



LEFT: Guadalupe “Lupita” Benitez, shown with her partner Joanne Clark, is fighting discrimination at a fertility clinic in California.

are choosing to bear and raise children and fighting for the legal protections and health care they need for themselves and their families, these intertwined legal rights continue to come under harsh attack.

Guadalupe “Lupita” Benitez was denied infertility treatment by the North Coast Women’s Care Medical Group in California because she is a lesbian. Her former doctors are conservative Christians who claim their religious beliefs give them a right to withhold care from Benitez that they routinely provide to heterosexual patients. With Lambda Legal’s help, Benitez has been fighting this injustice.

Across the country in Florida, Dennis Barros and his partner planned to have a child through a surrogate mother. The clinic they enlisted, however, claimed the Food and Drug Association guidelines on anonymous sperm donations, which suggest refusing donations from men who have had sex with men in the past five years, prevented it from performing the procedure. Lambda Legal filed a complaint with the Orlando Human Rights Board, arguing that the FDA guidelines, however unfair, do not even apply to Barros (who is hardly anonymous).

In addition to our litigation, we have proudly signed on to support Causes in Common, a national organizing initiative of the Lesbian, Gay, Bisexual and Transgender Community Center in New York that is bringing together LGBT and reproductive rights advocates. We also continue to promote judicial independence through our Courting Justice campaign because we need a judiciary that upholds our Constitution, free from political pressures.

Our rights and our resolve will be tested as organized conservative legal groups continue to challenge previous reproductive rights decisions and promote restrictive new laws that could affect us all. But we will pass the test because we share common ground with many people who care about the freedom to choose who we love and how we shape our lives — and because we have the law and history on our side. **L**

BY LESLIE GABEL-BRETT, DIRECTOR OF EDUCATION & PUBLIC AFFAIRS

A LAMBDA LEGAL QUIZ:

What do reproductive rights and LGBT rights in America have in common?

- A. They are based in the constitutional right to privacy.
- B. They are protected by the First Amendment guarantee that the religious beliefs of some cannot be imposed on others by the government.
- C. They defend the principle that adults have the right to consensual sexuality and intimacy without government interference.
- D. They are attacked by the same powerful, well-funded opponents.
- E. All of the above.

The answer, of course, is “E: All of the above.” For half a century, reproductive freedom and LGBT rights have been inextricably linked — both politically and legally. The ties between these rights are so strong that a threat to one directly and profoundly affects the other. Unfortunately, these rights remain under constant attack from conservatives eager to roll back history.

But the progress that has brought greater respect for individual privacy in how we define our sexuality and create our families is not easily reversed. The legal principles that laid the groundwork for Lambda Legal’s 2003 historic U.S. Supreme Court victory striking down all sodomy laws in the country were first articulated 30 years earlier in cases involving reproductive freedom.

In *Eisenstadt v. Baird*, a 1972 case that led up to the decision in *Roe v. Wade*, the

U.S. Supreme Court wrote: “If the right of privacy means anything, it is the right of the individual, married or single, to be free from the unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child.”

Three decades later, the Supreme Court ruled in favor of the right of same-sex couples to have sexual intimacy in Lambda Legal’s landmark *Lawrence v. Texas* case. In this case, the Court declared: “The petitioners are entitled to respect for their private lives. The State cannot demean their existence or control their destiny by making their private sexual conduct a crime.”

These and other cases established rights for all of us to control our bodies, determine our sexuality and make deeply personal decisions about whether or when to bear children. But as more LGBT adults