

# In the Beginning

## Highlights of Lambda Legal History

All this year we're proud to offer you some highlights of Lambda Legal's work over the past 35 years. This issue we begin with some of our very first cases in the 1970s.

At Lambda Legal, we're feeling good about our age. At 35, we're in our prime, fighting for full equality for lesbians, gay men, bisexual and transgender people and people living with HIV. With tremendous support from members and volunteers, we've grown to an organization that represents people in more than 60 cases at a time with a staff of more than 100 employees, a national headquarters and four regional offices across the country. We achieve victories in court and in the court of public opinion with our high-impact litigation, education and public policy work. Our first case — fighting for the

right to exist and to become the nation's most powerful force for LGBT legal rights — was about being recognized and treated equally. That's the same fight we've waged on behalf of LGBT people and those with HIV ever since.

For 35 years, we have been strategically building up laws and policies that protect and promote the civil rights of LGBT people and people with HIV, building a foundation brick by brick. During this anniversary year, we are proud to highlight some of the victories that became building blocks in our fight for civil rights.



### 1973: *Gay Student Organization v. Bonner*

"A spectacle," said a furious New Hampshire Governor Meldrim Thomson, Jr., denouncing a gay student dance at the University of New Hampshire in 1973. After the next Gay Student Organization event, where copies of Boston's Fag Rag were distributed, the governor condemned this "indecent and moral filth" and demanded to halt to "socially abhorrent activities."

Organizers insisted that they wanted "to promote the recognition of gay people on campus and...express ourselves." Theirs was a sentiment that young people have expressed more and more forcefully over the years, building a new kind of student activism that Lambda Legal has helped bolster since its inception. The gay students from the University of New Hampshire found themselves in federal court fighting a ban on their school activities. Lambda Legal's E. Carrington Boggan filed a friend-of-the-court brief, arguing for full recognition of the gay plaintiffs' First Amendment rights to meet, speak and socialize. With unflinching language, just before the year 1975 rang in, the court lifted the ban on gay student social activities, agreeing with Lambda Legal that: "...homosexuals exist, that they feel repressed...that they wish to emerge from their isolation."

### 1974: *Parents and Children*

One early request for Lambda Legal's help concerned the case of Maureen DiStefano. In 1974, several years before Lambda Legal joined the case, DiStefano's three young children were snatched away by a family court judge who also ordered that visitation could be allowed only if DiStefano's lesbian partner was not present. DiStefano was a fit mother, admitted the judge in Buffalo, New York — "aside from the effect upon the children of (her) life style."

The upstate New York case brought Lambda Legal's first opportunity to educate higher court judges about lesbian and gay parents. In its friend-of-the-court brief, Lambda Legal argued that the family court judge erred in saying that DiStefano's lesbian relationship was an "indiscretion" that warranted revocation of custody without showing any actual harm to the children. An appeals court ruled against her in 1978, rubber-stamping the trial judge's finding that a detrimental effect on the children was predictable as a result of the mother's "failure to

keep her lesbian relationship separate from her role as mother..."

From the outset, frantic parents were calling Lambda Legal, many facing loss of custody or visitation with their children on flimsy pretexts. In another early case, a man whose ex-wife refused to allow him to see his three daughters became one of a few "out" fathers to assert his rights. "It created a stir in the courthouse in Queens. People would come out to stare at him: a gay man who admitted to being gay," Lambda Legal volunteer lawyer Shepherd Raimi recalls. The judge found that our client was a good father and granted the visitation request.

Times — and the law — have changed dramatically since these early cases from the 1970s. But they didn't change by themselves. Lambda Legal secured the legal right of students to form gay-straight alliances and have recognized student clubs under the same terms as other student clubs in 2000 (*Colin v. Orange Unified School District*). And we have won numerous cases across the country protecting the parenting rights of LGBT people and nonbiological parents, including our 2007 federal court victory striking down the extreme Oklahoma Anti-Adoption Law as unconstitutional (*Finstuen v. Edmondson*).

As we celebrate our history, our eyes are on the future. **L**