



KEVIN M. CATHCART



THOMAS SAENZ

A Common Goal

How can Latino and LGBT civil rights advocates work together to achieve equality? Lambda Legal Executive Director Kevin Cathcart talks with Thomas A. Saenz, president of the Mexican American Legal Defense and Education Fund (MALDEF).

THOMAS SAENZ: The success that the LGBT community has had in moving the public's views on marriage equality is astounding. It's really no longer a matter of "if," in my view, but a matter of "when." I don't feel as though the same shift has occurred with comprehensive immigration reform. That's something that's worthy of much greater attention in the Latino community, to try to learn from that. The Latino civil rights struggle and the LGBT civil rights struggle have a lot in common. We both are struggling with the fact that people do not have complete freedom to acknowledge their total identity without fear. In our community, it's around those who are undocumented, who have to hide their status, not just for fear of legal action, but also because too often these days it inspires even violent reactions from some sectors of the populace. It's interesting that some activist students are actually using the term "coming out of the closet" to describe their becoming public and known advocates for undocumented students.

KEVIN CATHCART: It fascinates me that our community's model is being used in other places. I do think that

our communities face tremendous glass ceilings that are actually quite low. If you're undocumented, it's difficult to work. If you're LGBT, you can't be in the military. And of course you still can face racism and prejudice in American society.

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SAENZ: From the legal standpoint, both of these communities have struggled to gain some measure of constitutional recognition in the court system. For the Latino community, it goes back to being classified as white for historical reasons that relate, as much as anything else, to preventing the application of civil rights precedent to them. For the LGBT community, there's been a similar struggle to have discrimination based on sexual orientation recognized.

CATHCART: I also suspect that LGBT people may be overrepresented in immigrant populations. Depending

on the country, LGBT people can have strong reasons to leave for the United States, even with all the challenges that undocumented people face. I suspect that among the most invisible of the invisible would be LGBT undocumented immigrants.

In terms of Lambda Legal's work, we seek to represent the broadest possible range of LGBT people and people living with HIV. Obviously undocumented LGBT people are part of the community we represent. A piece that is important is family unification. Because of immigration law, families in which one partner is not a documented resident get broken up. People get deported. There are also same-sex couples where both people are undocumented. How are they not as real a relationship or a family as my family? We need to ask ourselves, what kind of country do we want to live in?

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Do we want to live in a country that’s reality-based? I’d settle for a little bit reality-based, because that would be a big step forward for millions of people who are here, who are not going to go away, who are contributing members of society. And we act like immigrants aren’t here—the way that a lot of people pretend that gay people aren’t here.

Why Immigration Reform Matters

SAENZ: Comprehensive immigration reform is necessary because no piecemeal legislation, no matter how progressive, is really going to get at fixing a system that is inconsistent with our national constitutional values, and does not even serve our national interests. I think there are appropriate “down payments,” if we cannot get comprehensive reform in 2010, including the Uniting American Families Act (UAFSA). It says something important about a critical philosophical piece of our immigration system: whether it should be primarily based on family or primarily based on employment and skill sets. As important as that second concern is, the primary philosophy behind our immigration system should be family unification. UAFSA recognizes that family is so important to our

nation, that we must acknowledge that families come in forms beyond those that are currently acknowledged by immigration law, and that includes same-sex partners.

CATHCART: Another challenge is the invisibility of undocumented people in the LGBT political world. How many other people are out there who are LGBT who are unable to participate fully—either economically, because they’re not in a position to support organizations, or politically, because they’re not in a position to attend demonstrations?

Joining Forces

SAENZ: MALDEF has had the opportunity in the past to join together with LGBT organizations, including Lambda Legal, and to work on common issues. There’s always more work to do to make sure that our movements are building bridges.

CATHCART: You made a powerful speech at Creating Change, the largest LGBT conference in the United States. It was a wake-up call to many who hadn’t given a lot of thought to immigration reform before. Also, MALDEF signed on as *amicus* on Lambda Legals fight against Prop 8 in California. At Lambda Legal, we created an outreach project, *Proyecto*

Igualdad, to provide information, resources and support to the Latino community.

SAENZ: We need to be attentive to the unintentional and implicit ways that we may be excluding portions of the communities we serve from full involvement. We need to make sure that there is continued discussion

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and acknowledgment, that there is a common struggle for full inclusion and equality here. We’ve got to work together.

CATHCART: If you look at California, the LGBT community got a lot more support on marriage from people-of-color groups than we have given back so far on immigration. That’s a struggle in the mainstream gay community, which has been focused for so long very narrowly on our issues. So I think the ball is in our court. **L**