

# The Other

President Woodrow Wilson once said, “If you want to make enemies, try to change something.” The effort to change how LGBT people are treated under the law has certainly proven President Wilson’s quip to be true. While gay rights cases once pitted Lambda Legal against either government agencies and officials or private businesses, it is increasingly the case that our opposition is represented by a cadre of arch-conservative nonprofit organizations that have been formed to oppose LGBT rights as a centerpiece of their work.

Most of these groups came into existence within the last 20 years with the express goal of countering the success in the courts of impact litigation organizations like Lambda Legal. While decrying what they call “judicial activism,” they frequently ask courts to strike down laws that protect lesbians, gay men, bisexuals and transgender people. In addition, these groups also seek to limit reproductive choice and stem cell research, promote prayer in schools and the teaching of creationism and “intelligent design,” and defend those who seek to excuse discrimination on religious grounds.

Who are these adversaries? While dozens of organizations have filed lawsuits opposing LGBT rights or sought to support the parties Lambda Legal has sued, there are four groups we consistently have found ourselves up against.

The prime opponent is the Alliance Defense Fund (ADF). This organization was established in 1994 by the founders of Focus on the Family, Campus Crusade for Christ, the American Family Association, and more than two-dozen churches. ADF has an annual budget of over \$32 million dollars, more than three times that of Lambda Legal’s. ADF’s major donors have included the Helen DeVos Foundation (formed by the founder of Amway, which has been called a “quasi-religious corporation”), the Lynde and Harry Bradley Foundation (established by a former member of the extreme right-wing John Birch Society), and the Edgar and Elsa Prince Foundation (whose vice-president previously headed the infamous Blackwater Worldwide corporation, a

mercenary organization deployed in Iraq by the Bush Administration). ADF’s President and General Counsel is Alan Sears, author of *The Homosexual Agenda: Exposing the Principal Threat to Religious Freedom Today*. In addition to its in-house lawyers, ADF claims to have trained more than 1,200 allied attorneys and 400 “Christian law students” in exchange for commitments to provide ADF with legal assistance.

Over the last several years, ADF filed four separate cases seeking to stop New York’s recognition of marriages lawfully entered by same-sex couples in other jurisdictions. Lambda Legal intervened and defeated each of these challenges, two of which are now before New York’s high court. Lambda Legal also turned back ADF’s legal challenges to California’s comprehensive domestic partner law, New Orleans’ domestic partner registry, the domestic partner benefits offered by an Ohio public university and an Iowa court order obtained by a same-sex couple declaring that the civil union they had entered in Vermont was no longer in effect. ADF was also on the losing side of the case in which Lambda Legal and our sister organizations initially won the freedom to marry in California, our case holding that doctors may not deny a lesbian medical care based on religious objections, a Supreme Court ruling allowing a university to use student fees to provide a forum open to an LGBT student group, efforts to place a referendum on the ballot to repeal Montgomery County, MD’s gender identity nondiscrimination ordinance, and a case where ADF unsuccessfully represented a woman who sought to take child custody away from our client based on the same-sex relationship he was in after the couple’s divorce. ADF further worked behind the scenes assisting the local government we successfully sued to win marriage victory in Iowa. It also has intervened in the federal challenge to Prop 8 to defend the measure when the government defendants announced they would not.

Mimicking Lambda Legal’s important work filing friend-of-the-court (“*amicus*”) briefs in LGBT rights cases, ADF has likewise submitted *amicus* briefs in a number of Lambda Legal cases on

# Side

## A Quick Summary of Major Anti-LGBT Legal Organizations

behalf of conservative politicians, clergy and right-wing organizations such as the Family Research Council. ADF further promotes the so-called “Day of Truth” to counter the annual “Day of Silence,” in which Lambda Legal has provided assistance to students calling attention to the silencing of those who are gay.

A second group Lambda Legal is often opposing is Liberty Counsel, whose tagline is “Restoring the Culture One Case at a Time.” Liberty Counsel was founded in 1989 by Mathew Staver, who is now its chairman as well as the dean of the late Jerry Fawell’s Liberty University School of Law. Liberty Counsel runs the school’s Center for Constitutional Litigation and Policy, which it asserts exists to “train attorneys, law students, policy-makers, legislators, clergy and world leaders in how to view the Constitution and public policy through a fundamentalist biblical worldview.” Press accounts indicate that Liberty Counsel’s annual budget was approximately \$2 million in 2007.

Lambda Legal has turned back effort after effort of Liberty Counsel to get around a Vermont custody order in the Virginia courts. We have also defeated Liberty Counsel’s attempt to maintain a restriction on a father living with his same-sex partner and its lawsuit trying to strike down all of California’s domestic partnership laws. Most recently, Liberty Counsel stepped in to help represent the Mayor of Birmingham, in Lambda Legal’s lawsuit challenging the mayor’s refusal to provide Central Alabama Pride the same city services as other groups because of his opposition to their message.

A third frequent Lambda Legal opponent has been the American Center for Law and Justice (ACLJ), which was established in 1990 by Pat Robertson, founder of the 700 Club, the Christian Coalition and Regent University. Press accounts indicate that ACLJ’s annual budget is approximately \$35 million and that it has more than twice the number of staff lawyers as Lambda Legal. Lambda Legal assisted in the efforts that defeated ACLJ’s

attempt to stop New York City from providing its employees domestic partner benefits, as well as ACLJ’s challenge to San Francisco’s equal-benefits ordinance, which required city contractors to provide their employees’ domestic partners the same benefits provided to employees’ different-sex spouses. ACLJ, on the other hand, filed friend-of-the-court briefs opposing Lambda Legal’s efforts to win marriage equality in several states. Additionally, they filed a brief on behalf of Focus on the Family and an arm of the Southern Baptist Convention opposing Lambda Legal’s challenge to the Boy Scouts’ antigay policies.

The Thomas More Law Center (TMLC) is yet another nonprofit legal group that has been an adversary of Lambda Legal in numerous cases. Founded in 1999 by antichoice Domino’s Pizza mogul Tom Monaghan and its current President and Chief Counsel Richard Thompson, TMLC reportedly has a \$2.5 million annual budget and its website proclaims that it currently is handling 259 cases in 43 different states. Lambda Legal helped defeat TMLC’s attack on a Michigan school district’s domestic partner benefit plan and TMLC’s challenge to a school health education program that included medically accurate information about sexual orientation. TMLC, in turn, unsuccessfully sought to intervene in Lambda Legal’s New York marriage case and submitted a friend-of-the-court brief in support of the National Organization for Marriage’s opposition to our state constitutional challenge to Prop 8, as well as one against our California challenge to religiously-based sexual orientation discrimination in health care.

It’s said that imitation is the highest form of flattery. In trying to copy the impact work of Lambda Legal, it’s clear these four well-funded anti-LGBT groups have great respect for what we do. Luckily, however (and as the track records make clear here), copies usually don’t live up to the original. **L**