

IMPACT

SUMMER 2017

 **Lambda Legal**
making the case for equality

#Resist

LAMBDA LEGAL
OPENS DC OFFICE

**Larry Kramer &
Hamilton's
Javier Muñoz**

Dispatch from Mississippi

How "religious
freedom" is
unleashing hate

INTO?

*Digital Dating
Do's and Don'ts*

Finally, Justice at

WORK

Kimberly Hively was spotted kissing her girlfriend in a parking lot at work. Her career stalled and then she was fired. A historic ruling in her case may change employment law forever.





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Lambda Legal
making the case for equality

OUR EVOLVING HISTORY

Last September, when the *New York Times* told me every day that there was an 87 percent chance Hillary Clinton would be our next president, I decided Lambda Legal should honor Larry Kramer.

We asked Larry to accept the first Kevin Cathcart Community Legacy Award at the National Liberty Awards in New York, Lambda Legal's biggest event of the year. I was thrilled, not only because I would finally meet a longtime hero of mine, but because it would help demonstrate that Lambda Legal's unbroken commitment to HIV/AIDS work will remain strong under my leadership.

Then the election happened, and Larry's prophetic voice became more important than ever. On page 14, read what Larry had to say to all of us, along with the beautiful words of *Hamilton* star Javier Muñoz, who has proudly fought the stigma of living with HIV. Watching Larry's face while Javier addressed him from the stage—"I am able to be me because of you"—was pure joy.



Larry told us to pay attention to our history, a history that Lambda Legal helps create. The magazine you are holding is a piece of that evolving documentary history. This issue brings a lot of good news, which we need in these dark times.

In April, we won our biggest case since marriage equality.

Kim Hively was fired from her job as a math teacher after someone saw her kiss her girlfriend good-bye in the parking lot. Lambda Legal took her case, and last month the entire 7th Circuit Court of Appeals—by a vote of 8-3—held that being fired because of your sexual orientation is against the law.

This is a breakthrough. We have argued for years that the Civil Rights Act protects us from discrimination, and this is the highest court to agree. Other circuit courts have already ruled that the Civil Rights Act protects transgender people.

As a community, it is time to change our message: rather than say LGBT people are not protected from discrimination at work, we must make sure everyone knows that the law can and does protect us. If you are harassed or discriminated against because of your sexual orientation or gender identity, you can take action—not just in “blue” states, but everywhere.

RACHEL B. TIVEN
CEO, LAMBDA LEGAL

IMPACT

SUMMER 2017 | VOL. 34, NO. 2

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RAY OF LIGHT

The state of Florida disrespected two widowers. They fought back.

“He was like a little teddy bear—shorter than me and just adorable.” That’s how Paul Mocko, 72, a retired bank project manager from Ft. Lauderdale, Florida, remembers his first impression of Greg Patterson, the love of his life, when they met in a San Francisco gay bar at a mutual friend’s birthday party in 1989. “It took two weeks before he came to my place for dinner because he had a cold, but once he got there he never left,” says Paul.

The couple spent 20 happy years together in San Francisco despite the fact that they were living with HIV during the darkest days of the epidemic. “They told us we didn’t have long to live, to spend down our assets and go on disability, so we did,” says Paul.

“We traveled the world, every continent, including Antarctica.” But then new, lifesaving HIV meds came out in the late 1990s. Suddenly, “We had to change gears and start conserving resources.”

In the 2010s, once they moved to Ft. Lauderdale together, everything fell apart for them financially. They’d owned a building in San Francisco but they sold it at the height of the 2008-9 crash, intending to move and care for Greg’s mother, and lost 60 percent of their investment. Upon Paul’s official retirement, his disability benefits ended. Eventually, amid caring for Greg’s ill mother, they had to declare bankruptcy and live on a tight budget of Social Security benefits. Then Greg was diagnosed with stage-four lung cancer.



Paul Mocko (left) and husband Greg Patterson

In July 2014, just months after they were legally wed, he passed away.

Paul was devastated. But a second blow came when he got Greg’s death certificate. It said Greg was never married. Under the section for spouse, it read, “None.” Paul was listed

merely as the deceased’s “executor and informant.” He said, “It was a shock, a stab in the heart.” When he tried to get the document amended, he was told he would not be able to do so without a court order requiring a \$400 filing fee and legal representation.

“They were so vicious,” he says of the clerks. “They well knew we’d been married. The slip was nasty, intentional. Then the funeral home told me they wouldn’t recognize the marriage.”

Paul reached out to Lambda Legal, which took the case. “Imagine having a marriage that you waited a very long time to enter into erased off the face of the last document memorializing your beloved’s existence,” says Karen Loewy, Lambda Legal counsel and seniors strategist. “For many, that’s unbearably painful. The state of Florida fought the

PAUL WAS DEVASTATED. BUT A SECOND BLOW CAME WHEN HE GOT GREG’S DEATH CERTIFICATE.

case with technical arguments about why they shouldn’t have to fix this discriminatory error, but the judge found that the burden rests with the state, not the survivor who suffered the discrimination in the first place.” Hence, survivors like Paul don’t have to pay the \$400 fee or get a separate court order.

Lambda Legal also represented Hal Birchfield, another Florida resident, after he was refused recognition on the 2013 death certificate of his spouse, James Merrick Smith. The couple had married the year prior after spending 40 years together. Loewy stresses that such deliberate omissions may occur in other states. “Resistance to LGBT equality is entrenched,” Loewy says. “I’ve never seen a civil-rights movement that was finished overnight.”

As for Paul, he misses Greg intensely but keeps busy with reading, cooking and exercising. Most of all, he feels that he did right by Greg. “Lambda Legal was tremendous,” he says. “My promise to Greg’s memory was that I would correct this, and now my promise is complete.” **LI**



DIVERSITY

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Perkins Coie is honored to support Lambda Legal as a National Sponsor. Perkins Coie has had a long-standing relationship with Lambda Legal and is committed to continuing to help the organization achieve its goals and mission of building awareness and making changes that positively affect the fight for equality. We look forward to our ongoing collaboration and your continued prosperity.

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COMING HOME

Turned down for a rental, Rachel and Tonya called Lambda Legal's help desk. They wound up making housing-law history.

Tonya and Rachel Smith were so happy when they found the two-bedroom townhouse in Gold Hill, Colorado, in early 2015. It was within their price range, had outdoor space for their two sons (Kevin, now 7, and Isaac, 3) to play and was near a small, well-regarded public school. And upon showing them the unit, the landlord, Deepika Avanti, even suggested that they also consider another, three-bedroom unit that they could invite a friend into to share the rent.

It all seemed to be going okay—except for some inappropriate questions Avanti asked when Rachel, who has known Tonya since they were in college and has been married to her for seven years, mentioned casually that she was transgender.

“The landlord asked if my ‘development’ was ‘natural’ or if I’d had surgery yet,” Rachel recalls. “Her tone and body language were a bit weird.”

Later that night, the couple got a strange email from Avanti. “She wrote that she couldn’t rent to us after all because of our, quote, unique relationship,” says Tonya, “She said it was a small town and she wanted to keep a low profile. When we replied asking exactly what she meant, she wrote back saying that she’d consulted a, quote, transvestite psychic friend” who told her it was okay to renege on the couple.

Tonya and Rachel strongly believed that the email might constitute housing discrimination, so they went to the Lambda Legal website and sent an email to Lambda Legal’s Help Desk



Plaintiffs Rachel (left) and Tonya Smith, with their two sons.

explaining what happened. Within two days, Lambda Legal staff attorney Omar Gonzalez-Pagan contacted them, ascertained the facts and said that Lambda Legal would take the case on the basis that it violated both the federal Fair Housing Act (FHA) and the Colorado Anti-Discrimination Act—the first on the premise that discrimination based sexual orientation or gender identity, which FHA doesn’t explicitly address, are forms of gender discrimination.

“Any sort of assumptions based on your gender about who you should be attracted to or build a family with, or how you should look, act or behave are impermissible stereotypes,” says Gonzalez-Pagan.

Meanwhile, Tonya and Rachel were so in need of a new apartment that they lived in the basement of one of their parents’ homes. Desperate, they put a plea on Craigslist. Their prayers were answered. They found a nice apartment in a nearby town that also had outdoor

FOR THE FIRST TIME EVER, A FEDERAL COURT RULED THAT SEX DISCRIMINATION COVERS SEXUAL ORIENTATION AND GENDER IDENTITY UNDER THE FAIR HOUSING ACT.

play space for the boys, even if the local school was not as good as the one they’d originally desired.

But then, early this April, more good news came: A federal district court judge ruled that Avanti violated both the FHA and the Colorado law. And it was a historic case. “For the first time ever,” explains Gonzalez-Pagan, “a federal court ruled that the FHA’s

sex discrimination prohibition applied to stereotypes relating to sexual orientation and gender identity.”

In fact, it was one of two federal courts two days in a row ruling that sex discrimination laws protected LGBT people (see page 8 for our other win). Tonya and Rachel agreed on a cash settlement with Avanti, who also had to take diversity training.

“You just can’t discriminate like that!” insists Rachel. What’s more, one of their sons will start in a better school next year. “The way it all worked out,” says Tonya, “is almost enough to make me believe in a higher power.” **L**

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LIFE AFTER LIFE

Fighting a funeral home's refusal of a deceased gay man.

The decades-long relationship between Jack Zawadski and Bob Huskey actually began in the 1940s, when they were both about nine, growing up in separate states but brought together one summer as playmates during a family trip. Fast forward to 1960s Southern California, where Jack, now a twentysomething furniture store owner in Laguna, gets a call from his mother telling him that Bob is teaching special ed in nearby Long Beach.

"So we went to a movie together in Hollywood with some other gay friends," recalls Jack, now 83, who says the grown-up Bob was "very good-looking, very reserved. We realized we both loved geology and history." Soon after, Bob stayed the night at Jack's. "I remember we got up and brought the dog down to the beach and went back and had breakfast," says Jack. "He moved in about six months later."

Thus began a 52-year love affair. When Bob's dad died a few years later, their openly gay L.A. poolside lifestyle ended as they moved to Colorado to be near Bob's mom. There, they went bankrupt from a failed restaurant venture. In the late 1970s, they moved to Jack's native Wisconsin, where Jack still had property. He started an apple orchard on it while Bob got another special ed job. And then, after 18 years there, they moved to the small town of Picayune, Mississippi, to escape the cold winters. Jack gardened avidly, worked part-time in a hardware store and volunteered alongside Bob, now retired, at the arboretum. Both Civil War buffs, they loved the numerous sites they could visit in the South.



Bob Huskey's widower Jack Zawadski (left) and nephew John Gaspari (right) had to scramble when a Mississippi funeral home refused to receive or cremate Huskey's body.

Though Jack admits they underestimated how conservative the South could be, he says nobody ever gave them any grief over their cohabitation. "Our neighbors kind of understood that we were a couple and they were great," he says. They even married in Mississippi in 2015 after the U.S. Supreme Court made marriage equality the law of the land.

That's why it's a bitter irony that their first real taste of gay discrimination came after Bob's death, at age 86, in May 2016. After Picayune Funeral Home, which had agreed to cremate Bob's remains, learned that Jack had been Bob's legal spouse, it refused to pick up the body and perform the cremation. Jack and Bob's nephew, John Gaspari, had to find another funeral home in Picayune to transport Bob's body 90 miles to the nearest crematorium, in Hattiesburg.

"If it wasn't for my nephew, I wouldn't have known what to do," says Jack, who was devastated by the refusal.

In May, Lambda Legal announced it was joining Zawadski's lawsuit against

"JACK'S GRIEF WAS COMPOUNDED BY INJUSTICE AND CALLOUS TREATMENT FROM THE VERY PLACE THAT SHOULD HAVE HELPED EASE HIS SUFFERING."

Picayune Funeral Home seeking seeks damages for breach of contract, negligent misrepresentation, and the intentional and negligent infliction of emotional distress.

"What happened to this family is shocking," Lambda Legal Counsel Beth Littrell says. "Jack's grief was compounded by injustice and callous treatment from the very place that should have helped ease his suffering."

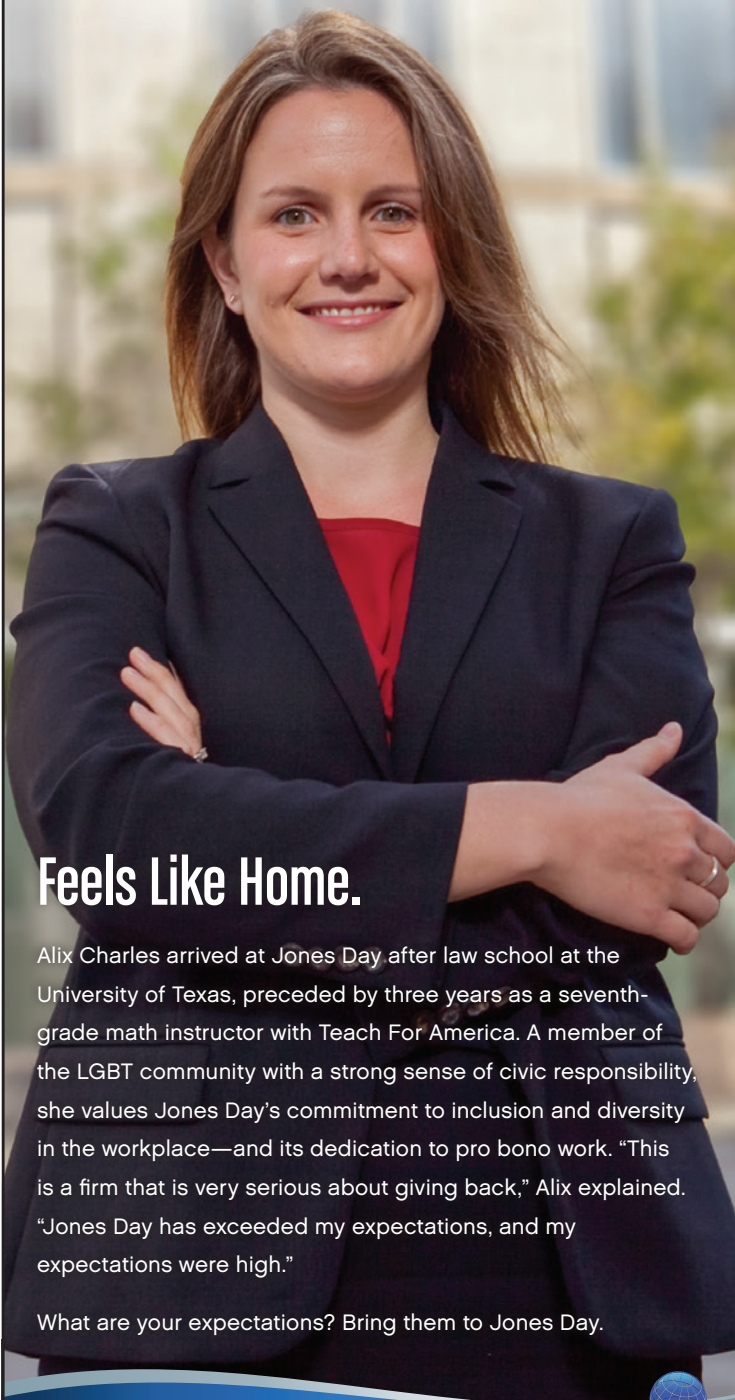
That suffering is lightened a bit by Heidi, Jack's Doberman-Chihuahua mix, and by his gardening, which he loves. He may move to Denver to be closer to Gaspari. And he's got great memories of more than a half-century with Bob. "We never had a violent argument," he says. "Life was very good to us."

That's why that final blow from the funeral home was so hard. "I don't want anybody else to go through this," he says. Just the loss of Bob is rough enough. "I wake up in the morning and no longer see his profile in the bed. That's hard to get over." **LI**

“ I have felt at home here since Day One. ”

Alix Charles

Associate
New Lawyers Group, Houston



Feels Like Home.

Alix Charles arrived at Jones Day after law school at the University of Texas, preceded by three years as a seventh-grade math instructor with Teach For America. A member of the LGBT community with a strong sense of civic responsibility, she values Jones Day's commitment to inclusion and diversity in the workplace—and its dedication to pro bono work. “This is a firm that is very serious about giving back,” Alix explained. “Jones Day has exceeded my expectations, and my expectations were high.”

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WILL WORK



Kimberly Hively and Greg Nevins, Lambda Legal Fair Employment Project Director

FOR JUSTICE

Lambda Legal client Kimberly Hively's dream of teaching college math at Ivy Tech may be over. But her case could change employment law forever.

BY SALLY CHEW

MATH TEACHER KIM HIVELY is such a numbers geek that the wall clock in her South Bend, Indiana home has formulas around the dial instead of hours. She loves the challenge that students present when they arrive in her classroom baffled, thinking they will never master the subject. “When the light bulb turns on,” says Hively, and they’ve figured out a problem, “that’s the most amazing thing.”

As the plaintiff behind a groundbreaking new federal ruling secured by Lambda Legal—that Title VII of the Civil Rights Act protects lesbian, gay and bisexual (LGB) employees from workplace discrimination—Hively is the woman of the hour, at the center of one of the longest-running battles in LGBT rights law.

But the career path that Hively carefully pursued over 14 years at the South Bend campus of Ivy Tech Community College—that’s over. “Ivy Tech is where I’d hoped to spend the rest of my life, and to retire from,” says Hively, now 51.

She had good reason to believe this would happen. The Award for Excellence in Adjunct Instruction that the school gave her early in her time there still hangs on the wall in her home office. Her performance reviews were solid. Things changed, she says, when she was spotted kissing her then-girlfriend good-bye in a school parking lot. Someone complained to college administrators, and her career at Ivy Tech, once promising, stalled.

Hoping to move from part-time to full-time work, Hively applied to six different job openings at Ivy Tech. But the answer was always no. She saw junior colleagues promoted instead. In 2014, she wasn’t asked back at all.

Hively refused to take this final blow sitting down. She wanted to sue. But she was told many times that she had no chance of winning. Indiana is an “at will” employment state lacking explicit workplace protections for LGBT people. For this reason, none of the few employment lawyers in her area would even consider her case. So she went ahead and filed a lawsuit herself.

DISCRIMINATION AT WORK

For several years, Lambda Legal has won growing acceptance of a game-changing interpretation of the Civil Rights Act—that sexual orientation discrimination is a form of sex discrimination and therefore the Act protects LGB workers. Congress repeatedly has failed to pass legislation that would have made it explicit that Title VII forbids “sexual orientation” and “gender identity” discrimination.

It is critically important that the legal system provide nationwide protections from anti-LGBT discrimination in the workplace. Studies show that up to one in six lesbian, gay and bisexual Americans and up to half of transgender workers report being unfairly fired or denied employment. That kind of treatment can take a toll that goes beyond the professional and financial. “These situations can make the person very depressed, unsure of their self-worth, questioning their hireability, second-guessing their skills,” according to Kelly Wise, a New York City therapist who has counseled many LGBT people experiencing discrimination on the job.

“It’s true that LGB workplace rights have lagged—even behind recognition of the rights of transgender workers,” says Lambda Legal Fair Employment Project Director Greg Nevins, who is leading Hively’s case. Nevins is referring to Lambda Legal’s big 2011 victory in the case of Vandy Beth Glenn, in which we convinced the 11th Circuit that firing a transitioning worker was sex discrimination and therefore violated the Equal Protection Clause of the U.S. Constitution (and, as any employment lawyer who read the opinion would tell you, would violate Title VII as well).

“We are on a roll now,” says Nevins. “A few short years ago, it was hard to find a federal judge who agreed that Title VII covered sexual orientation discrimination. Now judges are convinced that we are correct in spite of existing bad precedent. We are more likely to find judges saying ‘When can I rule for you?’ instead of ‘Can I rule for you?’”

When Lambda Legal took up Hively’s case in 2015, it was to mount an appeal with the 7th Circuit Court of Appeals. Lambda Legal was challenging a lower court decision rejecting her complaint that Ivy Tech failed to promote her and then let her go because she is a lesbian.

The national terrain was looking more and more receptive to Lambda Legal’s arguments about the Civil Rights Act, set forth first in exhaustive detail in early 2013 in a case in Washington D.C. Nevins says, “Since then, the arguments have prevailed repeatedly in courts that deemed themselves able to accept or reject them. Even most courts that have rejected them haven’t said they were wrong—just bound by precedent.”



After she was spotted kissing her then-girlfriend good-bye in a school parking lot, her career at Ivy Tech stalled.

Indeed, Lambda Legal’s appeal for Hively seemed to suffer a setback in July 2016 when a panel of the 7th Circuit ruled against Hively based on precedent. But the opinion also repeatedly questioned that precedent and embraced Lambda Legal’s arguments. The stage was set for the big fight: asking the full court to rehear the case, because the full court would be free to overrule the bad precedent. Sure enough, the full court agreed to hear the case and on April 4 of this year issued a groundbreaking ruling from all 11 judges in favor of Hively.

The wording of the Hively opinion could not be more to the point: “Any discomfort, disapproval, or job decision based on the fact that the complainant—woman or man—dresses differently, speaks differently, or dates or marries a same-sex partner, is a reaction purely and simply based on sex,” Chief Judge Diane Wood wrote.

The high level of the Hively ruling puts judges—and anti-LGB employers—on very strong notice. After the U.S. Supreme Court, federal appeals courts are the most powerful in the country, and it is rare when a full circuit court speaks. When they do, that court’s voice is that much more powerful. While the ruling applies only to the three states in the 7th Circuit (Indiana, Illinois and Wisconsin), it sends a clear signal to other federal circuit courts weighing the same issues—the 11th Circuit, for instance.

There, a panel ruled against Lambda Legal client Jameka Evans in March. Just as in Hively, a three-judge panel said its hands were tied by precedent. And of course, just as in Hively, Lambda Legal has asked the full court to rehear the case and overrule its precedent.

A LESSON IN PERSISTENCE

Hively says she feels major relief—even “vindication”—to have prevailed, with Lambda Legal’s help, after her treatment by Ivy Tech and so much early discouragement about her suit. She realizes that the landmark ruling will pave the way. “Knowing that this has become such a big case in a lot of ways is a little scary,” Hively says. “But it’s good.”

Hively’s case can now proceed on its merits. In the meantime, she teaches high school. It took a year for her to get the job, though, because she had to go back to school to get re-certified. Since school is out for the summer, she has a part-time bookstore job up the road at Notre Dame University. She says she’s ready for the fight ahead. ■

DATING APPTITUDE

The Do's and Don'ts of Meeting Online



BY TIM MURPHY

If you think looking for dates on websites and apps like Match, OKCupid, Tinder, Scruff and Grindr is only for trashy types or millennials, think again. According to Pew Research Center, a majority of Americans now say it's a good way to meet people, and the percentage of people between 35

and 64 who've gone on a site or app has leapt up the past few years. Plus, it's a great way for LGBTQ folks in not-so-densely populated areas to find one another. With that in mind, there's a bit of an art to presenting yourself and communicating online. Take a look at our digital do's and don'ts.

BY ALL MEANS, DO...



★ SHOW YOUR FACE. Nobody wants to reply to a photo-free profile, or a headless pic. "Showing your face tells me you have no shame about being LGBTQ or wanting to meet someone," says Mark, 48. Smile if possible. And can the groovy shades. The eyes are the windows to the soul.



★ BE CLEAR ABOUT WHAT YOU WANT.

Whether it's no-strings-attached (NSA) sex romps, "proper" dates, an LTR or all of the above, specify as much. Most apps give you boxes to click, but you can also write, "I'm new in town and mostly seeking new friends," or "I've been single awhile and am ready to settle down."

★ BE SPECIFIC, BUT NOT RUN-ON.

One-word answers to profile questions are for Neanderthals. Be sincere, funny, thoughtful, show your personality! "I love people who are self-deprecating," says Bruce, 57. Just don't go overboard. Keep paragraphs short. It's a dating profile, not an existential manifesto.



★ PRACTICE GOOD MANNERS. Launch convos with more than a "hey." Says Natalie, 37, "I like it when women comment or ask something specific about my profile." Say "thanks" if you're complimented—it doesn't mean you have to date the person. Think of that first text convo as the initial chat at a party or bar. Be kind, funny, light-hearted and curious.



★ LOOSEN UP. You are dealing with human beings, not browsing Amazon. Nothing's a bigger turnoff than coming off like you're the perfect princess with 1,001 requirements in a mate (or a date). Know your dealbreakers but otherwise stay open and realistic.



BY ALL MEANS, DON'T...

★ **DISCRIMINATE.** Saying you're only into certain races, body types, gender types ("no femmes, please") or HIV statuses isn't merely stating your "preferences"—it's hurtful

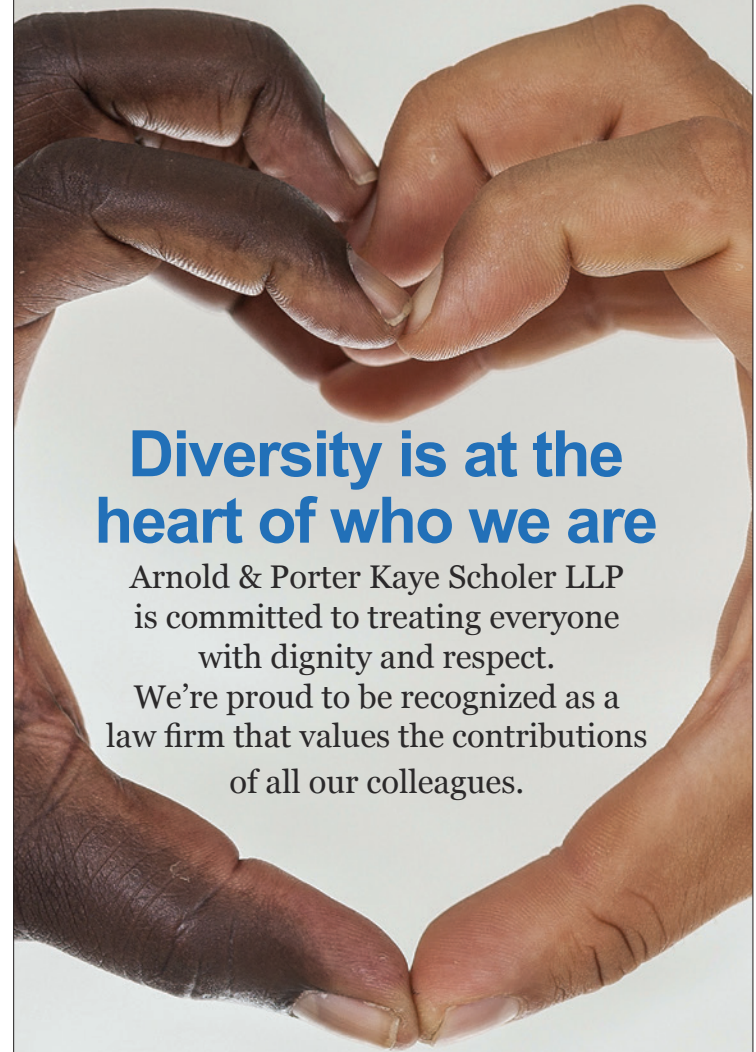


and biased. If you have biases, filter around them privately without ostracizing others. "I hate when HIV-negative guys say they're 'clean' and looking for the same," says Mark, who is HIV-positive. "Hey, I'm clean, I take showers!"

★ **ENDANGER YOURSELF.** Proactively protect your sexual health with condoms, PrEP (the HIV-prevention pill Truvada). Don't make sexual choices based on the stated HIV or STD status of people you just met. If you share nude pics, don't put your face in them. Meet in public places the first time or at least make sure a friend has your hookup's address. Finally, if they look really young, ask to take a picture of their ID before having sex—and if they balk, walk away. That may sound crazy, but it's not. "We hear from people who are serving time in prison because they met someone online who said they were 18—or 19 or 20—when they were actually 16," says Lambda Legal counsel Scott Schoettes. "Don't let that be you."

★ **BE A NEGATIVE NELLY.** The biggest online turnoffs are people who rant over everything they hate about other people, places and things. You may as well just write, "I am an angry, bitter, miserable person." Hey, maybe you are, but advertising it won't help you find the person who might improve your outlook on life.

★ **LIMIT YOURSELF TO WEBSITES AND APPS.** Many great relationships have been made online, but the digital realm can also breed flakiness, as though everyone were just playing a video game. Don't get so addicted to meeting digitally that you forget to actually go out to bars, parties and social and cultural events with friends, so you can keep meeting people the old-fashioned way. No emojis needed! 🗨️



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ranking by the Human Rights
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Equity Illinois (EQIL) recognized
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IN BAD FAITH

Under the cloak of religious freedom, states across the country are unleashing a backlash against LGBT people. **Lambda Legal Director of Constitutional Litigation Susan Sommer** writes about the battle to preserve hard-won rights in Mississippi.

IN PAST DECADES, those who oppose basic legal rights for LGBT people have seen their arguments fail in the courts and with growing segments of the public. But they are not giving up without a fight. Their latest tactic is all too familiar from history books: scapegoat and blame the victim. They have rallied around the claim that *LGBT people* are the ones discriminating, while people who hold anti-LGBT convictions on “religious” and “moral” grounds are the victims. As this argument goes, those religiously opposed to LGBT people should not have to perform their government jobs or provide services in the public marketplace if that means acknowledging the existence and dignity of same-sex families and transgender people. This astounding

claim callously ignores the stigma and suffering long experienced by so many of the LGBT individuals Lambda Legal represents.

It ignores what I witnessed just two short years ago as I sat in the U.S. Supreme Court during the ***Obergefell v. Hodges*** oral argument. We rightly remember and focus on the landmark win we scored that day for marriage equality and for the humanity of LGBT people. But we also heard a frightening harbinger of resistance to *Obergefell* and other hard-won advances, since mounted by our opponents. In the Court that day, **Donald Verrilli**, then Solicitor General of the United States—the federal government’s top court advocate—rose to argue *for our side, on our behalf*, in support of the constitutional right

of same-sex couples to marry. That historic turning point was marred by what happened next.

Just at that moment, a man seated in the middle of the public section of the courtroom jumped to his feet, wildly yelling: “this is an abomination, this is a sin, you will go to hell if you allow same-sex marriage.” He was escorted from the courtroom by U.S. marshals, but we could still hear his shouts echoing through the corridors outside. Many shrugged this off as the ranting of a kook; Justice Scalia even made some heartless quip. Ignored were the many LGBT people in the Court who felt his shouts like a punch to the gut—just as those now pressing their blame-the-victim narrative try to pretend that LGBT people suffer nothing when they are discriminated against in the name of religion. But for the marriage case plaintiffs in the Court targeted by that hateful message, it was a truly awful moment. One of our plaintiffs seated nearby, a mom, was reduced to tears. As she heard the man’s shouts ringing through the halls, all she could think of were her children, waiting during the argument with their other mom—her wife—in the nearby cafeteria, stung by those words of hate.

A truck pulled up outside the LGBT-affirming MCC church. Emblazoned on that truck was a swastika

That shout heralded what we face today, as the federal government, instead of standing with us, is pulling protections for transgender students, federal employees, elder lesbian and gay individuals, and with more to come. Our government now stands with and seeks to protect the bully, not us.

We see this in the wave of religious exemption bills introduced in state houses across this country. Particularly alarming, a potential federal religious exemption Executive Order has been

on the drafting board, and President Trump has promised to sign the anti-gay **First Amendment Defense Act** pending in Congress.

And we see this in Mississippi, where that state, in the spring of 2016, passed a **broad religious exemption law**, a test balloon from our opposition, giving government officials, businesses and government-funded social service providers rights to turn away LGBT people in the name of “religious” and “moral” convictions. This law blatantly defies the U.S. Supreme Court; in the words of the worthy district court judge who in **Barber v. Bryant** blocked it in June 2016 from taking effect, it was the state’s attempt “to put LGBT citizens back in their place after *Obergefell*.”

A couple of months ago, in another courtroom, this time for the **federal 5th Circuit** argument in Mississippi’s appeal from the *Barber* judge’s ruling, I heard another chapter in our foes’ false “blame-the-victim” narrative. I was astounded to hear Mississippi’s lawyer argue that this law doesn’t hurt anyone, that it just protects “victimized” religious folks from being discriminated against by LGBT people who dare to stand up for their right simply to live in peace in their home state.

Mississippi’s lawyer made this audacious argument in front of our clients, Brandiilyne Mangum-Dear, a pastor, and her wife, Susan Mangum. They had married in 2016, after same-sex couples fought for and won the right to marry in Mississippi and every other state in the nation. Ironically, the *Barber* argument fell smack on their second anniversary. Rather than celebrate together, they were in court anxiously hoping that Mississippi’s ugly law will stay blocked so that next year they won’t need to fear being turned away from a florist if they want to buy anniversary flowers or from a restaurant if they want to enjoy a romantic dinner.

There was an even more bitter irony for them as they listened to Mississippi’s

lawyer claim that the state’s law was a laudable means to promote religious liberty. Brandiilyne and Susan knew

better. Not long ago they founded Mississippi’s first and only LGBT-affirming Metropolitan Community Church, after they were shunned by their former church and community when Brandiilyne came out and they tried to live as a couple. Their MCC church opened its doors as a place of religious and spiritual refuge for LGBT people of faith, who, like them, faced rejection from their Mississippi religious communities. But Mississippi’s purported religious protection law has served only to set loose terrifying harassment against LGBT people—including at the very doors of their church. After Mississippi’s hateful law passed, threatening calls came to the church phone. Then a truck pulled up and parked outside the storefront MCC church. And emblazoned on that truck was a swastika—a horrifying symbol of hate and violence unleashed by the state’s so-called religious freedom law. Congregants were afraid even to go to their church, which had to post security guards at its doors.

So we must ask those who defend this law—just *whose* religious freedoms and basic rights are at risk in Mississippi? Let’s get this straight—just *who* are the true victims here?

We can’t brush this off as an isolated state, an isolated anti-LGBT law, an isolated attack on our rights.

That hate, that truck with its sign and what it represents, that Mississippi law, can spread and is travelling—make no mistake about that. And we at Lambda Legal are fighting in the courts of law and public opinion so that Brandiilyne and Susan—and LGBT people throughout our country—can live and love in peace and without fear. **LL**

The decision of the 5th Circuit Court of Appeals in *Barber v. Bryant* is expected in the near future.

The First Amendment Defense Act (FADA)

A bill in Congress to protect discrimination based on religious beliefs against marriage between same-sex spouses and sex outside of marriage

H.B. 1523

Mississippi bill targeting same-sex couples and transgender people for discrimination

Barber v. Bryant

Lawsuit joined by Lambda Legal challenging H.B. 1523

Federal 5th Circuit

One of thirteen federal courts of appeals, with jurisdiction over Mississippi, Louisiana and Texas

Obergefell v. Hodges

The landmark Supreme Court case that established same-sex couples’ right to marry

Donald Verrilli

The federal government’s top court advocate at the time

WHEN JAVI MET LARRY

LARRY KRAMER: WHEN AIDS CAME ALONG, it became my life's new calling. I was, and am, obsessed with its history, of why it's here, why it is still here, why we are still dying. You only have to hear important Trump minions to know how much we still are hated. As I've lived and researched our history for my book, I have come to believe that, without a doubt, AIDS has been allowed to happen.

Volume II of [my recent history book] *The American People* will make my case for this conviction. Had we not been so hated since the beginning of our country, AIDS would not have been allowed to spread and grow, to kill so many of us without cease.

We don't really appear in the pages of history. We have contributed so much to history and it remains unknown, who we were and are. "Straight history is written by, and for, straight people," Gore Vidal said to me late in his life, when I chastised him for not making Abraham Lincoln gay in his important book about him, as Gore believed him to be. He said, "Straight historians wouldn't know a homosexual if you threw one in bed with them."

It was Gore who told me what he believed was one of the greatest love stories in all of history—that of George Washington and Alexander Hamilton. He urged me to look into this, which I have in Volume I of my book. That

Lambda Legal honored activist and author **Larry Kramer** and *Hamilton* leading man **Javier Muñoz** at this year's Liberty Awards on May 1st in New York. Kramer and Muñoz, in their speeches excerpted here, spoke about what drives their artistry and activism.

two of our most important presidents, Washington and Lincoln, were gay! That because Washington and Hamilton passionately and physically loved each other, we have the kind of government Hamilton created for him in the face of strong opposition by Thomas Jefferson. This is hot shit stuff! [It] should give us a front row seat in the drama of our country's history.

Gay history is Washington, Lincoln, Hamilton; Lewis of Lewis and Clark; Mark Twain, Andrew Jackson, John Adams, Eleanor Roosevelt; the list of our forefathers and mothers and their contributions is extraordinarily magnificent and very long.

This is not taught in schools. It is up to gay historians to find and tell these truths. There is much excavation yet to be done by our scholars and teachers. It is so important for any people to have

a history to be proud of. Think how impressive it would be to the entire world if we can claim that Lincoln, our greatest president, was gay. Could that not be useful against those who hate us?

Fighting for our rightful place in America's history along with fighting AIDS has become my life's calling. I only wish I were younger because both are such high mountains to climb.

Why am I saying all this tonight to Lambda? Lambda Legal is an amazing achievement. And a daily wonder as it continues to fight for our history. Day by day it is making history that is daily written down for the future to read. I feel safer knowing that it is here. That is what our history should make us feel: safer, protected, entitled to, and demanding, our place at the table. I feel very honored to be honored by you.

“ NEVER ACCEPT ANYTHING LESS THAN YOU DESERVE.
REMEMBER YOU TEACH PEOPLE HOW TO TREAT YOU.”

–Javier Muñoz

JAVIER MUÑOZ: IN 2002,

I was living in San Francisco. I routinely went for testing about every six months, whether or not I was in a relationship, that was my routine. On July 2, 2002, the test results came back positive for HIV, while I was also in a relationship at the time. And this test result uncovered a truth that my partner had been hiding. He was in fact HIV positive and he had not told me.

It would take me several years before finally being able to forgive him, which I did. But my immediate response was to leave San Francisco and head back home here to New York City. It took about six months, with assistance, to find health insurance and a doctor. At that point, with everything situated, I felt I could share my status with my parents. And I am very fortunate to have had their support, in reaction. Three years after that, I made the commitment to myself to live openly with my status.

The strength to make that decision to live openly was rooted in anger and frustration at the way people changed towards me when they learned of my status. The judgement was harsh, it was cold,

it was often hypocritical and, most of the time, just downright cruel. And I began to understand why my partner in San Francisco had been silent about his status. I was learning just how powerful the stigma surrounding HIV was.

The stigma associated with being gay and HIV positive could have crushed me, if I let it. It could have overpowered me into silence, into denial, to not seek treatment and the medical care that I needed. I discovered this quote back then and I still adhere to it now, "Never accept anything less than you deserve. Remember you teach people how to treat you." So I chose to live openly with my status and my sexuality to teach my generation how to treat me and people like me; to bring HIV out from under the shadow of shame and into the light of pride and empowerment, in the hopes that if people see what I do on stage, night after night, and know that I am HIV positive, that that visibility could change perception.

And fears might be quelled,

and maybe, that might help starve stigma to death.

Right now, more than ever, we all need to be fearless. We are literally in this together and the choices we make, both collectively and individually, will make a strong, lasting impact. I know I am able to stand here tonight because of the work and sacrifices made by those before me. I stand here proudly as an openly HIV positive man who is undetectable.

I am able to be me because of you! [*gestures to Larry Kramer*] I am able to stand here because of the way that you paved. I am humbled, but more than that, I am invigorated to never, ever give up and never, ever be silent. **LI**



7 MINUTES WITH

SHARON MCGOWAN

Director of Strategy, based at Lambda Legal's brand new office in Washington D.C.

What do you do at Lambda Legal?

I am Lambda Legal's Director of Strategy, but I think that a better title might be "Leader of the D.C. front of the resistance!" I have a background as a litigator, so I will be working with Jon Davidson and our amazing lawyers to take those who discriminate to court, but I will also be working at the federal level to try and defend the gains that have made over the last eight years.

We know that President Trump has surrounded himself with minions who will be looking for every opportunity to do harm to LGBT people and everyone living with HIV. So I will be working with other national LGBT organizations, but also non-LGBT specific organizations like the Leadership Conference on Civil and Human Rights, to stop everything that we can. For those things that we cannot stop, we will try to slow it down or mitigate the harm by doing public and behind-the-scenes advocacy to get information to those who care about our issues and might be able to make a difference.

And if we can't stop it or slow it down, then we will raise you-know-what. We will put a spotlight on every anti-LGBT action that we hear about and make sure that people aren't lulled into a false sense of security and complacency by #alternative facts (a.k.a. lies).

What's challenging about your job?

I served in the Obama administration as both a career civil servant and as a political appointee for seven years. So many of the gains that we made during that time were issues that I worked on personally—marriage equality, antidiscrimination protections for LGBT people, expanded access to health care.

As a result, it's hard not to get demoralized when you see years of hard work swept away by people appointed to the administration precisely because of their anti-LGBT credentials.

Who inspires you in your personal journey?

I have so many personal heroes, but in terms of my inspiration, I would have to say my daughters. My goal every day is to make the



McGowan (left) with wife Emily Hecht-McGowan

world a more just and loving place so that they can become their fullest, truest and most fabulous selves!


What are you most proud of?

The work that I did at the United States Department of Justice. Being able to stand up to a podium as a queer woman and say "Sharon McGowan, on behalf of the United States," was a tremendous honor and privilege. The work that I did while "on the inside" was always part of a larger team effort, but knowing that I helped our country move closer to the ideals of liberty, equality, dignity and justice for all will always fill me with a sense of pride.

What's rewarding about your job?

Being able to stand up and give voice to the concerns of our community, including those who are vulnerable and often unable to speak for themselves. I am so grateful to the supporters of Lambda Legal, without whom I would not be able to do this work.

How do you decompress?

Bath time and story time with my girls is something that I try to do with them every night. Listening to them laugh at my silly voices, or splashing with them in the tub washes away so much of the stress of the day, and reminds me about what is most important in my life. Being a good mom, a good wife, a good friend. And never forgetting the importance of laughter in your life! 

Update: Three high school students win the right to go to the bathroom

Last September, a school district outside Pittsburgh decreed that students had to use bathrooms matching their assigned sex at birth.

“I was heartbroken,” says Elissa Ridenour (on the cover of the last issue of *Impact*, on the right), now 18 and a senior who is transgender at Pine-Richland High School. Along with two other transgender students at Pine-Richland, Juliet Evancho (on the cover, at left) the sibling of Jackie Evancho, who sang the national anthem at Donald Trump’s inauguration) and another, a minor who goes by “A.S.,” Ridenour saw perhaps the most private aspect of her life become a public issue dividing her whole community.

“It was very unsettling,” she recalls. “Everyone’s debating over a place where I need to do a body function. Why does



anyone else have to be concerned with it?” Even though she was busy preparing to apply to colleges, she stepped up to fight on her own behalf, speaking at the state capitol building and at rallies. “It was a burden on my high school career but it opened me up to a lot of advocacy work,” she says.

Immediately, Lambda Legal filed a lawsuit seeking an injunction (freeze) on the policy on the grounds that it violated the equal protection clause of the U.S. Constitution. (Meanwhile, the school told Ridenour and the other two trans students to use single-stall bathrooms.)

Then, in late February, a federal district court told the school district to halt the discriminatory policy at once, and that the district would likely lose the case.

The ruling comes at a fraught time for the issue of trans people’s freedom to use facilities matching who they are. In March, North Carolina replaced a highly controversial anti-trans bill with another one, which Lambda Legal is challenging.

Back at Pine-Richland High, Ridenour is just happy that the ban, which she called “humiliating,” is off the table and that where she goes to the bathroom is no longer a burning local issue.

But she doesn’t imagine there’s any going back when it comes to her standing up for trans rights. “I was very depressed after the first couple of school board meetings” on the issue, “but now I’m able to take it all in and say to people, ‘Yeah, you can hate me, but I’m gonna love myself and I have people behind me.’”

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BEFORE THE PARADE

HOW TO HAVE A **VERY** GOOD PRIDE

2. GET THAT GROUP CHAT/TEXT GOING.

Trying to keep your gays together during Pride is like herding nellie cats, but listen—there has to be a master thread where you can all check in with your plans during the weekend. How happy will you be at 1 a.m. when you see Rae drunkenly texting, “Line @ Saloon out of cnotrol!!! Noone gettin in, ppl r goin to Jackhammer cum u bitchses.” You’ll be so happy.

5. REMEMBER GAY TIME IS REAL.

And time doesn’t exist during Pride weekend, at all. This also means that nothing, and I mean nothing, will happen before 1 p.m., so if you’re thinking people are going to meet you in the morning during Pride, that’s cute, and so so sweet and hopeful.

6. SAY IT WITH ME: WATERPROOF.

Wear waterproof sunscreen, because you will be sweating. Wear waterproof makeup, because you will be dancing and hot and makeup melts in the sun. Wear shoes that can get wet, because someone is going to spill on you. If you have waterproof sheets, may I respectfully suggest that this, above all other weekends, would be the weekend to put those on the bed.

7. SHEPHERD YOUR FLOCK WITH FINESSE.

You know the chant you do when you leave the house that goes “keys, wallet, phone?” When you’re leaving any public space during Pride, change it to “EVERYONE! Do you have your PHONE, ID and CREDIT CARD FROM THE BAR? WE ARE NOT COMING BACK FOR IT, THOMAS, I DON’T CARE.”

Thomas will forget his credit card at the bar anyway, but at least you know you did everything you could to help everyone have the best Pride possible. Have fun, queers! **LL**

Krista Burton writes the blog Effing Dykes.

BY KRISTA BURTON

3. MAKE A REALLY SPECIFIC SHIRT.

Get a tank top, get a t-shirt, get some fabric paint or even a Sharpie, and write out what you want people to know! (For example—and I’m not promising anything here—my friend Court painted “DTF” on the front of her shirt and a fist on the back of it last year, and she had a *very* good Pride.)

4. SLOW YOUR ROLL.

Homos, remember to hydrate. You may have the tolerance of German elephant raised solely on beer, but even you cannot have four shots, three Bud Light Limes and a sticky wine cooler back-to-back at the pre-party at 2 in the afternoon. Don’t be the person everyone else has to carry back before it’s even dark.

And because I want to help you do this weekend right, and maybe *not* end up passed out in the gutter at 3 p.m., covered in peach-flavored lube and glitter like last year, here are my hard-won tips for doing Pride proud.

1. MAKE FRIENDS WITH SOMEONE ON THE PARADE ROUTE.

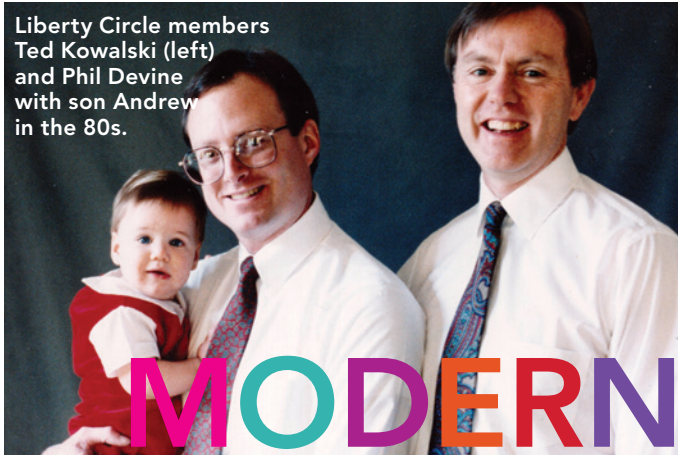
This is it: the real reason Jon and Gabriel moved into that expensive Victorian a block from Hydrate 69. This is where you will pee (not in the alley *this* year! at least until later on Saturday night), and this is where you will show up with the huge smile of someone who doesn’t have to fight 10,000 people for an appalling moment in an overheated porta-potty.

Ooh, it’s Pride month, and already I’m hearing the murmurs from my queer fam: “Pride’s too commercialized.” “Pride is for baby gays.” “Pride’s full of straight people.”

And you know what? Sometimes ::whispers::...sometimes I feel these feelings. We all know the first Pride was a riot, and my jaded homo soul *does* weary of seeing rainbow temporary tattoos in the shape of corporate logos. Give me ass-less chaps and topless dykes on bikes any day, I’m ready now, lord.

I’m feeling riot-y as hell this year, too, and this Pride is going to be full of protests. When Pride comes around, I go hard all weekend long, taking off the Monday after like any sensible queer.

Liberty Circle members Ted Kowalski (left) and Phil Devine with son Andrew in the 80s.



MODERN FAMILY


When Theodore Kowalski and Philip Devine wanted to start a family, they decided that surrogacy was the best fit for them. Their decision would hardly make headlines today, but when they made that choice in 1985, it was a revolutionary idea. Ted and Phil were one of the first couples in the country to have a child via surrogacy, and likely the first gay couple to ever do so.

Immediately Ted and Phil were faced not only with raising a child, but also with navigating complex legal matters no one had ever faced before. "When Andrew was born, there was no law to cover what we were experiencing," Phil said, "There were no

resources to help us understand the problems we would face as same-sex parents." They described the years they spent in court rooms trying to make sure their family was protected. "It was always in the back of my mind that he could be taken away. When you become a parent, you don't need to be worried about that; you need to be worried about doing the best you can for your child."

Phil established legal guardianship of Andrew first, but Ted wasn't able to complete a second-parent adoption until it was legalized in Connecticut fourteen years later. Even after both had legal guardianship, they remained at the center of the fight for LGBT families. Ted explained, "When Connecticut was looking to pass marriage equality, Andrew testified in front of the state legislature." Phil said they felt compelled to act, "The criticism directed at families like ours was deeply personal. I think we all felt that."

They won that battle, and they never stopped fighting. Today, Andrew lives in Connecticut and works in the music publishing industry. When he looks back on his childhood, it doesn't seem radical at all, "We really were as normal as a family can possibly be. We ate dinner together every night and my parents took me to band competitions on the weekends."

Ted and Phil have been Liberty Circle members for more than twenty years. When asked why they support Lambda Legal, Phil and Ted told us, "No one should have to go through the things we had to go through simply to be a family. We gravitated to Lambda Legal because they understood who we were." 

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LAMBDA LEGAL IN FORT LAUDERDALE

Bonnet House Museum & Gardens, March 26, 2017



Meryl Friedman (center) with founding Lambda Legal members **Bev Dash** and **Debra Lobel**.

LAMBDA LEGAL IN THE DESERT

Palm Springs, CA, April 2, 2017



Charles Larson and **Stephen Dunn**, with National Leadership Council member **Mark Braun** and guest **Carl Baker**.

LIBERTY AWARDS NATIONAL DINNER honoring **Larry Kramer & Javier Muñoz**

Pier Sixty, Chelsea Piers, New York, May 1, 2017



Lambda Legal CEO **Rachel B. Tiven** shares a laugh with **Javier Muñoz**, *Hamilton* star and Lambda Legal Liberty Award honoree, on the red carpet.



Indie pop duo **Tegan and Sara** take a photo-op with Lambda Legal board and Supreme-level Liberty Circle member **Karen Dixon** (center).



Legendary activist and writer **Larry Kramer** accepts the **Kevin Cathcart Community Legacy** award.



National HIV Project Director **Scott Schoettes** discusses the activism and legacy of the evening's honorees.



Javier Muñoz pays tribute to **Larry Kramer** as a personal hero of his as he accepts a Liberty Award.

Guests enjoy dessert and the after-party with **DJ Louie XIV**.



BON FOSTER CIVIL RIGHTS CELEBRATION
Morgan MFG, Chicago, April 20, 2017



National Leadership Council member **Lauren Verdich** and board member **Gail Morse** with **Diane Bell**.

SAN FRANCISCO SOIREE Fairmont San Francisco, April 21, 2017



Mark and Darin Conley-Buchsieb.



Honoree and California Attorney General **Xavier Becerra**.



Guests share a photobooth and demonstrate a strong message of resistance.

LAMBDA LEGAL ARIZONA Phoenix, April 18, 2017



Former Lambda Legal plaintiffs and members of the National Leadership Council **Nelda Majors** and **Karen Bailey** with host committee member **Sheila Kloefkorn**.

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Larry Kramer

brother of our founding partner, Arthur Kramer,

for Larry's decades of ferocious and visionary activism.

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SEX & RELATIONSHIPS

You reveal your most intimate concerns. We ask the experts.

Q My girlfriend is significantly younger than me. Assuming both parties are consenting adults, how big an age gap is too big? At least for lesbians.

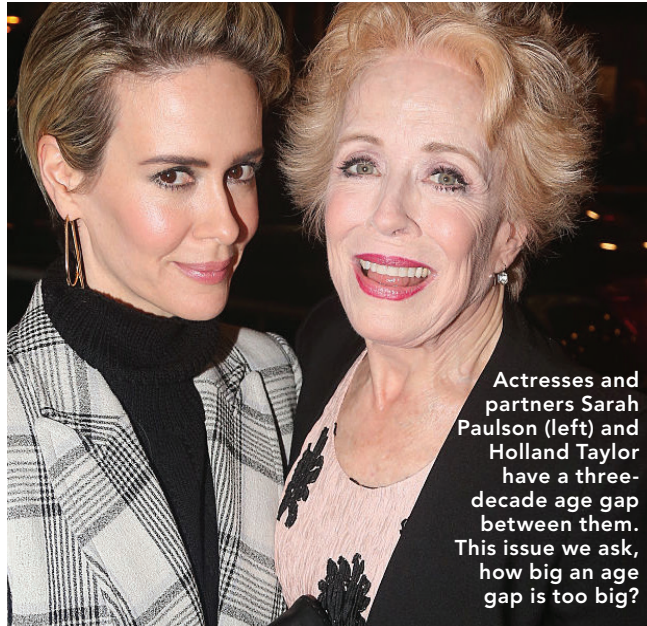
“Who said there’s a rule?” comments Leonore Gordon, a longtime therapist and wrangler of lesbian relationships. She says age taboos are fading, for the most part, except maybe when the gap stretches beyond 20 years.

There’s no question, though, an age difference can pose numerous challenges, she says, “and these need to be openly acknowledged and discussed if the relationship is to be lasting.”

Much of the rest is the same for other genders and orientations: For one thing, life stages are all askew with a big age gap, so there generally needs to be more compromising about priorities than with same-generation pairs.

“Perhaps the younger partner wants to have a child or begin a career with work as the primary focus, or she wants to save up to buy a new home,” posits Gordon. “Yet you are finished raising kids and may be thinking about retiring and prefer to use your saved income to travel and not be beholden to a new mortgage.”

Do your best not to let age, money or career differences prevent you from being emotionally available to each other. “Worst case scenario,” says Gordon, “neither gets to enjoy the flexibility of sometimes being the one needing nurturing and letting go, and



Actresses and partners Sarah Paulson (left) and Holland Taylor have a three-decade age gap between them. This issue we ask, how big an age gap is too big?

sometimes being the nurturer and comforter.”

Then there’s the question of the older one’s continued ability to hike to the top of her beloved’s favorite mountain—or otherwise keep up physically. “When you are a healthy, vital 50 and she’s 25, everything may feel equal and possible,” says Gordon, “but when you need a hip replacement at 70, your younger partner may be feeling at the peak of her life and resent being held back.”

For men and women both, an older lover’s decreased libido may test things.

Gordon says learning to communicate openly about physical changes is important, because that’s the only inevitable thing in these partnerships and because the psychological effects can be powerful. There could be jealousy, for instance, about your younger partner being attractive to

others simply because of her youth. (Yes, it’s possible to be both jealous of her unwrinkled neck and jealous of the chick in her office who also seems to admire her neck.)

When it comes to addressing challenges like this, however, lesbian couples in general seem to have an advantage. “Overall, communication strength is certainly a way lesbian couples score higher in problem-solving than hetero-couples, as noted in

numerous studies, and certainly in my 25-plus years doing couples therapy,” Gordon says.

Don’t let the list of challenges intimidate you. There are lots of upsides to different-age relationships, Gordon says. Younger people can inspire older people to pursue adventures they might never consider otherwise, and the wisdom of age is not something to sniff at.

Lesbians in this situation have the added benefit of being less susceptible to different-age stereotypes than other couples. “In hetero relationships, a young female could be suspected of being a ‘gold-digger’ if the older man has more money,” says Gordon. “If the woman is older than the man, they call her a ‘cougar.’”

Although nothing’s stopping you from claiming some other wild animal for lesbians. **L**

Have questions for our sex and relationships experts? Email impact@lambdalegal.org. This information does not constitute legal advice. For more information, contact our Help Desk at lambdalegal.org/help

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