

Into the Future

Kevin Cathcart looks back on 20 years of leadership as executive director of Lambda Legal, and forward to the challenges that lie ahead.

WHEN KEVIN CATHCART ARRIVED AT Lambda Legal in 1992 to take on the job of executive director, he had already shepherded groundbreaking lawsuits and civil rights campaigns for eight years at New England's Gay & Lesbian Advocates & Defenders (GLAD). But he was ready to go national, as he says in this interview. Since then, Lambda Legal has made history, tackling a massive roster of groundbreaking cases, including lawsuits seeking marriage equality, challenging anti-sodomy laws and "Don't Ask, Don't Tell," and addressing adoption, custody, hospital visitation, school harassment, workplace fairness and more. Twenty years into his tenure, Cathcart reflects on the landmark achievements of the organization and the broader movement—and the significant work that remains to be done. »



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STARTING SMALL, STAYING LOCAL

WHAT WAS GOING ON AT LAMBDA LEGAL IN 1992 THAT PIQUED YOUR INTEREST?

I had seen first-hand during my years in New England what a local or regionally based organization could do. One of the things that was very exciting about the idea of coming to Lambda Legal from GLAD was that here was a larger national organization that was committed to expanding its footprint nationwide, beyond New York and Los Angeles.

For legal defense organizations, it's not just about how cases get done. It's about giving people a sense of ownership, of access. Will people come to you with their problems? Will you have connections to the local LGBT or civil rights communities? Now, our regional offices in Los Angeles, Chicago, Atlanta and Dallas are jumping-off points so that our attorneys, community educators and other staff can be on the ground and involved in a lot of communities.

HOW EXACTLY HAS THAT REGIONAL STRATEGY BORNE FRUIT?

I think the Iowa marriage case, which we won in 2009, is a good example. It made a big difference that people from Chicago could go to Iowa readily, develop relationships with the community there and work one-on-one with our plaintiffs—not just over speaker phone and email.

In cases like that, we also work to help move public opinion and on the other pieces that go into helping to win in the first place and making legal victories real for people so the opinions don't just end up on a shelf in a law library. For instance: What does this decision about marriage, custody or adoption mean for you living here? What should you do to protect your family? That's another way that Lambda Legal has grown a lot during my tenure—not only do we have far more lawyers and a much bigger docket, but we added our Education and Public Affairs department.

LAMBDA LEGAL HAS STARTED SMALL AT TIMES TO GRADUALLY BUILD TOWARD THE NATIONAL LEVEL, RIGHT?

Yes—in *Lawrence v. Texas*, for instance, in which the U.S. Supreme Court overturned its prior *Bowers v. Hardwick* decision. *Bowers*, which upheld the constitutionality of Georgia's anti-sodomy law, came down in 1986 and was a real blot on American jurisprudence as well as a serious problem for lesbian and gay people across the country.

For the next 17 years, Lambda Legal worked to overturn that decision by litigating in the states where sodomy laws were vulnerable under state constitutions and, one by one, picking off state sodomy laws. So we were able to go back to the Court with a clear trend towards decriminalization.

WHAT ABOUT OUTSIDE OF COURT? DO VICTORIES IN PUBLIC OPINION COUNT AS MUCH AS LEGAL VICTORIES?

Oh yes. Take the example of Janice Langbehn's case in Florida, in which she was denied the right to visit her dying partner in the hospital. We lost in court—not because she didn't suffer an outrageous harm, but because Florida law is bad on what hospitals are required to do. But we were able to keep the issue alive in part because in Janice we had a plaintiff who was willing to be very public with her story.

And because we were now structured to do that kind of work, we kept the issue alive—which led to a big *New York Times* story and the President becoming aware of it, which led to his issuing a directive to the Department of Health and Human Services to adopt new regulations for hospitals, as well as the President calling Janice directly from Air Force One—and most recently to Janice receiving a Presidential Citizens Medal at the White House.

MATT COLES

Deputy National Legal Director, ACLU



Speaking truth to power—no one does that better than Kevin Cathcart. Shortly after I started at the ACLU LGBT Project, I went to my first (maybe only) meeting with a member of the Cabinet of the United States. I listened as Community Leaders fell all over themselves thanking Janet Reno for coming. Kevin then gave a short, polite “thank you,” said that a meeting wasn't an accomplishment (several old D.C. hands went into shock), and that we had real work to do. Which we then began.

Kevin will tell you that he isn't really a lawyer, just an administrator. This is the only thing he says that you shouldn't believe. I've seen him reshape the movement's legal strategy with a few well-chosen words on everything from HIV to parenting. And any fan/supporter of Lambda Legal knows it is Kevin who built it and made it into the deeply respected legal powerhouse it is today.

MARJORIE J. HILL, Ph.D.

CEO, Gay Men's Health Crisis (GMHC)



Kevin is a superb strategic thinker and one of the most generous and wise leaders in the community today. He's honest, side-splittingly funny and amazingly compassionate.

Last spring, during a particularly challenging period for me, Kevin and I were having breakfast, as we often do. As we ate, I shared about my distress. All of a sudden, he started drawing diagrams on paper napkins. Ten minutes later, I was laughing hysterically. While I don't remember fully what the diagrams were meant to illustrate, I do remember how much better I felt. This was not the first or the last time that Kevin had my back and held my hand.

I am proud to know Kevin and to partner with him in the fight against injustice—and even prouder to call him my friend.

LORRI JEAN

CEO, L.A. Gay and Lesbian Center;
former Executive Director, National Gay
and Lesbian Task Force (NGLTF); former
Lambda Legal board co-chair



I have so many great memories with Kevin, including from the very beginning when, as a Lambda Legal board member, I served on his hiring committee. Kevin has never let me live down how annoying I was as I essentially transcribed his interview onto my laptop. He began speaking and I started typing. He stopped; I stopped...for the entire interview.

That fateful Lambda Legal hiring committee had no idea we were choosing the person who would become the single most enduring and effective national leader in our movement for LGBT civil rights and in the fight to stop discrimination against people with HIV/AIDS. Under Kevin's extraordinarily competent and inspired leadership, Lambda Legal has accomplished more in the last 20 years to advance our cause than any other national LGBT organization. I'm proud to have played a role in his hiring, and even more proud to be his friend.

KATE KENDELL

Executive Director, National Center
for Lesbian Rights (NCLR)



I know when many people think of Kevin Cathcart they think of an accomplished, tenacious and revered legal advocate and movement leader. That is all true and well deserved, but as those lucky enough to spend any time with him know, Kevin is wickedly witty and knows how to have a great time. He is also one of the most deeply caring people I know. You can't be in this work for over 20 years without a genuine passion for justice and for righting wrongs and restoring the dignity of the most vulnerable. A huge reason I love my job is because Kevin is a dear and esteemed partner with me in this work.



Cathcart at Lambda Legal in the early 1990s.

TWENTY YEARS LATER

SO MUCH HAS CHANGED IN THE WORLD DURING YOUR 20 YEARS AT LAMBDA LEGAL. DO HIV CASES STILL BELONG ON LAMBDA LEGAL'S DOCKET?

One of the things that's been a challenge is the way that the HIV and LGBT movements have drawn apart. I do think that in the world at large there's been a bit of a separation: Now when people talk about LGBT issues they're more likely to be thinking about marriage or ENDA. But that shift is quite problematic because the epidemic continues to spread tragically among men who have sex with men, whether they identify as gay or bisexual or not. And homophobia contributes to the public health crisis.

HIV is not going away as a civil rights issue in this country. Employment discrimination is still a huge issue, for example. Criminalization is an issue as well. But it's been challenging for Lambda Legal because so much of what's needed in HIV is adequate funding for care and treatment, as well as ensuring the availability of certain types of harm reduction and prevention measures, and we have never really found good legal hooks for that. But there are pieces of it—about sex education or what you can talk about in schools that we can work on, as well as protecting confidentiality and continuing to combat discrimination in employment and access to health care. We continue to be very committed to HIV-related work.

ARE YOU SURPRISED ABOUT THE DIRECTIONS THAT LAMBDA LEGAL HAS ENDED UP TAKING?

Actually, one of the things that's fascinating to me is that when I look back at the work that Lambda Legal did at its very beginning, most of the categories remain the same.

For instance, we were always doing custody work—although in those days the custody cases almost invariably involved a lesbian mother, or sometimes a gay father, coming out of a heterosexual marriage. Now it tends to be lesbian or gay breakups or divorces.

We were always doing schools-related cases but in those days it was about the right of students to organize at the college level. Now—in large part because of Lambda Legal's work on both school violence and the right of students to organize gay straight alliances, the battles are about high schools and junior high schools.

Some issues are resolved in some states, but there is a lot of work yet to do in many states and at the national level. You know what else hasn't changed much? How relatively small and underfunded almost all of our movement organizations are. Studies show that less than five percent of LGBT people in this country contribute financially to local or national LGBT organizations, and there's concern about what might happen with people for whom marriage seems to be the only issue. Once they can get married, will they step back?

This is frustrating for us and other LGBT organizations, because we have incredible opportunities right now to make more change as we move the law and public opinion steadily in our favor.



Cathcart with Col. Margarethe Cammermeyer and executive producer Barbra Streisand at the premiere of *Serving in Silence*, 1995.

GENERATION NEXT

DO YOU THINK THAT THE IDEA OF LGBT RIGHTS IS ON ITS WAY OUT—WITH YOUNGER GENERATIONS REJECTING SUCH LABELS AND WITH MANY LGBT PEOPLE BEING MORE AND MORE IN THE MAINSTREAM?

I wish I could believe the idea of LGBT rights was soon going to fade because we had ended all the discrimination. We have made amazing progress in these last 20 years, no question about that. But we don't even have a federal law that provides protection in employment, let alone broader civil rights protections. And a significant number of states don't have and are unlikely to pass such laws in the imaginable future. Forty-four states don't allow same sex couples to get married. Teenage suicide linked to harassment and bullying in schools continues to be a huge issue.

I am very aware that I live in a bubble. I live in New York City, and I work at Lambda Legal. There are lots of LGBT people or people with HIV in this country who live in places where they still don't have even basic civil rights protections, or where their rights aren't respected.

Yes, times are different. The range of people and organizations who now routinely help Lambda Legal with amicus briefs, for example, has expanded so much. However, there is an enormous amount of discrimination and violence in the world. There is an out-of-control HIV epidemic that the government won't put enough money into. And homophobia and transphobia are still all around.

WHAT DO YOU SEE AS THE MAIN LEGAL FRONTIERS IN LAMBDA LEGAL'S NEAR FUTURE?

The biggest issue right now continues to be marriage work, particularly the DOMA challenges and then winning access to marriage in the many states where it doesn't exist. That is going to be a huge undertaking because there are so many states that have constitutional amendments prohibiting equal marriage rights. I am not optimistic about getting a huge win from the U.S. Supreme Court at a time when a majority of the states have state constitutional amendments barring marriage by same-sex couples and only six states have full marriage equality.

But I do not want to sound pessimistic. In all the years I've been doing this, I have never felt like there was more opportunity than there is right now. Just recently, the first

openly gay Federal District Court judge and only the second openly lesbian judge at that level were voted in by the Senate. And now openly gay people can serve in the U.S. military—even though openly gay people can still be fired by private employers in most states with no recourse. The military is the country's largest employer and this will lead to further progress.

WHAT MAKES YOU ESPECIALLY PROUD AMONG LAMBDA LEGAL'S RECENT SUCCESSSES?

I'm very proud of our role in the administration's decision to stop defending DOMA in the courts. The first brief the government filed after that was in our *Golinski* case, which is Lambda Legal's DOMA challenge in the Ninth Circuit in California. And when I read this brief, it was breathtaking because it read like briefs that Lambda Legal and our sister organizations have been filing for years.

It's an amazing thing. It's much bigger than DOMA or marriage recognition. It's about having the federal government owning and acknowledging the history of anti-gay discrimination and its own role in it.

It's also a reminder that as a community or in terms of Lambda Legal as an institution, we have helped create a different world. Of course, we're nowhere near done. But there's all this opportunity and there's all this change that is possible, and it's possible right now. That's evident in our recent win in *Glenn v. Brumby* [see "Transforming Injustice" on page 7], a case in which the chief legal counsel for the Georgia General Assembly fired a legislative editor when she told him she was transitioning from male to female. After Lambda Legal filed suit on Vandy Beth Glenn's behalf, the District Court ruled that the legal counsel had violated the Equal Protection Clause of the Constitution. This past December, a three-judge panel in the Eleventh Circuit, covering Georgia, Florida and Alabama, unanimously upheld the ruling. This decision has enormous ramifications for both transgender rights as well as the rights of all LGBT people in the workplace. Would this have been possible twenty years ago? No. Yet as groundbreaking as this decision is, our community and our families still need many more like it. **L**

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URVASHI VAID

Former Executive Director, National Gay & Lesbian Task Force (NGLTF); author; activist



I remember in 2000, Kevin, my partner Kate Clinton and I traveled to India with two other close friends.

We had an amazing three weeks, traveling throughout the country, visiting with my family and (of course) meeting with the local queer community. When we talked to local activists, they described the urgent need to eliminate the anti-gay sodomy laws in India. Kevin was so encouraging. Well, two years ago, after nearly two decades of fighting for it, the court case that the Indian queer legal movement brought did succeed.

It's that kind of optimism which is the currency of activism. And it is that determined and resilient faith in social justice that Kevin embodies. Congratulations, dear Kevin.

EVAN WOLFSON

President, Freedom to Marry



One of my earliest memories of Kevin as the new leader of Lambda Legal, while I was on staff there, came shortly after he arrived. Kevin gave a keynote speech at the Lavender Law conference that electrified the group with powerful and instructive insights that I've remembered ever since.

This was a pretty contentious time within the movement: The pain and stresses of battling AIDS, pervasive discrimination and a hostile government and culture were further exacerbated by divisions among activists. Those favoring "outsider" direct action wrangled with those devoted to "insider" work; service-providers and advocates bristled over resources; and we endured endless debates between "liberationists" and "assimilationists." Sometimes these divides were intensified by characterizations invoking age and generation, sex, class, and race.

With confidence, Kevin built his call to action around the rising sense of entitlement among young people, but framed this entitlement not as a pejorative, but as an accomplishment and as a source of energy and renewal for our movement. He embraced the divisions as a testament to, and even a source of, our strength—and thus kept Lambda Legal and movement veterans like him and me youthful, inclusive and future-facing.