



History Is on Our Side

In 1986, I sat in the U.S. Supreme Court gallery when the Court heard *Bowers v. Hardwick*, a challenge to Georgia's sodomy law. In a shamefully homophobic decision, the highest court in our nation said it was perfectly legal to brand lesbians and gay men as criminals. I was utterly devastated and vowed that we would do everything in our power to fight back.

We did — and history was with us.

For 17 years Lambda Legal and other groups challenged sodomy laws state by state, building a legal framework and a stronger movement for LGBT rights around the country. And in 2003 I was back in the Supreme Court gallery, awaiting a decision in Lambda Legal's case challenging Texas' sodomy law on behalf of John Lawrence and Tyron Garner. The tension in the courtroom was unbearable: We knew 17 years was a short span of time for the Supreme Court to reconsider one of its decisions. If we lost again, it would be years before we were back.

Justice Anthony Kennedy began reading the decision, and very soon it became clear that we hadn't just won — we'd hit a home run: a ruling that struck down all 13 remaining state sodomy laws and launched a new era in the LGBT civil rights movement.

As we celebrate the fifth anniversary of *Lawrence v. Texas* this summer, it's clear that our victory has transformed life for LGBT people, and indeed for all people in this country. It has been cited in hundreds of cases addressing employment discrimination, custody rights, relationship recognition and criminal law. And it has given us a powerful tool to fight for — and win — LGBT equality, beating our opponents in court and in the court of public opinion.

The lesson of *Lawrence* is that we must be strategic, patient and fearless. We must continue to choose high-impact cases at the state and federal level that protect LGBT people in their daily lives, expose prejudice and inequality, and hold the federal and our state constitutions accountable to the promise of fairness and equality. We must have patience — not in the sense of waiting around for something to happen but in our understanding of how important changes in the law most often come after diligent, persistent litigation and education make those changes necessary.

Most of all, we must be fearless. We cannot be afraid to demand the right to marry, to work and go to school without discrimination, to be parents, to express our gender identity and sexuality, to serve our country openly, to live without fear of violence. There is no such thing as partial equality. Justice Kennedy got it right in *Lawrence* when he wrote: "As the Constitution endures, persons in every generation can invoke its principles in their own search for greater freedom." We have continued this search for greater freedom in our work for LGBT people and people with HIV. In doing so, we continue to shift the course of history.

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