



2020 IN REVIEW

BLACK TRANS LIVES MATTER
A massive rally took place outside Brooklyn Museum in New York City on June 14, in response to the deaths of Black people at the hands of law enforcement, the wave of violence against Black trans women, and the Trump Administration's efforts to foster discrimination against LGBTQ people.

Demetrius Freeman/
The New York Times

WE'RE STILL HERE

It was a hell of a year, 2020. But there was a silver lining: **WE MADE PROGRESS.**

You know as well as anyone that **2020 was the ultimate endurance trial.** COVID-19. The loss of loved ones, jobs, savings. All the isolation, uncertainty and fear. The vitriol and bitter divisiveness. The loss of Justice Ruth Bader Ginsburg. The confirmation of Justice Amy Coney Barrett. The continuing onslaught of bad judges to the federal judiciary.

With a new administration in place, we have the opportunity to repair the damage that's been done to our courts and to our nondiscrimination protections, which the previous administration worked so assiduously to undo.

A month before the election, U.S. Supreme Court Justices Samuel Alito and Clarence Thomas authored a shocking statement. Though the Court declined to hear a case brought by Kentucky County Clerk Kim Davis (yes, *that* Kim Davis), Alito and Thomas said that Obergefell was "undemocratic" and subjected people like Davis to "cavalier treatment." What would

the Court now be capable of, with a 6-3 conservative majority and a newly confirmed justice with a known antipathy to same-sex couples getting married?

Are the rights we waited and fought for, all our lives, up for grabs? Is our health care up for grabs?

Our opponents say yes. We at Lambda Legal defiantly and loudly say no. We're here to stay.

You got into this fight with us because you wanted to be part of the change. You didn't want to let bigots and bullies, under the guise of "religious freedom," get to humiliate, control and erase you.

You partnered with Lambda Legal because we have a winning track record. And in 2020, perhaps the most challenging year in recent memory, with your support, we staved off vicious attacks. *We made progress.*

We got the most important courts in the country to side with you during the *annus horribilis* of 2020. Please stay in the fight with us, so we can keep the progress going.

WHAT OUR OPPONENTS SAID

Workplace bigots should still, in 2020, be able to fire or reject employees because they are LGBTQ, or deny advancement or opportunities to people living with HIV.

WHAT LAMBDA LEGAL DID

■ Laid the groundwork for an historic Supreme Court workplace rights win.

In June, the Supreme Court made it clear once and for all: discriminating in the workplace against an employee for their sexual orientation or gender identity is illegal. Lambda Legal had worked for a decade and a half to set the stage for this monumental win. We achieved landmark victories in the appellate courts, first in 2011 on behalf of transgender state employee Vandy Beth Glenn, and then in 2017 on behalf of Kim Hively, who lost her job after she was seen kissing her girlfriend in a parking lot. We stood with Donald Zarda, a skydiving instructor fired after coming out, in the court of appeals, and were proud to support Don, Gerald Bostock and Aimee Stephens when their three cases were heard by the Supreme Court. Vindication was a long time in the making, but no less sweet.

■ Blocked the discharge of Air Force personnel with HIV.

There are too many laws, rules and policies on the books that only entrench bigotry, stigma and ignorance of HIV, including current knowledge of treatment and its ability to virtually eliminate transmission risk. In January, Lambda Legal made headway, getting a federal court to uphold a decision to halt efforts by the Trump administration to discharge members of the Air Force just because they have HIV.

■ Got justice for qualified job finalists punished for having HIV or being gay.

Lambda Legal won a \$90,000 settlement for William "Liam" Pierce, whose job offer as Sheriff's Deputy

in Louisiana was rescinded by the Iberia Parish Sheriff's office when they learned of his HIV status. Lambda Legal also got a federal court to reopen the case of Mark Horton, whose job offer was withdrawn after Midwest Geriatric Management in Saint Louis, which chose him for his impeccable qualifications, found out he was gay.

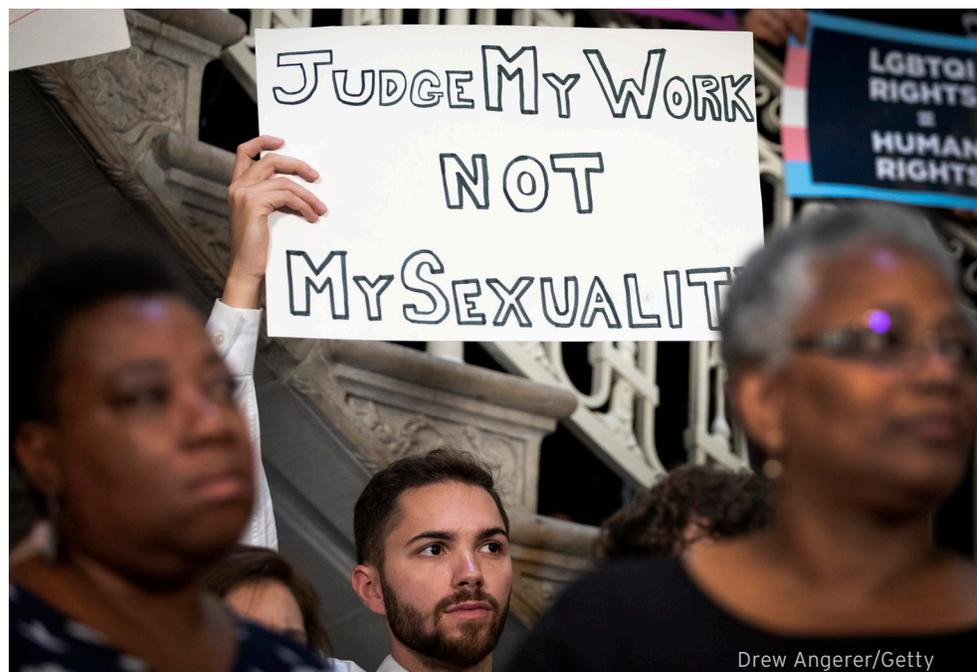
WHAT OUR OPPONENTS SAID

LGBTQ couples, families, seniors and youth don't deserve equal treatment, dignity or respect.

WHAT LAMBDA LEGAL DID

■ Got the State Department to stop denying citizenship to the children of same-sex parents.

Lambda Legal scored two major victories when we persuaded federal courts to order the State Department to recognize as U.S. citizens from birth and issue passports to Simone Mize-Gregg and to Kessem Kiviti. Although Simone's parents, Derek Mize and Jonathan Gregg, and Kessem's parents, Roe and Adiel Kiviti, are all U.S. citizens, the State Department treated these children as though they were "born out of wedlock," and applied more demanding rules than would have applied to children born to a married different-sex couple.



Drew Angerer/Getty

SETTING PRECEDENT, MAKING HISTORY: Lambda Legal secured three key federal appellate court victories that culminated in the historic *Bostock* win at the Supreme Court in June. Pictured: Demonstrators at New York's City Hall in 2019.

The State Department's disregard for their parents' marriages was not only stigmatizing and insulting, but threatened these families' safety and security. The State Department initially fought Lambda Legal's victories in both cases, but finally dropped their appeals in October.

■ Got the Social Security Administration to stop robbing surviving same-sex spouses and partners of millions in hard-earned benefits.

Social security benefits, including benefits for surviving spouses, are often a lifeline for older adults. Yet because of discriminatory marriage bans that lasted until as late as 2015 in many states, countless same-sex couples couldn't marry in time to qualify for survivor's benefits. Lambda Legal won two nationwide class actions ruling that it is unconstitutional for the Social Security Administration to deny survivor's benefits to same-sex spouses or partners who couldn't, because of discriminatory laws, marry in time to meet the government's nine-month marriage requirement. Lambda Legal brought two class actions: one on behalf of Michael Ely, who was with his partner James "Spider" Taylor for 43 years but was only able to be married for six months, and Helen Thornton, who was with her partner for 27 years but was never able to marry at all.

■ Took action against attempts to let taxpayer-funded agencies turn away LGBTQ people for religious reasons.

There are 400,000 children in the child welfare system in the U.S. who can't live safely with their original families. This includes a disproportionate number of LGBTQ youth, many of whom have faced family rejection. Despite our child welfare crisis, some foster care agencies, citing "religious objections," won't even let same-sex couples apply to become foster parents. In 2020, Lambda Legal defeated an attempt to throw out our case on behalf of Eden Rogers and Brandy Welch, who were turned away by Miracle Hill Ministries, South Carolina's largest



Reese Moore

PROTECTING YOUTH FROM MISINFORMATION AND ERASURE:

Until 2020, South Carolina restricted discussion about same-sex relationships in health education. Lambda Legal, National Center for Lesbian Rights, Campaign for Southern Equality, South Carolina Equality and our partners got that law struck down.

state-contracted foster agency. Lambda Legal also provided amicus support to the Supreme Court in another case by another foster care agency trying to be exempt from Philadelphia's nondiscrimination requirements for all government contractors because of its "religious objections" to licensing same-sex couples to be foster parents. Lambda Legal also sued the U.S. Department of Health and Human Services (HHS) on behalf of three organizations serving vulnerable populations—Family Equality, True Colors United, and SAGE—for its unlawful announcement that it would stop enforcing antidiscrimination protections against recipients of federal grants.

WHAT OUR OPPONENTS SAID

If you're transgender, you aren't entitled to health coverage, or accurate ID, and you can't use the bathroom.

WHAT LAMBDA LEGAL DID

■ Beat back the denial of coverage in states across the country.

Lambda Legal won coverage of gender-affirming care for state employees in Alaska, defeated North Carolina's attempt to have a similar challenge dismissed and got Colorado to pay previously rejected claims and stop excluding gender-affirming care from its public employee health plan.

WE NEED YOU TO HELP US LEAD THE FIGHT AHEAD.

This holiday season, consider making a gift to support the fight to protect the dignity of LGBTQ people and everyone living with HIV.

With LGBTQ allies returning to the White House in 2021, we can expect our opponents to double down on their strategy of using the courts to undermine our rights, just as they have done to undermine a woman's right to choose and the voting rights of people of color. We are in for an ugly, multi-year fight.

We need to double down, too. A group of Lambda Legal's leading donors are personally matching new and increased support through the end of 2020, up to \$250,000.

Will you double down with us? Make a qualifying gift before December 31st and you will help fund an infusion of half-a-million dollars so Lambda Legal can lead the fight ahead.

WE'RE HERE TO STAY

LEADERSHIP GIVING CHALLENGE

\$250,000 in new & increased donations
+ \$250,000 matched by Lambda Legal leadership

\$500,000 to lead the fight ahead

Don't let the bad guys win. Visit lambdalegal.org/Challenge21

2020 IN REVIEW (CONTINUED)

■ Challenged HHS's attempt to enable discrimination in health settings.

Lambda Legal launched a case to stop the federal agency's attempt to carve out LGBTQ people and other vulnerable populations from regulatory antidiscrimination protections under the Affordable Care Act.

■ Beat back Idaho's attempt to deny accurate ID docs.

Lambda Legal got a federal court to confirm that Idaho's most recent legislative attempt to deny transgender people accurate birth certificates violated the court order Lambda Legal won in 2018 on behalf of transgender Idahoans.

■ Defeated a high school's attempt to keep a student from using the bathroom.

The Saint John's County School Board in Augustine, FL, tried to bar high school student Andrew Adams from being able to use the correct bathroom. After losing to us at trial in 2018, the school board appealed, but this summer we prevailed again in the court of appeals

WHAT OUR OPPONENTS SAID

Young people shouldn't learn about LGBTQ people.

WHAT LAMBDA LEGAL DID

■ Continue to make homophobic curriculum laws a thing of the past.

Many of you reading this newsletter know what it's like to sit through a health ed class that erased or denigrated you as an LGBTQ person. In 2020, South Carolina, which has nearly 800,000 public school students, still prohibited any discussion of same-sex relationships in health education except in the context of sexually transmitted diseases. But Lambda Legal and its partners got South Carolina's curriculum law struck down. We had achieved a similar victory against Arizona in 2019. Young people, especially LGBTQ youth, deserve better than misinformation or no information. Lambda Legal will continue to fight these state curriculum laws, which still exist in a handful of states, until they're in the dustbin of history. **LL**

Learn more. Support the fight. Visit LambdaLegal.org