionals respect your partner, especially if you want that person to make decisions on your behalf. A medical power of attorney or health care proxy and a living will are legally enforceable documents setting out your wishes about medical care and decision-making (consult your attorney). No change in federal policy can undermine these documents, or violate your rights to choose your family and control your body. Likewise, the LGBT-friendly hospital visitation policy put in place by the Obama administration should remain in place because it is consistent with state laws.

► **Update your IDs**, including your driver’s license and passport, if you’re transgender and your documents don’t reflect who you are. Changing your gender on a driver’s license in some states is very simple, involving a standardized form and requiring no legal or medical approval and/or proof of surgery. In other states, the process is more elaborate and court orders may be involved (this means court fees.) Changing your gender on your passport under current regulations does not require surgery but does require certification by a doctor that you have had (or are undergoing) “appropriate clinical treatment for gender transition” as well as application costs of \$110-\$135.



### Reasons not to get married include:

- Concerns about how household income would be determined if either or both members of a couple receive public assistance.
- Being able to adopt from a country that doesn’t approve adoptions by same-sex spouses.



► **Make sure your health insurance coverage is in order**, especially if you have

HIV. Whatever happens to the U.S. health care system under the new administration, “HIV positive people who have insurance prior to the changes will be in a better place than those who do not,” says Scott Schoettes, director of Lambda Legal’s HIV Project. While Affordable Care Act insurance plans required enrollment by January 31, you can still sign up after “qualifying life events” such as marriage or the loss of job-based insurance. Those eligible for Medicaid can enroll any time of year. Schoettes warns that government funding of some HIV-related services is at risk and that plan benefits may change over time. But he says you are not likely to lose health insurance coverage simply for being HIV positive.

► **Consider a stepparent, second-parent or joint adoption** if you’re a same-

sex couple raising children, married or not, and if such adoptions are available in your state. A court adoption judgment provides important security, even if both parents are already on each child’s birth certificate. This is because court judgments in one state must be respected by all the other states as well as by the federal government. If you’re not married and your state doesn’t permit adoption judgments for unmarried parents, we suggest you seek what’s called a parentage order. Other suggestions include making sure that each child’s Social Security record lists both parents, and obtaining a passport for each child that also lists both.

► **Reach out to school authorities** if you have

an LGBT child in school and are worried about your child being harassed or prevented from using the restroom. “Work with your local school boards to make sure they have adequate protection from bullying,” advises Davidson.

“The Constitution has not changed and it prohibits the government from discriminating based on sexual orientation or gender identity.”

—Jon Davidson,  
Legal Director, Lambda Legal

► **Stay enrolled in the Deferred Action for Childhood Arrivals (DACA)** program if you’re an immigrant worried about the new administration’s deportation threats.

If you already have DACA, there is less risk in submitting a renewal application because authorities already have the information you previously submitted.

If you do not currently have DACA and are considering it for the first time, you should *not* do so at this time. Speak with an immigration attorney if you are considering DACA.

If you are undocumented, avoid negative interactions with law enforcement, carry a know-your-rights card, know that you have the right to remain silent until you speak to an attorney, do not open the door for Immigration and Customs Enforcement (ICE) unless they have a warrant signed by a judge, and create a safety plan.

If you are eligible for a green card or to become a citizen, apply as soon as you can. [LI](#)

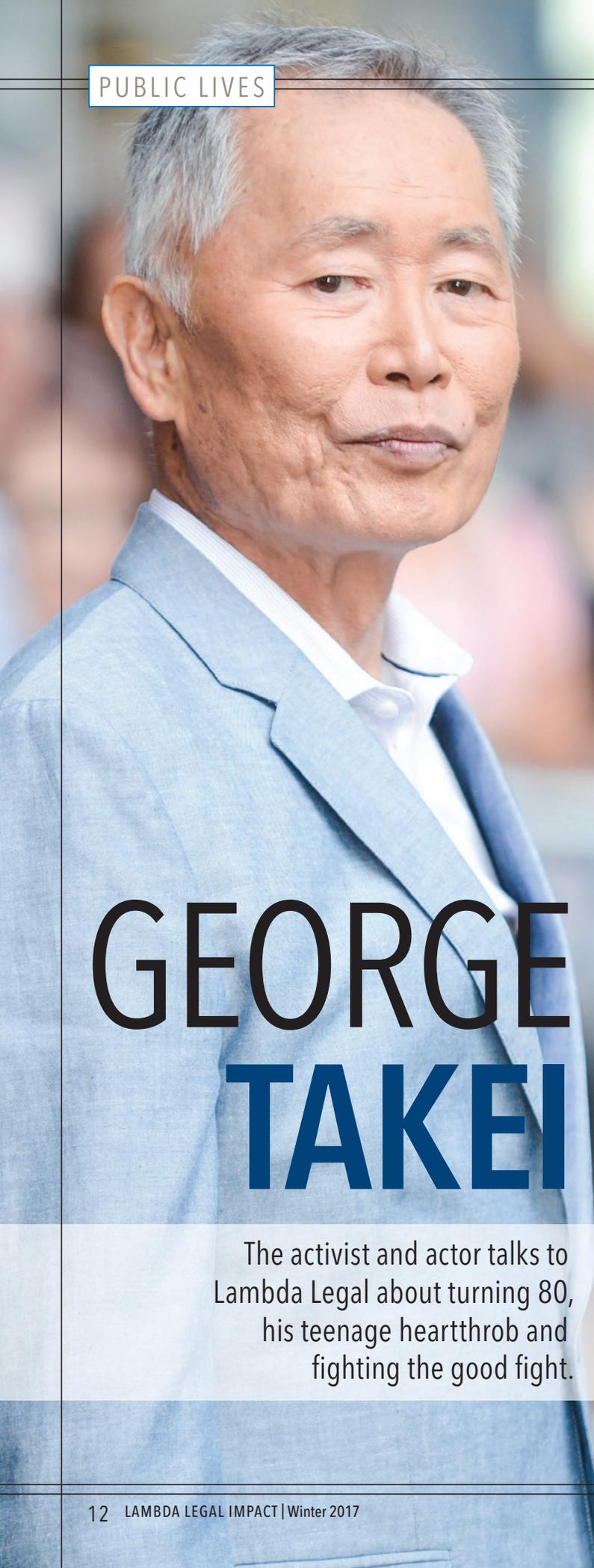
## LAMBDA LEGAL RESOURCES

 **Lambda Legal Help Desk**  
[lambdalegal.org/helpdesk](http://lambdalegal.org/helpdesk)

 **Our Post-Election FAQ**  
[lambdalegal.org/blog/post-election-faq](http://lambdalegal.org/blog/post-election-faq)

 **Know Your Rights** covering HIV, transgender rights, teens and young adults, and courtroom issues [lambdalegal.org/kyr](http://lambdalegal.org/kyr)

 **Take the Power** discusses wills and trusts and how to protect your children, relationship, health care wishes and yourself [lambdalegal.org/take-the-power](http://lambdalegal.org/take-the-power)



# GEORGE TAKEI

The activist and actor talks to Lambda Legal about turning 80, his teenage heartthrob and fighting the good fight.

**Y**our musical about Japanese American internment camps in the U.S. seems so prescient right now.

*Allegiance* is a story about racism and how destructive it is. Some people and the government couldn't see that fact. All they saw was that we looked like the enemy. This recent election showed that many didn't know American history. In particular, this dark chapter of our history when racism took over, combined with war hysteria, and put innocent people, American citizens, in prison camps. This assumption that immigrants are all alike. *Allegiance* underscores how people can love each other if they can see beyond difference.

**Your musical ends with optimism. Do you think in that same way about the future of our country?**

Oh, I'm still in shock. The recovery is soon to come, I know, because we have to recover. The fundamental ideals, the core ideals of this country, are what's got to move us forward.

**What would you would say, especially to the members of the LGBT community, who may be feeling scared after the election?**

I'm someone who grew up behind barbed wire fences and here I am today. It's

important that we actively engage in this participatory democracy and not flee from what we stand for. If anything, this has got to galvanize us even more.

**Fear has also been at the center of the whole "bathroom predator" issue.**

People are creating a problem where none existed. Politicians who are resistant to the idea of diversity in our society are making up issues. When you challenge them to name a case where sexual predation has happened, they can't. They say, "I'll look into it." But, they cannot point to an example. Ultimately we're going to win in the same way that marriage equality was fiercely resisted by these very same people. We've got to be engaged to protect what we've gained and also to continue to push the nation forward.

**You came out at the age of 68.**

Yes. During my time, you could not be gay and have a visible career. Once I started making some progress as an actor, getting cast, there was that fear that it was going to be taken away from me. When I was a teenager my movie heartthrob was Tab Hunter. He was gorgeous. He was the star of almost every other Warner Brothers release at that time. But when he was exposed as being gay, his career just stalled. For me, that was a

very intense wakeup call.

**Then came *Star Trek*.**

But *Star Trek* was cancelled in '69 and that was the year of Stonewall. Here I am having worked steadily for three seasons and suddenly I'm unemployed.

**And you were in the closet.**

Stonewall was exciting. At long last, here are people standing up, saying, "We won't take this anymore." I was vocal on very important issues of the time, like civil rights and the antiwar movement. Yet I was silent on the very issue that was profoundly personal to me. It was torturous. I lived with this constant, needle-prick anxiety and fear of exposure. And it's difficult to have a relationship when you're asking yourself: will he be damaging to me?

**You came out so publicly.**

I blasted Arnold Schwarzenegger's veto of the marriage equality bill in California that day. Once I made that move to speak out to the press for the first time as gay man, I felt completely myself.

**You're everywhere. Onstage, online, making appearances. What's your secret?**

I've been an activist throughout my life on political and social justice issues. When you're engaged like this, it's difficult to

spend 24 hours a day on social media. We have a team and a timetable so we can build an audience.

**You're returning to the stage in *Pacific Overtures* in April, and you turn 80 that same month. Congratulations.**

I'd like to shout it from the mountaintops. The theater has always been my first love.

**How do you do eight performances a week?**

Discipline and staying healthy. We're living longer and we're finding new challenges. That's why LGBT seniors are an issue that has to be more on the minds of people who advocate for LGBT equality. We need to create an environment where they can be truly comfortable. Some people have had to go back into the closet when they go into assisted or communal living, just to survive. I have contributed funds to build a housing complex for LGBT seniors in Los Angeles.

**You're fighting the good fight.**

We LGBT people have made such amazing advances. We're all pulling at the same wagon, as I say. 

---

*George Takei stars in Classic Stage Company's production of Pacific Overtures in New York City, opening April 6.*



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We are pleased to have achieved a perfect (100%) score on the Human Rights Campaign's 2017 Corporate Equality Index and to have earned HRC's coveted "Best Places to Work for LGBT Equality" distinction.

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# WE ARE FAMILY

## 7 Black LGBTQ Icons You Have *Definitely* Never Heard Of

BY R. ERIC THOMAS

**No shade, but February is too short and too cold a month to be celebrating Black History.**

Nobody is trying to go to an Audre Lorde parade when it's 10 degrees outside. How are you going to dedicate the month that is doing the least to the people who have a long history of "doing the most?"

Fortunately, you can celebrate Black History Month any time you want. Thursday the 13th of June? It's Black History Month now. Time is a construct.

To help you on your celebratory journey, here are seven black LGBTQ historical icons that deserve your attention. It's possible you haven't heard of many of them; they may not *technically* be real. But whatever; facts are a construct.

**1. Millicent Beaugard** is the most famous gay black ghost. She passed to the great rainbow connection in the sky in 1921 after rolling her eyes so hard she got vertigo and fell off a bridge. She now spends her days possessing unsuspecting white gay men. Ever heard your friend Tripp snap his fingers and declare, "Girl, I have a black woman living inside of me"? That's not a microaggression; it's Millicent! Hello from the other side!

**2. Anthony Burgess** was the first person to download *Lemonade*. He is the Matthew Henson of scorned diva anthems and modern black female empowerment. Like Usain Bolt crossing the finish line with milliseconds to spare, Anthony's ears will always be just a little bit woker than the rest of ours. Respect.

**3. Sally Freemont** is a great black lesbian inventor. But Sally is best known for one, dramatic failure and the phrase it produced. In 2002, she got up to do the Cha-Cha Slide—a dance that includes all the instructions in the lyrics. Poor Sally, all brains and no coordination,

prompted her sister Rosalee to loudly remark, "She tried it!" This one moment of sisterly shade stuck, becoming a favorite phrase of queens the world over. Sally Freemont, we salute you for your failure. You tried it!

**4. Chrystal** is the black trans lesbian surfer who rode fourth wave feminism into an all-white gathering and famously bellowed, "What you're *not* going to do is keep talking without me!"

**5. Patrice Breslow:** the owner of The Library. As Dorian Corey famously proclaimed in the landmark film *Paris Is Burning*, "shade comes from reading; reading came first." And reading came from the living room of retired bookseller and all-around shady queen Patricia Breslow. She never met a sassy opinion she didn't want to broadcast and she never met a book she didn't want to devour from cover to cover. After a series of smart investments allowed to purchase a sprawling mansion in the Bronx (opulence, darling!) she opened her salon to a group of friends who liked to page through tomes and play the dozens on each other. Just like that, the library was open!

**6. Carlton Scruggs**, who watched the "Can You Feel A Brand New Day" scene in *The Wiz* and immediately *knew*. I mean, we all knew. But Carlton *knew* knew. The dark bodies in white underwear. The joyous liberation anthem by complicated queer icon Luther Vandross: It was all too much. He turned off the VCR, threw on Diana Ross's "I'm Coming Out," vamped around the coffee table and never looked back.

**7. Kyle** from *Living Single*. Don't trip; you know he was family. [LI](#)

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*R. Eric Thomas is a comedy writer living in Philadelphia. He loves cornbread and kale and tweets as @oureric. He also writes a daily political humor column for Elle.com.*

## LAMBDA LEGAL & FRIENDS

### CONNECTICUT CARES Mitchells, Westport, CT, October 23, 2016



CEO **Rachel B. Tiven** and Lambda Legal plaintiff **Payton McGarry**.



Board member and Amicus-level Liberty Circle members **Michelle Waites** and **April Holder** and board member and Defender-level Liberty Circle members **Suzanne LeVan** and **Annette Cerbone**.

### DALLAS LIBERTY CIRCLE RECEPTION Sharif & Munir Custom Homes, December 14, 2016



Liberty Circle member **Erin Burke** and Amicus-level Liberty Circle member **Fi Macpherson**.



Liberty Circle and Dallas Leadership Committee members **Joseph Hernandez** and **James Frederick**.

### SUMMER SEND OFF Hollywood, CA, September 25, 2016



**Edgar Garcia Plazola**, **Dana Irwin** and Host Committee Member **Fernando Molina**.

# A CONVERSATION WITH DONOR **DAN GUIO**

This issue, Lambda Legal had a chance to sit down with donor, architecture enthusiast and friend Dan Guio as a part of our Member Spotlight series. In addition to being members of our **Liberty Circle**, Dan and his partner Wayne Reeves have taken the initiative to include Lambda Legal in their estate plans and are local supporters in Indianapolis, which they call home.

**Lambda Legal:** How did you and Wayne become involved with Lambda Legal?

**Dan Guio:** A long time ago, Wayne and I realized that if we were to see positive change for the LGBT community in our lifetime, it would be in part through the courts. That's what initially brought us to Lambda Legal's door.

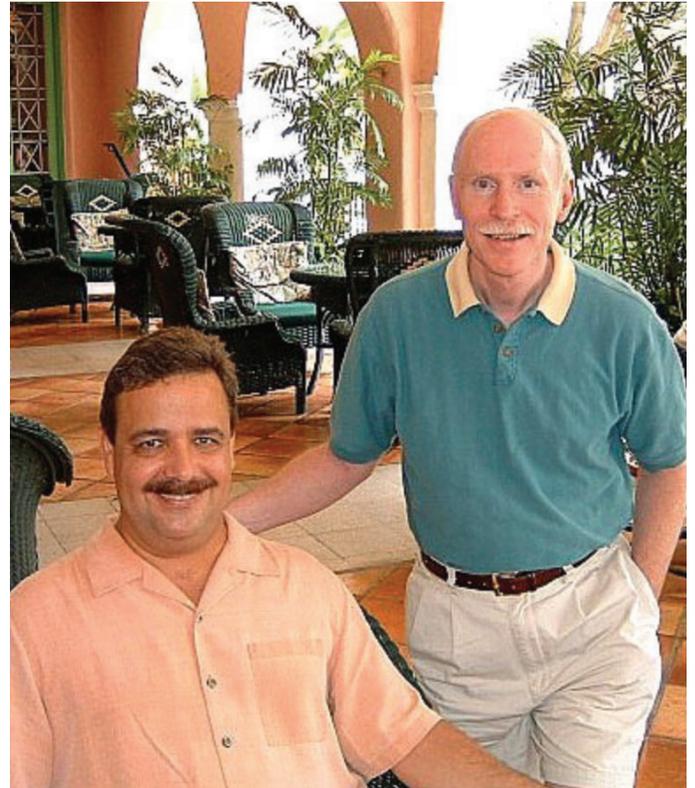
**LL:** You and Wayne have been long-time friends to Lambda Legal (since 1994). A lot has changed since then.

**D:** We talk about this a lot—the progress toward full equal rights that's been made over the years, but also the battles we may have lost. You know, I think most of us understand that even with the advent of marriage equality, we have a lot of incredible work ahead. It's clear more than ever that there are forces at work to roll back the achievements we've made.

**LL:** Speaking of work ahead, many were shocked to hear about our case representing Marsha Wetzal, a senior who is facing harassment at her living facility, simply because she was open about being a lesbian who raised a family with another woman.

**D:** Yes—and like everyone else, we were stunned to read about Marsha's case. It's heartbreaking to see the discrimination she faced. You want to believe that a place like a retirement community can be a safe space for everyone. I just think, "Would Wayne and I be welcome someday? Will we be safe?" That's not only a concern for us here in Indiana, but for our whole community across the country.

**LL:** This year, we've unfortunately witnessed a lot of localized backlash against LGBT people and everybody living with HIV. What is your hope for the Midwest and beyond?



Liberty Circle member **Dan Guio**, standing next to his partner **Wayne Reeves**

**D:** I worked in the human resources field for 30 years. When I served as president of the local and statewide HR associations, I was taken aback by how many companies didn't have strong protections for their LGBT employees. Just recently, the *Indianapolis Star's* front page was bolded with Lambda Legal's case representing Kim Hively. We need cohesive and strong protections for workers, our families, seniors, youth...the list goes

on and on.

Thank you for everything Lambda Legal has done and continues to do for us. Right now, we're looking to the future. Wayne and I feel it's our mission to make sure Lambda Legal will always be there to defend, protect and fight for our community, no matter when, where or what may happen. We look forward to the victories ahead, and are so happy to be a part of it. **LL**

## EVENT SPOTLIGHT



2015 West Coast Liberty Award host **Wendi McLendon-Covey**, honoree **Aisha Tyler** and presenter **Dan Bucatinsky**

**THE WEST COAST LIBERTY AWARDS** is Lambda Legal's premier Los Angeles event. Over the years, this star-studded evening has been hosted at some of the most historic and exclusive venues in Los Angeles including the Director's Guild of America, Hollywood's Egyptian Theater and the Four Seasons Beverly Wilshire Hotel. Now held in June, the red carpet is rolled out for our Lambda Legal supporters and celebrity guests to enjoy an exceptional evening.

The West Coast Liberty Awards pays tribute to individuals and organizations whose legal, advocacy or public work impact the lives of LGBT people and people living with HIV. Lambda Legal's Liberty Award is our highest honor and notable celebrity honorees have included **Chaka Khan**, **Justin Bartha**, **Aisha Tyler** and **Alan Cumming**. Each year, Hollywood turns out to celebrate the achievements of their colleagues and support Lambda Legal's work. Some of the distinguished hosts that have set the tone of the evening with their wit, humor and moving histories include **Kathy Griffin**, **Lance Bass** and **Cheyenne Jackson**. Year after year, the West Coast Liberty Awards has evolved and continues to grow into the cutting-edge success it has become. [LI](#)

Learn more about the West Coast Liberty Awards, which take place on Friday, June 2, at [www.lambdalegal.org/WCLA](http://www.lambdalegal.org/WCLA)

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**How did you learn about Lambda?**

One of my work colleagues, Jennifer Cast, was a board member and Lambda Legal donor. When she discovered my interest in supporting LGBT issues, Jennifer invited me to a small house party that she hosted for women donors in Seattle.

**Has our work impacted your life?**

My partner and I married in 2013, and she recently passed away. Lambda Legal has long worked for the concept of lived equality, not only legal victories, and in part because of their years of work on policy as well as litigation, Washington State has excellent protections for LGBTQ people. In the intensive care unit, I was able to focus on my wife because the University of Washington Medical Center staff accepted my place as her wife without question. I will be grateful to Lambda Legal forever for their role in making that happen.

# ANNE KROOK

Seattle



Lambda Legal board member **Anne Krook** (left) and her late wife, **Kathleen (Kasz) Maciag**

**What work do you do outside of your involvement with Lambda Legal?**

I've spent a long time in the technology industry, working with Amazon, then a start-up, and then product-design engineering firm. I now run my own business, helping companies to integrate young women into their workforces. I started my career in academics, and now I also help universities teach graduate students how to find non-academic jobs.

**What's rewarding about your volunteer work with Lambda Legal?**

One of the things I care about most is helping the organization grow and adopt effective communication methods to reach the next generation of clients, supporters, and donors. I help the organization consider what new technologies to adopt: for example, I recently donated iPad minis so the events team can check in guests much more efficiently. [LI](#)

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# SEX & RELATIONSHIPS

You reveal your most intimate concerns. **We ask the experts.**

**Q** I know lots of other lesbians are into butch/femme, but not me. The problem is that my wife seems to be going in that direction. She says she misses my old lipstick days (that was my 30s and we're in our 50s now) and is really embracing her masculine side. This is also changing things for us in bed, where we used to sort of mix it up but now she's the only top in the family, so to speak. So here's my question: Is it more important for me to "be myself" or to try and stay open to these changes?

Congrats on your enduring relationship! We're guessing you're pretty good at weathering change or you wouldn't have stayed together so long. Keeping up with a partner's desires is tricky, though. "What we like sexually can change year to year, even month to month," says Brooklyn sex therapist Carolanne Marcantonio, who specializes in LGBTQIA issues. (The "I" is for intersex and the "A" for asexual.) She sees couples of many kinds grappling with each other's passing fancies.

Not surprisingly, Marcantonio wants you and your beloved to talk—but not while reclining together in the sack. "It's important to have a conversation outside of the bedroom about what you both want and what you are willing to give and receive," she says.

As for your wife missing your feminine side, Marcantonio asks, "Is there a compromise you can reach that doesn't feel like you are giving



something up?" For instance, how do you feel about playing femme once in a while? "You can still be yourself, so to speak, while enacting an agreed-upon role play or power dynamic," says Marcantonio.

You are absolutely entitled to say no. But remember, this is not necessarily about your identity in public or even the way you see yourself as an individual but about what you two as a couple decide to pursue for purposes of pleasure and, okay, love.

Finally, keep in mind that while experimenting in a long-term relationship can be intimidating, it can also be fun. Who knows what you'll find out?

**Q** I'm a transgender gay guy. I went out last night with this really attractive person who turned out to be cisgender. I definitely want to see him again, but I'm nervous because I've never dated anyone who's cis. Do I pretend he's not cis and go with the flow? Or are there specific things I should know ahead of time, about sex for instance?

I'm only slightly comforted by the fact that I'm not his first transgender date.

This is a great question because it points to the universality of first date jitters—and the advice that pretty much always applies: Communicate. "Share. Listen. Avoid making assumptions," says Portland, Oregon therapist Chris Hamann, who works mostly with trans and

gender-nonconforming clients. "Just like no two transgender guys are the same, no two cisgender guys are identical."

On the other hand, don't rely on the new fella to play teacher because that's too one-sided. "Do some of your own research about dating cis guys—use Google, find a book or zine online and ask other trans guys you know who have been with cis guys," Hamann advises.

If things get sexual, he says, make sure to speak up about what you like and don't like. "Remember that all bodies are different and we all have particular desires. Ask him what he likes, what feels good, what turns him on and what's off limits. Talk with each other about what language you use for your bodies."

Whether this ends up being a single encounter or something deeper, a good measure of body pride and mutual pursuit of pleasure will be key.

Also, "Tell him you're nervous. It's okay to be nervous." **LI**

**Have questions for our sex and relationships experts?** Email [impact@lambdalegal.org](mailto:impact@lambdalegal.org). This information does not constitute legal advice. For more information, contact our Help Desk at [lambdalegal.org/help](http://lambdalegal.org/help)



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