

Lambda
Legal

Impact



INSIDE

Marriage By
No Other Name

Imagining
Life Without
Fair Courts



Lambda Legal
making the case for equality



Seeing the Big Picture

In your hand, dear reader, you hold the first issue of Lambda Legal’s *Impact* magazine. Like the Lambda Legal *Update*, which it’s replacing, *Impact* will be published three times a year. It will also feature the same frontline analysis of Lambda Legal’s cases as well as in-depth coverage of our educational efforts and public advocacy campaigns. But that’s where the similarities end.

The name *Update* implied that we’d give you the information you needed to stay informed on issues affecting lesbians, gay men, bisexuals, transgender people and those with HIV. That goes without saying. *Impact* is designed to do much more. The revamped magazine promises to better reflect who we are, what we do and how you can get more involved in our work. It will also speak more directly to our mission: to choose cases and education campaigns that will affect the greatest number of people and advance the fight for equality across the nation.

Lambda Legal’s impact on LGBT law is stronger than ever. For example, you can see our analysis by Marriage Project Director David Buckel of why, after our win in New Jersey’s Supreme Court, civil unions still fall short of equality (*page 6*). You can also read a poignant first-person account by one of our clients who almost had her child taken away because she lives with her female partner (*page 9*). We recognize, however, that our lawsuits don’t happen in a vacuum and have therefore linked our success in court with high-impact education and advocacy campaigns that change the hearts and minds of the general public as well. *Impact* will

explore Lambda Legal’s education work more deeply. To that end the inaugural issue shines a spotlight on two upcoming national advocacy campaigns, one aimed at engaging LGBT people and people with HIV around workplace issues and the other a fun and informative way of looking at the importance of fair courts.

Beyond its substantive shift, *Impact* also has a new look. The magazine features Lambda Legal’s new colors and our refreshed logo with a new tagline: *making the case for equality*. For more than three decades, equality has been the number one goal of this organization. For more than three decades, we’ve employed Lambda Legal’s pioneering strategy of combining work in the courts with innovative public education to get there. That’s impact — and it’s what underscores every page of this magazine.

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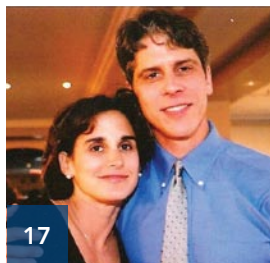
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Lambda Legal is a national organization committed to achieving full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and those with HIV through impact litigation, education and public policy work.

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On the cover:

Sandra Heath-Toby and Alicia Toby-Heath, plaintiffs in Lambda Legal's marriage case in New Jersey.
Photo: Donna Aceto/Gay City News

Impact Magazine is published three times a year in February, June and October.

ACTION ALERT

On The Ground

On December 1, 2006, World AIDS Day, Lambda Legal presented Secretary of State Condoleezza Rice with a letter and petition demanding that the State Department end its legacy of HIV discrimination in the Foreign Service.



Petition Signatures: 17,000
Letter Signatories: 40 HIV/AIDS, sexual health and civil rights organizations
Tell-A-Friend Emails: 4,500
New Lambda Legal Subscribers: 1,000

Thank you to everyone who supported our campaign!

>>> www.lambdalegal.org/btw



we're every

The American Community Survey conducted by the U.S. Census Bureau reveals that same-sex couples in the United States have increased by 30 percent between 2000 and 2005, growing from nearly 600,000 couples to almost 777,000. The ACS data shows gay, lesbian and bisexual people in every congressional district in the country.

San Francisco topped the charts as the most LGBT-populated city in the United States for 2006. *Seattle* followed a close second, with *Atlanta, Minneapolis, Portland, Denver* and *Chicago* all making appearances.

ON THE DOCKET

AT HOME

Lambda Legal is on the front lines securing ties between gay and lesbian parents and their children. In Pennsylvania, the State Supreme Court let stand our hard-won precedent holding that all nonbiological parents should be held to the same standards when determining custody and visitation, regardless of their sexual orientation. And in Virginia, an appeals court unanimously ruled that the state has no say in a lesbian mother's custody dispute that began in Vermont. Our client's ex-partner has tried to use Virginia's antigay marriage statutes to nullify her parenting rights.



A Virginia appeals court ruling brings Janet Jenkins one step closer to reuniting with her daughter.

IMPACT: As we win rulings that show there's no "gay exception" in state and federal parenting laws, fewer gay and lesbian parents have to live in fear that their sexual orientation will cost them their children.

AT WORK

Lambda Legal defended two families in Ohio whose health care benefits came under attack by the antigay Alliance Defense Fund and ultraconservative Ohio legislator Thomas Brinkman. They claimed that Miami University's domestic partner benefits violated Ohio's antigay marriage amendment, but Lambda Legal filed for dismissal of their claim. The court agreed with Lambda Legal and tossed the case out of court, since neither Brinkman nor the ADF could show any harm when domestic partners receive health care benefits for their families.

IMPACT: We've successfully defended the community from another right-wing attack on domestic partnerships and kept an antigay marriage amendment from overreaching its bounds.



Yvonne Keller (right), a professor at Miami University, with her partner Susan Gray and their two children.



where!



"People see us, they admire the love and determination we display taking care of each other despite injustice. Hearts and minds change."

SENIOR COUNSEL **JENNY PIZER**

In a speech to the Lesbian & Gay Lawyers Association of Los Angeles

**10
YEARS
AND
10
POINTS**

In **1996**, a Gallup poll found that 68 percent of American adults were opposed to marriage for same-sex couples, while 27 percent were in favor. In **2006**, Gallup found that 58 percent of American adults opposed marriage for same-sex couples, while 39 percent were in favor. This steady shift of opinion, averaging one percentage point a year, mirrors the public's shift of opinion on interracial marriage from decades before.



Brett Timmerman is fighting back against antigay violence.

AT SCHOOL

Brett Timmerman, a former student at University of Wisconsin-Platteville, was about to walk into a local sandwich shop when his attackers called him a "faggot." He was pushed, hit in the head, and police had to pull one of his attackers off of him upon their arrival. His attackers even falsely accused Timmerman of starting the fight, leading to a citation for disorderly conduct against him that prosecutors later dismissed. Lambda Legal is seeking justice for Timmerman under Wisconsin's hate crimes law.

IMPACT: Lambda Legal is bringing the state's hate crimes law to bear, sending the message that violence against LGBT people will not be tolerated.

AT PLAY

Blu Sotier, a transgender woman in California, contacted Lambda Legal's Help Desk after her Match.com profile was pulled off the site because she described herself as "pre-op." She was told there was an in-house policy against the use of that term. Lambda Legal wrote an advocacy letter on her behalf and received a call back from Match.com's general counsel, clarifying that the term was no longer excluded. Sotier was offered a refund, along with 60 free days of membership.

IMPACT: All Match.com customer care representatives will be retrained on the current policy and we have taken one more step in eliminating discrimination against transgender people.



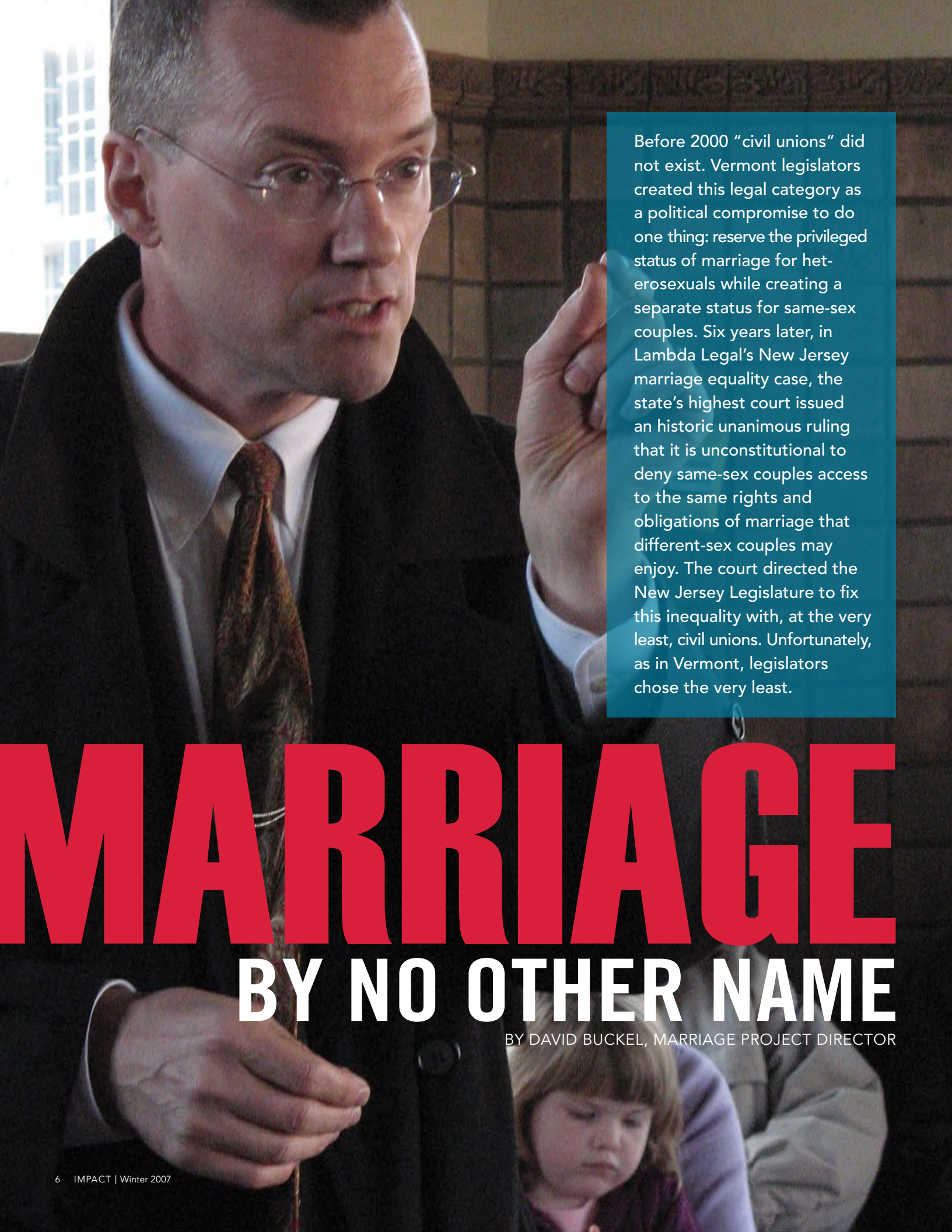
LAMBDA LEGAL HISTORY

30 Years Ago (1977): Lambda Legal helps a lesbian mother retain custody of her foster children in *Matter of V*, the first known parenting victory of its kind.

20 Years Ago (1987): ACT UP shuts down Wall Street in response to the price of AZT; Lambda Legal helps pressure makers of AZT to lower its price by 20 percent.

10 Years Ago (1997): Lambda Legal intervenes on behalf of gay groups denied tax-exempt status by the IRS; the IRS reverses itself, giving the groups tax-exempt status and undertaking sensitivity training.

Today (2007): Lambda Legal strategically pushes forward with two marriage equality lawsuits, as our case with lead counsel NCLR and the ACLU in California goes before the State Supreme Court and our case in Iowa moves toward trial, continuing to gather support on the ground.

A man in a dark suit, white shirt, and patterned tie, wearing glasses, is speaking and gesturing with his right hand. In the background, a young girl with brown hair is looking down. The background is a brick wall.

Before 2000 “civil unions” did not exist. Vermont legislators created this legal category as a political compromise to do one thing: reserve the privileged status of marriage for heterosexuals while creating a separate status for same-sex couples. Six years later, in Lambda Legal’s New Jersey marriage equality case, the state’s highest court issued an historic unanimous ruling that it is unconstitutional to deny same-sex couples access to the same rights and obligations of marriage that different-sex couples may enjoy. The court directed the New Jersey Legislature to fix this inequality with, at the very least, civil unions. Unfortunately, as in Vermont, legislators chose the very least.

MARRIAGE

BY NO OTHER NAME

BY DAVID BUCKEL, MARRIAGE PROJECT DIRECTOR

More protections for our families are always better than fewer, and Lambda Legal will work hard to continue our successes in furthering those protections, as we did in New Jersey with our court case. New Jersey joins California, Connecticut and Vermont in extending many of the benefits and obligations of marriage to same-sex couples through civil unions or their equivalent (California uses the name of domestic partnership). These states lead the handful of other states and the more than 200 municipalities that recognize same-sex relationships through domestic partnerships with varying levels of protections. Meanwhile in Massachusetts, because of our sister organization GLAD's groundbreaking victory in 2003, same-sex couples can marry outright. Despite these advances, protections for same-sex couples still fall short of the constitutional promise of equality.

When the government decides what choices an individual can make, it sets an example for employers, businesses, police, emergency room workers, neighbors and others — and Lambda Legal has the testimony and phone calls to our Help Desks to prove it. Take just one example: Two lesbians have a civil union protected by law. One with kidney failure is hospitalized and unconscious, and the other cannot get hospital staff to respect their relationship. The staff even take the patient's commitment ring off her finger for safekeeping and refuse to give the ring to the partner with the matching ring. Instead, they ask her partner to identify the patient's blood relatives. Lambda Legal located the hospital's attorney and got him to make the calls necessary to ensure respect for the couple's relationship — but only after an emotional nightmare.

The government also used to decide what choices people — especially lesbian and gay people — could make about certain forms of sexual intimacy. Lambda Legal had a decades-long strategy to overturn these laws, until our landmark case *Lawrence v. Texas* in 2003 won the right for us to make that choice for ourselves in any state in the nation. Our opponents in that case argued that the laws forbidding certain forms of sex were



Lewis v. Harris plaintiffs celebrate and review the New Jersey Supreme Court's decision.

NEW JERSEY CIVIL UNION WATCH

Find out about Lambda Legal's "Civil Union Watch," an advocacy and monitoring program seeking to ensure that same-sex couples in New Jersey are treated fairly under the new law.

AS PART OF THE "CIVIL UNION WATCH" YOU CAN:

- Visit our website at www.lambdalegal.org and download Lambda Legal's FAQ about New Jersey's new civil union law and what same-sex couples need to know.
- Report any instances of discrimination against same-sex couples who have entered into a civil union. Contact Lambda Legal's Help Desk at 212-809-8585, toll-free at 866-542-8336 or legalhelpdesk@lambdalegal.org.

LAMBDA LEGAL WILL:

- Advocate for the proper interpretation and application of the new law.
- Hold community meetings and distribute materials to New Jersey residents.
- Bring appropriate legal action when couples' civil unions are not respected.

rarely enforced and thus were harmless. But we made sure it was understood that whenever government treats a minority differently, especially by writing a separate status for a group of people into law, the result can — wrongly — validate different treatment by others.

The United States Supreme Court agreed, explaining that the state laws criminalizing forms of adult consensual

sexual intimacy were "an invitation to subject homosexual persons to discrimination both in the public and the private spheres." This is why losing the choice to marry matters even for those who would never marry: the law's mark of supposed inferiority is on the entire community. As the Supreme Court of Massachusetts explained in rejecting a civil union bill as unconstitutional, for the government to use the label "civil union"



The Long Road to Justice in Lambda Legal's Marriage Case *Lewis v. Harris*

- **JANUARY 2001** • Lambda Legal begins building the foundation for a marriage equality lawsuit in New Jersey.
- **JUNE 2002** • Lambda Legal files a lawsuit in New Jersey on behalf of seven same-sex couples demanding their constitutional right to marry.
- **NOVEMBER 2003** • The trial court finds in favor of the state, denying same-sex couples the right to marry.
- **DECEMBER 2003** • Lambda Legal files an appeal to the New Jersey Appellate Division, followed by Massachusetts becoming the first state in the nation to issue marriage licenses to same-sex couples.
- **JUNE 2005** • The New Jersey Court of Appeals rules 2-1 against marriage equality for same-sex couples, clearing the way for the case to move to the State Supreme Court for a final ruling.
- **NOVEMBER 2005** • Lambda Legal files an opening brief at the New Jersey Supreme Court, supported by an array of friend-of-the-court briefs from clergy, national associations of psychologists and social workers, professors, government officials, the state bar association, national civil rights groups and many others.
- **OCTOBER 2006** • The New Jersey Supreme Court rules that same-sex couples must be provided the full and equal rights and benefits of marriage. The court gives the legislature 180 days to remedy the inequality.
- **DECEMBER 2006** • The New Jersey legislature hastily passes a civil union bill. Lambda Legal remains committed to achieving full equality for same-sex couples in New Jersey and across the country.

is a considered choice of language that assigns us a second-class status. Akin to our work challenging the military's "Don't Ask, Don't Tell" policy, the goal is not to get everyone married any more than it is to get everyone in the military. It is instead to win the right to make the same choices others can make freely and without government interference, such as whether to join the military or whether to get married.

For people who *would* choose to marry, anything other than marriage *has to be explained*. Only the word *married* conveys the universally understood meaning applicable to many of our families — a meaning unmatched by any other word. By imposing civil unions and barring marriage, even if the two statuses offer the same benefits and obligations on paper except for the powerful "M" word, the government is forcing same-sex couples to explain the difference in their daily lives. They lose the respect and dignity they believe their commitment deserves. The Chief Justice of the New Jersey Supreme Court understood this. In her opinion in Lambda Legal's marriage equality case, she quoted from our plaintiffs' testimony about how important it is for our words to match our lives, how without the word *marriage* other people "have to wonder what kind of relationship it is or how to refer to it or how much to respect it."

Does this mean Lambda Legal opposes civil unions in all instances? No. Whatever the calculus that defines the best strategy for an individual state, our role is not only to help get to success — big or little, now or later — but also

to ensure that everyone knows it isn't over until same-sex couples can choose freely from the same range of options as different-sex couples. Maybe some won't choose marriage; but it should be their choice rather than the government's.

Following Lambda Legal's victory in New Jersey, the high courts of California and Connecticut are now considering whether civil unions or their equivalent can fulfill the guarantee of equality when plaintiffs want marriage. New Jersey's experiment with civil unions will only further press the issue of what the promise of equality really means. The bottom line for Lambda Legal is that assigning the separate status of civil unions sends a message of inferiority to everyone else, which invites more discrimination against *all* gay people regardless of whether they would ever choose to marry, and robs those who would marry of the dignity and respect they deserve.



TOP: *Lewis v. Harris* plaintiff couples and families BOTTOM: David Buckel explains the Court's decision at a press conference with Senior Counsel Susan Sommer.

In My Own Words

MOSES V. KING

Victoria Moses and Kelvin King had a daughter together. After the couple split up, primary custody of the child was awarded to Moses in 2002. Moses took King back to court two years later because he wasn't paying child support and then lost custody of her daughter when the trial court found out she was living with her partner, Michelle Lefebure. Lambda Legal took her case and secured a victory for her at the Georgia Court of Appeals. In September, the court said, "a parent's custody or visitation rights cannot be limited just because that parent is gay or lesbian." Moses recalls the battle to win back her daughter.

I lived with a man, Kelvin King, for a few years and we had a child together. We were never married, but when we parted ways it was understood that he would help me care for our daughter. After years of asking him for help with day care and food and to take some role in her life — and not getting any of it — I finally got fed up and took him to court to establish that he was the father.

The first judge said that Kelvin would have to pay me child support, but I received maybe two or three payments in two years. He blatantly ignored the court order, so I took him back to court and a second judge ordered that he be arrested. The day after his arrest, he went to court and said that I was corrupting our daughter with my "lifestyle." He said I was a bad parent because I was living with a woman.

We went back to court for a third time. This judge said that Kelvin was a better parent than me because he was married — information that was available the first time we went to court. Nothing had changed in our circumstances, but suddenly I was a bad parent because I wasn't married to my partner.

When it was my turn to testify, it didn't matter what I said. It didn't matter that I had provided for my daughter every day since the day she was born or that she has been on the principal's honor roll for three years in a row. The judge didn't seem to hear that I had purchased a home for her with enough space for her and our dogs to run and play in. All she heard was that Kelvin was married, and that I lived with my girlfriend.

When the judge came down with her decision, she kept saying over and over again that it wasn't based on the fact that my partner was a woman, but because we were unmarried. Of course we weren't married — we can't get married. It was absolutely absurd.

Afterwards, I was in a huge depression. I didn't know what to do. Luckily, I had my girlfriend, Michelle, who refused to let this decision be the final say. She did extensive research on what our options were, and that's how we came upon Lambda Legal. We wanted someone who would understand the kind of courts we were up against. We got all of that and more — *Lambda Legal got my daughter back.*

It's so hard to understand why all this happened. I go to work every day and do my job. I work hard and have always given my daughter what she needs to be happy. There was no rhyme or reason for me to lose my daughter. But I did, simply because of who I choose to have a relationship with.

Maybe one thing I could have done to keep my daughter was to stop seeing Michelle. But I couldn't do that. I talked to my daughter throughout this custody battle, and I decided that I was not going to hide who I am. What kind of respect would she have for me if I did that? How could I raise my daughter to believe in herself if her own mother didn't believe in herself? I have never been the kind of person to pretend to be something I'm not — and I hope my daughter will grow up to be the same.



Victoria Moses, her partner Michelle Lefebure and her daughter Phalon

If you're a lesbian, gay, bisexual or transgender parent involved in a custody or visitation dispute with your former spouse, or if you're afraid to come out because you fear losing your children, you have rights. Visit our website at www.lambdalegal.org to read our publication *You Don't Have to Choose. As a Parent, You Have Rights* to find out what you should know about basic custody rights and what you can do to protect your family.

Clock In for Equality May 15, 2007

SOUNDING THE ALARM FOR WORKPLACE RIGHTS



By Beverly Tillery
Outreach Director

>> Several employees schedule a meeting with their company's human resources director to discuss the need for domestic partner benefits.

>> A union holds a forum to educate its members about the importance of including protections for transgender workers in their union contract.

>> Community members meet with a legislator to discuss the harassment and discrimination lesbian, gay, bisexual and transgender employees often face at work and the need for legal protections.

Each one of these actions can be an important, incremental step toward winning equality for LGBT people and people with HIV in the workplace. Ordinarily, each will go relatively unnoticed. No stories will appear on the six o'clock news. No articles will be written for the local newspaper. They might not even generate enough attention to be a topic for discussion in the workplace break room.

But what if thousands of people across the country did something to stand up for workplace equality on the same day? Actions that might make a tiny blip on the national radar can collectively have a much broader impact.

"Clock In for Equality" is Lambda Legal's national day of advocacy and education to advance workplace equality for LGBT people and people with HIV. On Tuesday, May 15, 2007, there will be coordinated actions happening in workplaces and communities across the country. Our goals for the day: to educate the public about the harassment and discrimination LGBT people and those with HIV face at work, to increase support for efforts to win legal protections for LGBT employees and those with HIV and to activate LGBT people and allies to fight for workplace fairness.

So far, more than 60 national, statewide and local partner organizations have signed on to participate in the day, including the

Equality Federation of Statewide LGBT organizations, the Latino Commission on AIDS, the National Association of LGBT Community Centers, the National Center for Lesbian Rights, the National Center for Transgender Equality, Out and Equal Workplace Advocates, PFLAG, HRC and Pride at Work.

It's About Time

LGBT people and those with HIV continue to face discrimination in the workplace. In Lambda Legal's 2005 Workplace Fairness Survey, 39 percent of respondents reported experiencing some form of discrimination or harassment in the workplace because of their sexual orientation during the past five years. Additionally, workplace fairness remains the number one issue for callers to Lambda Legal's Help Desk.

Despite the tremendous strides we've made in recent years, including a growing number of corporations enacting nondiscrimination policies and providing equal benefits, there are still no federal protections for lesbian and gay workers in the private sector. Only 18 states and the District of Columbia currently ban workplace discrimination based on sexual orientation and only nine states protect workers based on gender identity. Meanwhile, recent polls show that close to 90 percent of people in the United States think lesbians and gay men should have equal rights in the workplace.

Set Your Clock for May 15

Sign up now at www.lambdalegal.org to join the organizations and individuals who have pledged to "Clock In for Equality" by taking action on May 15 to help advance efforts to win increased protections for LGBT people and people with HIV. You can take action at work, in your community, with a group or individually. Once you sign up, you'll be able to download an action guide along with talking points, action ideas, sample flyers, press materials and other "Clock in for Equality" tools and resources. Our online center will keep you connected to people and organizations participating in the day.

SIX WAYS YOU CAN CLOCK IN FOR EQUALITY

1 Wear a "Clock In for Equality" button to work and encourage your coworkers, friends and family to do the same.

2 Take Your Partner To Work! If you're in a same-sex relationship, bring your partner's picture to work and display it.

3 Invite your supervisor or manager to lunch to talk about the need for strong nondiscrimination policies.

4 Recruit your friends, family and coworkers to join our workplace advocacy campaigns online.

5 Host an ally breakfast or luncheon honoring someone who has taken significant steps to support LGBT and HIV workplace rights.

6 Join efforts to pass local, state or federal legislation that bans discrimination based on sexual orientation or gender identity.

Liberty Awards 2007

In 2005, special guests were:



Michael
Cunningham



Tony
Kushner



Kate
Clinton



Keith
Boykin

on behalf of
National Black
Justice Coalition

In 2006, special guests were:



B.D.
Wong



Bishop V. Gene
Robinson



Billie Jean
King



Dr. Maggie
Stumpp

on behalf of
Prudential Financial

In 2007, will you be there to take a stand for liberty?

Join Lambda Legal to celebrate our 21st Annual Liberty Awards National Dinner on Monday, May 7, 2007, in New York City.

This year's honoree is:

GAY MEN'S HEALTH CRISIS

Lambda Legal will be honoring GMHC for their leadership and contributions to the LGBT and HIV-affected communities over the past 25 years. The award will be accepted by CEO Dr. Marjorie Hill. Donors and supporters from around the country are invited to join us for this special opportunity to celebrate our civil rights achievements and victories over the past year.

ENJOY A NEW YORK GETAWAY WEEKEND!

In addition to the Liberty Awards, Lambda Legal is hosting a special event on Broadway featuring the new production of "Legally Blonde" on May 6. While you're in town, you can also schedule time for a tour of Lambda Legal's National Headquarters on Monday, May 7.

For more information, please visit www.lambdalegal.org/libertyawards or contact National Events Director Koren Manning at events@lambdalegal.org or 212-809-8585, ext. 231.

MARCH

- 3.07 Boca Brunch - Boca Raton, Florida
- 3.07 Dallas Women's Brunch - Dallas
- 3.10.07 "My Favorite Year" Theater Event - Chicago
- 3.25.07 Lambda Legal in Fort Lauderdale - Fort Lauderdale, FL

APRIL

- 4.17.07 Lambda Legal at the Asian Art Museum - San Francisco
- 4.18.07 Jeffrey Fashion Cares - New York City
- 4.21.07 Lambda Legal in the Desert - Palm Springs, CA
- 4.26.07 Bon Foster Civil Rights Celebration - Chicago
- 4.29.07 Mad Hatter Garden Party - Dallas

MAY

- 5.6.07 "Legally Blonde" Theater Event - New York City
- 5.7.07 **Liberty Awards National Dinner** - New York City
- 5.20.07 D.C. Garden Party - Washington, D.C.

JUNE

- 6.10.07 Lambda Legal Surf Party - Loveladies, NJ
- 6.23.07 *Lawrence v. Texas* Celebration - Dallas

JULY

- 7.14.07 Lambda Legal in the Pines - Fire Island, NY

AUGUST

- 8.07 Into the Woods - Lake Michigan, MI
- 8.07 Lambda Legal in Santa Fe - Santa Fe, NM
- 8.2.07 Seattle Garden Party - Seattle
- 8.4.07 Lambda Legal in the Hamptons - Sagaponack, NY
- 8.18.07 Los Angeles Women's Brunch - Los Angeles

SEPTEMBER

- 9.20.07 Indiana Benefit Dinner - Indianapolis, IN
- 9.23.07 Lambda Legal Turf Party - South Orange, NJ
- 9.30.07 Lambda Legal in Connecticut - Fairfield County, CT

OCTOBER

- 10.07 Lambda Legal in Miami - Miami, FL
- 10.2.07 West Coast Liberty Awards - Los Angeles

NOVEMBER

- 11.07 Palm Beach House Party - Palm Beach, FL

For more information or to purchase tickets for any of these events, please visit www.lambdalegal.org/events or contact National Events Director Koren Manning at events@lambdalegal.org.



Lambda Legal's "Courting Justice" campaign shows that the pen is mightier than the sword with cartoonist Mikaelah B. Reid.



According to a Zogby survey conducted last July, 77 percent of Americans can identify two of Disney's Seven Dwarfs, but only 24 percent can name two of the nine U.S. Supreme Court justices. Seventy-four percent were able to name Larry, Moe and Curly of the Three Stooges, while only 42 percent were able to identify a different, crucial set of three: the legislative, executive and judicial branches that make up the federal government. These results, of course, made for amusing headlines, but the message for

Lambda Legal was clear — there is a significant gap in basic knowledge about the judicial system and we need to engage people with entertaining and understandable materials to bridge that gap.

Lambda Legal launched the "Courting Justice" campaign in 2005 to educate lesbians, gay men, bisexuals, transgender people, those affected by HIV and the general public about the legitimate and proper role of courts in our country to decide civil rights claims. The "Courting Justice" campaign also aims to protect fair-minded judges from political attacks and to advocate for fair and impartial courts at both the state and federal level. I came onboard as the Judicial Independence Program Associate after working in private practice and seeing first-hand how critically important fair and impartial courts were for my clients.

It's not surprising that many people are not yet engaged in the fight to protect the independence of the judicial branch. Some people have never had reason to be in court, and unless you're someone who watches these issues closely, you may not be aware of the proper role of the courts, let alone the attacks on fair courts that threaten us all.

With that in mind, Lambda Legal developed the "Life Without Fair Courts" project. The project has two parts: an alternate reality cartoon series, written and illustrated by Mikhaela B. Reid, and a contest (see "Life Without Fair Courts" Contest 2007). For the series, we picked

LIFE WITHOUT FAIR COURTS



BY HILARY MEYER
JUDICIAL INDEPENDENCE
PROGRAM ASSOCIATE

The “Courting Justice” campaign aims to protect fair-minded judges from political attacks and to advocate for fair and impartial courts at both the state and federal level.

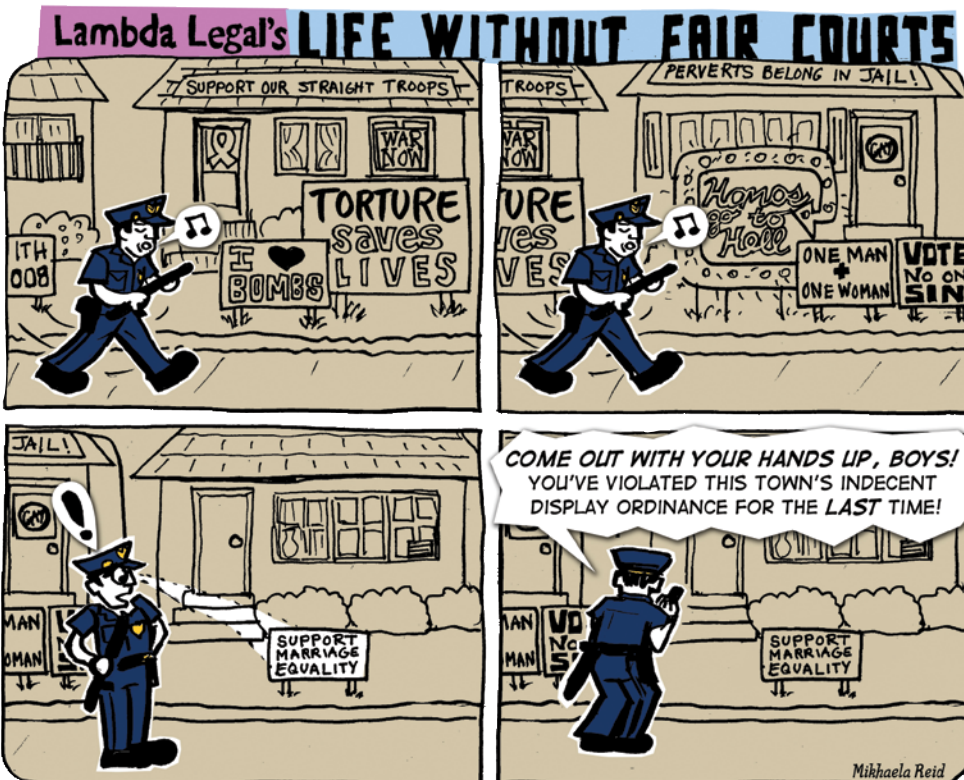
several landmark cases — some of which at the time they were decided led to heavy criticism and attacks on the judicial branch. The series illustrates how our country might look today if the court had bowed to political attacks and popular opinion and not stood firm in its duties to be accountable to the U.S. Constitution and serve as a check on the other two branches of government.

Additionally, Lambda Legal has partnered with Prism Comics, a nonprofit organization for LGBT comics and cartoonists, to host a nationwide graphic art contest — **deadline is March 15!** We are inviting people to submit personal artistic interpretations of what their own lives would look like without fair courts. A panel of editors at the *Advocate*, DC Comics and Lambda Legal’s cartoonist Mikhaela B. Reid will judge the submissions and select five finalists. The public will then

be able to vote online for the winning entry. The winning artist’s work will be profiled in the *Advocate* magazine as a part of its media sponsorship of the contest.

Almost daily, Americans are bombarded with anti-court rhetoric — often spinning off LGBT civil rights cases. Fair courts proponents have staved off these attacks before, but we are facing battles once again. Take *Brown v. Board of Education* for example, decided in 1954 in favor of desegregating state public school systems. At the time, there was public outcry against the decision, which lawmakers denounced as a “flagrant abuse of judicial power,” calling it a “clear invasion of the prerogatives of the legislative branch.” Compare that to a recent quote from a New Jersey lawmaker vilifying the state’s supreme court for its decision in *Lewis v. Harris*, Lambda Legal’s marriage equality case:

continued on page 16



Protect Your Rights Stand Up For Fair Courts www.lambdalegal.org/courtingjustice

“Life Without Fair Courts” Contest 2007

Lambda Legal and Prism Comics, with media sponsor the *Advocate*, have joined forces to present the “Life Without Fair Courts” contest. We’re looking for your best creative depiction of what your life would look like without fair courts and why fair and impartial courts are so important to our system of justice. Any two-dimensional, color or black & white visual creation that can be printed and contained within a 6-by-9-inch page may be submitted.

Who May Enter:

U.S. residents, age 18 or older.*

Deadline:

Submissions will be accepted (electronically or postmarked) beginning Jan. 16, 2007, and ending Mar. 15, 2007, 11:59 p.m. EST.

Where:

All entries must be submitted to Lambda Legal, c/o Fair Courts Contest, 120 Wall Street, Suite 1500, New York, NY 10005 or electronically via faircourtscontest@lambdalegal.org.*

Selection method:

A panel of celebrity judges — Joan Hilty, Editor, DC Comics; Phil Jimenez, Freelance Illustrator and Comic Book Artist; Mikhaela B. Reid, creator of the Lambda Legal series “Life Without Fair Courts”; George Stoll, Art Director, the *Advocate* — will judge the submissions and narrow the field to five finalists. Online voting through Lambda Legal’s website will then determine the prizewinners.

Prizes:

FIRST PRIZE: national exposure of winning art and artist in the *Advocate* magazine and the *Advocate.com*

SECOND PRIZE: \$150 shopping spree through Comic Shop Locator Services

THIRD PRIZE: \$50 shopping spree through Comic Shop Locator Services

*Some restrictions apply. See official rules and entry form at www.lambdalegal.org/courtingjustice.

Q&A

Keeping Hope, Keeping Faith

PHOTO BY TIM COBURN

Lambda Legal Executive Director Kevin Cathcart and openly gay Bishop V. Gene Robinson of the Episcopal Diocese of New Hampshire discuss the successes of the LGBT civil rights movement — and how far we have to go.

GR: In 1986, the Episcopal Church held its first conference on AIDS at Grace Cathedral in San Francisco. It was through compassion about the AIDS crisis that the Episcopal Church first got involved with out gay people, and in a big way. Before then, there weren't that many out gay people. Because of the epidemic, large numbers of gay men suddenly had no choice but to come out, because people were getting sick, and it was visible.

KC: AIDS radically changed the equation. Between the epidemic and the *Bowers v. Hardwick* decision upholding the legality of what were then called "sodomy" laws, there was a huge amount of institution-building in the community. That was what happened with Lambda Legal. You can look at the budget and the number of staff we had and, post-*Bowers*, there was a huge jump — because people got mad. They got mad enough to write a check. They got mad enough to join organizations like Lambda Legal and others all around the country. *Bowers* was a slap in the face while people were dying.

GR: Around that time, we formed the National Episcopal AIDS Coalitions, and created an educational campaign that turned out to be really controversial and, I think, brilliant. The campaign was "Our Church has AIDS." We had buttons, banners, slogans, everything. Of course, this is while there was still a huge stigma around the disease and gay people. I'll never forget it. One of the coalition's first conferences was at a cathedral in Cincinnati — and we were thrown out! We put up this banner that said, "Our Church has AIDS," and they went ballistic. We had to move to another building. But the underlying message was that our church has gay people. We weren't doing it for that reason, but as I look back on it now, I can see that it's another piece of that puzzle about why things have changed.

KC: One of the challenges in HIV work now is that the epidemic has almost gone underground again, because it's gone underground in the white gay community. Statistics now show that 68 percent of new cases are among African-American women. This is so vastly out of proportion to the percentages of the population. Obviously, you can't compare the world I'm living in today to the 1980s. But for many other people, gay and straight, the world looks too much like the 80s. I don't know how you keep people on fire around an issue for 20 years. But we've got to figure it out, because there are communities now that are being ravaged. I think of Washington, D.C., where the rates of HIV infection are higher per capita than almost all of Africa.

GR: It's always been a tough sell getting people to care for the poor and the dispossessed. One of the things that puzzles and frustrates me is how unwilling people are to see the connections between the "isms." When I see racism and sexism in the gay white male community, I want to grab those people and shake them, and say, "Do you not see these connections? Can't you extrapolate from your own experience and then put that to work?"

KC: Part of the problem is that some people have such a narrow, crabbed



KEVIN CATHCART AND BISHOP V. GENE ROBINSON

“When I see racism and sexism in the gay white male community, I want to grab those people and shake them, and say, ‘Do you not see these connections? Can’t you extrapolate from your own experience and then put that to work?’”

-BISHOP V. GENE ROBINSON

view of justice. They think that dealing with sexism helps women, and dealing with racism helps people of color. Well, obviously, dealing with racism helps people of color, but what white people don’t get is that racism hurts white people, too! I don’t want to make white people out to be the big victims, because we are not, but no one can be whole in a society like our own.

GR: None of us are free until we are all free, yes.

KC: You may not see the prices that you’re paying, and you may only see the benefits you’re getting and you may decide you don’t want to risk any of those for something that’s harder to quantify. But then you will have a very narrow view of what victory is, because that victory is going to look a lot like the status quo. Aim higher! The truth is we have to raise our expectations even more. We have to push as hard as we can for justice, and that’s what we did and will continue to do in New Jersey. We fought for marriage, and even though the legislature has tried to gavel that discussion to a halt with civil unions, we will continue.

GR: As I always say, that toothpaste isn’t going to go back into the tube. I remember something you said which really helped me

be a little more patient around the marriage fight. You mentioned how, historically speaking, the Supreme Court reflects the movement that it sees in the courts around the country. There has to be a tipping point in the states before the issue can come to the Supreme Court. It’s an incremental process, and we have to be wise about it.

KC: Exactly. At the time of the *Bowers* decision, a majority of states still had sodomy laws on the books. Many things changed between 1986 and 2003 when we won *Lawrence*, but one important factor was that, thanks to our work and that of others in the movement, only 13 states still had sodomy laws on the books. At that point, the Court is much more likely to act. Successes like this can be a double-edged sword sometimes, because we’ve raised people’s expectations so quickly that some become disillusioned by any setbacks, for example in our marriage work. I’m glad that people have higher expectations — I just wish they were more connected to our history so that people wouldn’t get bogged down by their impatience at how long some of this is taking.

GR: I am incorrigibly hopeful. This is partly because I’ve seen such miracles in the past, and I think that’s what we have in store for the future. I see God’s hand at work in the numbers of people coming out, the

movement that we have made, and so on. And as a person of faith, I believe that God will not be thwarted. And because God is always for the best for us, I believe God is in our movement. That is not to say that everything we say or do is the right thing or every decision we make is the right one. But at the end of the day we are doing the work of justice.

KC: Well, even as a person who is not incorrigibly hopeful and also comes from a more secular perspective, I do think it’s a gift to be able to do this work and make a difference in the world. I see how our work touches so many people, and it’s a good thing — even though there is still a lot of hard work for us to do.

Q&A

Q & A WITH MIKAELAH B. REID

1. How did you get involved in the “Life Without Fair Courts” project?

In high school, I was the editor of my school paper and the president of my gay-straight alliance. Some homophobic kids were writing “Fagets” [sic] on our posters and harassing our group members, so I decided to respond with a comic strip editorial. I’ve been drawing LGBT-themed political cartoons ever since, both for Boston’s *Bay Windows* newspaper and for my weekly self-syndicated strip, *The Boiling Point*.

The courts have always been central to the fight for justice and equality. Back in 2003, I did a series of strips on sodomy laws, starting with “Practical Uses for Sodomy Laws” (they make great pickup lines, for example) and ending happily with “Sodomy Law Funnies” featuring a couple celebrating their long overdue rights. The fine folks at Lambda Legal were looking for a cartoonist for the “Courting Justice” campaign and my work caught their eye.

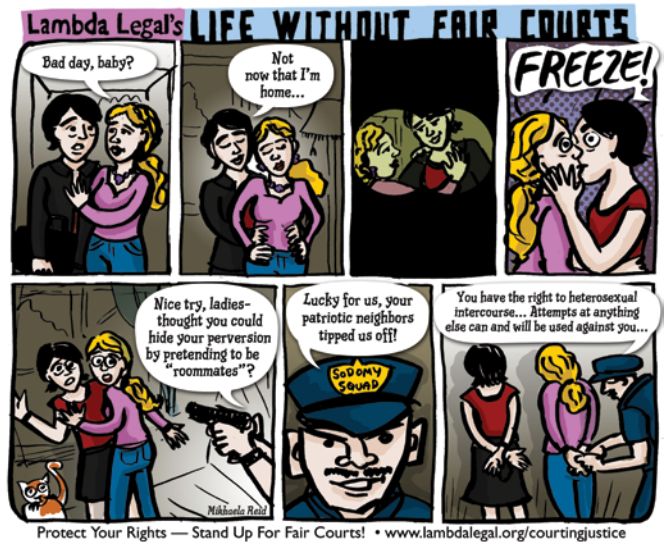
2. Why do you think the “Courting Justice” campaign is important?

It’s more than just important; it’s critical. To a lot of people, law and the courts seem vague, abstract, wordy, confusing, arcane and convoluted. Cartoons are a lot more accessible and fun to read than your average legal brief. So the idea of the “Life Without Fair Courts” cartoon series is to show the real-life impact of key court decisions on our daily lives by imagining they had never happened. What would life be like without *Brown v. Board of Education*? What would life be like without *Lawrence v. Texas* if you lived in fear of the police busting down your door for having sex with your girlfriend?

Whenever radical conservatives don’t like a ruling, they make noise about “activist judges” going against “the will of the people.” But the will of the people isn’t always right, and it’s the job of the courts to interpret laws and the Constitution and to protect minority rights, not to reflect popular bigotry.

3. How do you feel that members of the creative community (like yourself) make a difference in the world?

Art is a powerful thing. Powerful art and music can cut through the noise and connect people to a message in a way that words alone often fail to do. People react to cartoons in a more visceral way than plain text. Good political cartoons can inform readers, make them laugh (or cry), let them know they’re not alone in their beliefs, and call them to action — all at the same time.



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“It is almost an obscenity that the [New Jersey] Supreme Court would seize unto itself the power to order the legislature to create legislation... That kind of activism requires a reply. This is not a government of appointed justices.”

One attack on the courts by lawmakers on the federal level has been the introduction of a bill that would strip the judiciary of its jurisdiction to hear cases involving the free exercise of religion, the right to privacy (including any case involving sexual orientation) or equal protection as it relates to marriage. Congressional subcommittees are currently reviewing the bill. While this particular bill is obviously extreme, our communities must be ever-vigilant against these corrosive attacks on the judiciary. Lambda Legal’s “Courting Justice” campaign will continue to educate our communities and the public about judicial independence and press for fairness on the bench. What lies beneath the humor of the “Life Without Fair Courts” project is Lambda Legal’s steadfast commitment to a fair and impartial judiciary — and that’s no joke.

“I do” AGAIN

...this time for marriage equality



As it stands today in the U.S., same-sex couples are excluded from marriage in all but one state: Massachusetts. But the fight for marriage equality is taking place across the nation — and not just in LGBT communities. Different-sex couples everywhere are standing up and speaking out for marriage equality through

Lambda Legal’s “I do” campaign.

“Denying marriage equality to same-sex couples is just plain unfair,” says Susan Sommer, Senior Counsel at Lambda Legal. She and her husband, Stephen Warnke, have joined the “I do” campaign. They’ve signed the “I do” pledge and are telling all of

their friends why they believe marriage equality is an issue for different-sex couples too.

“Each of our ancestors came to this country at very different points in our history, but what they had in common was they were all seeking liberty, freedom from discrimination and the freedom to be themselves and raise their families in safety,” Sommer says. “They found this in America, and Stephen and I have benefited from it. To see some Americans still being denied basic freedoms goes against what we were each raised to believe matters most about our country.”

Visit www.lambdalegal.org/ido to meet other couples who are saying “I do” again — and to sign the “I do” pledge, make a donation and learn how to help us get the word out about the campaign.

Lambda Legal In the News

“Legally, this case isn’t hard. Morally, it’s even easier.... Federal law prevents any Virginia court from interfering in an ongoing custody case in Vermont or any other state. There is no exception for gays or lesbians.”

Washington Post editorial on Lambda Legal’s case *Miller-Jenkins v. Miller-Jenkins*

NOVEMBER 30, 2006

“When was our constitutional guarantee of equality downgraded to a right to only ‘parallel’ protection? Lesbian and gay couples seek only the same freedom to marry provided everyone else. Equality, not some separate scheme, is the principle that deserves support.”

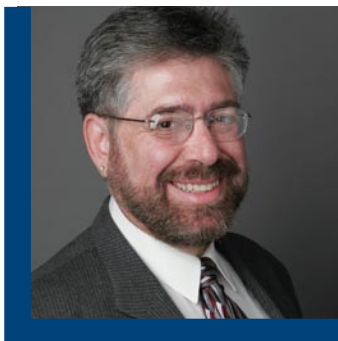
Legal Director Jon Davidson
Los Angeles Times

OCTOBER 31, 2006

“So, I turned around and said, ‘I don’t know why you’re saying those things to me. I’m just like you.’ And then I got beat up. I thought there was a good chance I might be killed that night. It was the scariest thing I’ve ever experienced.”

Lambda Legal plaintiff Brett Timmerman, recalling his assault
Milwaukee Journal Sentinel

SEPTEMBER 28, 2006



The Legal Landscape

ALL OUR FAMILIES

While Lambda Legal's advocacy for marriage equality has received widespread attention, we actually have done more — and have a longer track record — seeking protections for lesbian and gay couples outside of marriage.

Some of our work has demanded respect for same-sex relationships through legal proceedings, such as when we assisted Karen Thompson in her battle to become the guardian for her partner, Sharon Kowalski, after Sharon was seriously injured. Other work has involved drafting domestic partnership laws, as we did for the state of California, or defending them against challenge, as we have in Broward County, Florida; Chicago; New York; Vancouver, Washington; and elsewhere. We likewise have sought to help couples who entered Vermont civil unions after other states failed to honor them.

While we believe that only marriage provides same-sex couples full equality, there are important reasons why we have kept this non-marriage work a priority as well.

In America, same-sex couples currently can marry only in Massachusetts, which has strict residency requirements for marriage.

To safeguard our families nationwide, it's critically important that lesbian and gay couples and their children be protected however possible while we continue to build support for marriage equality.

In addition, the forces that most strenuously oppose our freedom to marry also oppose our access to any rights or benefits. When they have attacked, Lambda Legal has rallied to action. In *Brinkman v. Miami University*, we recently warded off efforts to deprive committed domestic partners of health insurance coverage they desperately needed.

This work is essential because not all same-sex couples want to marry, even if they could. What we seek is the same *choice* heterosexuals enjoy of marrying or not. But whether married or unmarried, all families deserve basic protections. Even if marriage equality existed throughout America tomorrow, it still would be important to ensure that unmarried couples and their children, and those not in relationships, are treated fairly. That's why our domestic partner advocacy has extended to helping unmarried heterosexuals as well.

All our relationship-related work helps expand public understanding of same-sex couples and of our families' needs. From triumphantly reversing all remaining laws criminalizing consensual adult sexual intimacy to forcing businesses to provide committed same-sex couples the benefits they afford married couples to vindicating a lesbian's right to choose the inscription for her deceased partner's tombstone — Lambda Legal has been and remains committed to protecting *all* our families.

A handwritten signature in blue ink that reads "Jon W. Davidson".

JON W. DAVIDSON
LEGAL DIRECTOR

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