

Lucky 7s

This summer the Sacramento Superior Court dismissed a lawsuit against SB777, the Students Civil Rights Act. Authored by former California Senator Sheila Kuehl — the state's first openly gay state legislator — the act was signed in 2007 and strengthened existing antidiscrimination protections also authored by Senator Kuehl, by making explicit the bans on discrimination on the basis of sexual orientation and gender identity in schools. Antigay legal groups mounted repeated attacks on the new law, arguing that concepts like “sexual orientation” are too vague to understand. In this third challenge, filed in 2008, the state Superintendent of Public Instruction, represented by California's attorney general, asked the court to dismiss the case. In 2009, Lambda Legal collaborated with the National Center for Lesbian Rights, the Transgender Law Center, Equality California and Gay-Straight Alliance Network on a friend-of-the-court brief reinforcing that these concepts are established and clear. The court agreed and upheld this important law.

IMPACT: This victory furthers Lambda Legal's commitment to ensuring that all states adhere to the principles of equality and personal safety by including sexual orientation and gender identity in their antidiscrimination protections.

Transgressed



Vandy Beth Glenn was an employee for the Georgia General Assembly's Office of Legislative Counsel for two years. Diagnosed with Gender Identity Disorder and undergoing gender transition, Glenn had been privately struggling for years with mental distress as a man. After making her decision to transition from male to female known to her direct supervisor, Glenn confirmed her decision to Sewell Brumby, head of her department — who fired her on the spot. Lambda Legal filed a federal lawsuit on behalf of Glenn against the Assembly last summer, claiming the termination had violated her rights under the equal protection clause of the U.S. Constitution. Although no federal statute exists that explicitly protects transgender people from discrimination in employment, the court denied an early motion to dismiss the case. With the lawsuit now set to move forward, a victory would send the message that discrimination against transgender employees will not be tolerated.

IMPACT: This lawsuit provides a much needed platform for the voice against ongoing discrimination on the basis of gender identity within public employment.

Stern Reprimand

On August 18, 2009, a federal court in New York State rejected Howard K. Stern's claim that he was defamed per se by being described as gay. The decision ended the 2007 challenge Mr. Stern made to passages found in *Blonde Ambition: The Untold Story Behind the Death of Anna Nicole Smith*. The judge recounted the progress made by gay men and lesbians, particularly since Lambda Legal's landmark Supreme Court victory in *Lawrence v. Texas* in 2003, and reasoned that being described as gay or lesbian does not expose an individual to public hatred and contempt. Lambda Legal filed a friend-of-the-court brief in March 2009, arguing that allowing this type of defamation claim would categorically demean the LGBT community in ways that are inconsistent with the *Lawrence* decision and with the progress we have made under the law and in society.

IMPACT: Our friend-of-the-court brief argued that Stern's claims that being described as gay or lesbian is defamatory are invalid. This victory, alongside other groundbreaking work of Lambda Legal, means we are eliminating harmful laws based on prejudice.

We Asked. You Answered.

This summer, Lambda Legal launched an online national health care survey with the ambitious goal of getting 5,000 respondents. We exceeded this goal, with well over 5,000 individuals reporting their experiences with the health care system in the United States. As the Obama Administration and Congress consider key changes to our health care system, they must understand and include the experiences of lesbian, gay, bisexual and transgender (LGBT) people and those living with HIV in their deliberations. Discrimination against LGBT people and individuals living with HIV seeking health care must be addressed and eliminated.

IMPACT: With health care reform at the forefront of current political debate, it is crucial that the voices of LGBT people and those living with HIV are heard. Their experiences demonstrate that health care discrimination is real and harms people and families.

A Much Needed Lift

The Centers for Disease Control and Prevention (CDC) of the Department of Health and Human Resources (HHS) announced it will issue proposed new rules that would lift the HIV travel and immigration ban by removing HIV from the list of communicable diseases of public health significance for immigrants to the United States. The tentative new rules would embrace the consensus among scientific and medical professionals that individuals living with HIV do not pose a threat to U.S. citizens. The proposed rules would go into effect near the close of this year and end the discriminatory and restrictive HIV-related policies that have been in place in the United States since 1993.

IMPACT: Dropping discriminatory restrictions on immigrants and visitors living with HIV would mark a sea change in political perception of those with the disease. It is one more step toward protecting their dignity and equal protection under the law.

Building Coalitions



DENNIS COLEMAN

South Central Regional Director Dennis Coleman, Marriage Project Director Jenny Pizer, and Help Desk Staff Attorney Stefan Johnson represented us at this year's National Bar Association (NBA), the nation's largest organization of African-American lawyers and judges. Coleman facilitated a Continuing Legal Education (CLE) program with Pizer and Johnson as panelists, addressing Prop 8, California's antigay constitutional

amendment, giving an overview of where LGBT civil rights are headed and spotlighting the needs of black LGBT people. As the first CLE panel on LGBT rights at an NBA conference, the program inspired lively discussion and was a key first goal of the collaboration between the NBA and Lambda Legal. We shared our educational publications including the special marriage issue of Impact magazine. Our team was hard at work sharing information about our fight for equality for the LGBT community and people living with HIV and learning from other colleagues about the fight for justice around the country.

IMPACT: Sharing ideas and forming partnerships with other people and groups fighting for civil rights strengthens Lambda Legal's work and is vital to achieving our mission.

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