



# Who's Under Attack?

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Here's one straight out of the pages of George Orwell: In two cases currently pending before the United States Supreme Court in which Lambda Legal has filed "friend of the court" briefs, anti-LGBT forces are arguing that the Court needs to intervene to protect *them* against discrimination, harassment and violence.

One case, *Christian Legal Society v. Martinez*, involves a policy of California's Hastings Law School. If a student organization wants to use the school's name and logo, obtain school funding and be able to communicate with students through the state-run school's communication vehicles, the group must be willing to admit any Hastings student as a member, regardless of the personal characteristics or beliefs of the student. The Christian Legal Society, which refuses to admit members who engage in what it believes is "unrepentant participation in or advocacy of a sexually immoral lifestyle," including "homosexual conduct," sued the school. Hastings does not deny the group the ability to meet on campus or communicate with students through bulletin boards and other means. Nevertheless, the Christian Legal Society is claiming that its First Amendment and equal protection rights are under siege, because it is being denied benefits available to others. In other words, while turning a blind eye to the harm it is doing to lesbian, gay and bisexual students, the Christian Legal Society proclaims that it is the victim because the government won't subsidize its discrimination.

In the other case, *Doe v. Reed*, the organization that backed a referendum in Washington to repeal the state's comprehensive domestic partnership law now seeks to keep the state from releasing information identifying those who signed petitions to qualify the measure for the ballot. Like the Christian Legal Society, this organization is claiming that those opposed to gay rights are under attack, in this instance

from people who want to have conversations with petition-signers or who no longer want to patronize the businesses of those who seek to do our community harm. The organization wildly exaggerates incidents that did not involve actual signers, but rather paid staff of groups behind other antigay measures.

## Anti-LGBT forces argue that they need protection from discrimination, harassment and violence.

In the Supreme Court's order earlier this year to block the federal Proposition 8 trial from being broadcast to other courthouses, as well as its ruling allowing corporations to finance election ads, a number of justices gave credence to this disturbing and distorted narrative: that transparency is dispensable.

The briefs submitted by Lambda Legal and our sister groups seek to correct the record. We do not condone violence or vandalism. Actual incidents directed against our opponents have been rare. What remains sadly common are murders, assaults, harassment, and discrimination against LGBT people—much of it fomented by the prejudice those now complaining perpetuate. Those responsible deserve neither government support nor anonymity.

It all reminds me of the story about the man who killed his parents and claimed that he should receive mercy because he is now an orphan. Maybe the response should be: You reap what you sow.

*Jon W. Davidson*