

# IMPACT

SUMMER 2018

 **Lambda Legal**  
making the case for equality

## Trans Victories in the Trump Era

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at work*

**Religious  
Freedom**  
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# OVERPOWER THE BULLIES, WITH YOUR HELP

A generation from now, people will ask why we didn't do more to fight back against Trump and Pence. They are packing the courts with judges who are distinguished primarily by their homophobia, transphobia and racism. Their reward is a permanent job judging our lives. Neil Gorsuch is the most prominent, but there are so many more. These are people who have crusaded against LGBT equality, rigged voting systems against Black people and rejected *Brown v. Board of Education*.



Lambda Legal is fighting back: the dossiers we prepare on these judges are Exhibit A at the Senate Judiciary Committee. But their records do not disturb Republican Senators and nearly every one has been approved on a party-line vote. Today, 1 in 10 judges on the Courts of Appeal—right below the Supreme Court—are Trump/Pence picks. (Read more on p.8) As a result, Lambda Legal will change our strategy in the decade ahead. We will prepare to go to trial more often and will rely on more pro bono support from law firms. We will sue in state court where we can, as the federal courts become poisoned against us. We will

look for opportunities to try our cases in front of juries and we will work with state attorneys general to protect LGBT people and everyone living with HIV.

Of course, the irony is that right now we are winning more cases than ever. More and more courts are holding we are right when we say that LGBT discrimination is a kind of sex discrimination, and that both federal law and the Constitution protect us. We are winning cases for some of the most vulnerable LGBTQ people in America—transgender women in prison—and you can read on p.18 about how wonderfully one of our clients, Passion Star, is doing after her release.

We need your help. Our opponents are many times our size and they are determined to roll back marriage equality and undermine nondiscrimination law. I am asking you to make a bigger donation to Lambda Legal than you ever have before. If you can join the Liberty Circle—\$1500/year or \$125/month—please do. Please put Lambda Legal in your will or name us on your IRA. I promise we will be here fighting the bullies, many decades into the future.

RACHEL B. TIVEN  
CEO, LAMBDA LEGAL

## IMPACT

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Rachel B. Tiven, CEO

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## SLAPPED BY THE PAST

*New discrimination brings up old wounds for someone whose life was derailed by harsh HIV criminalization laws*

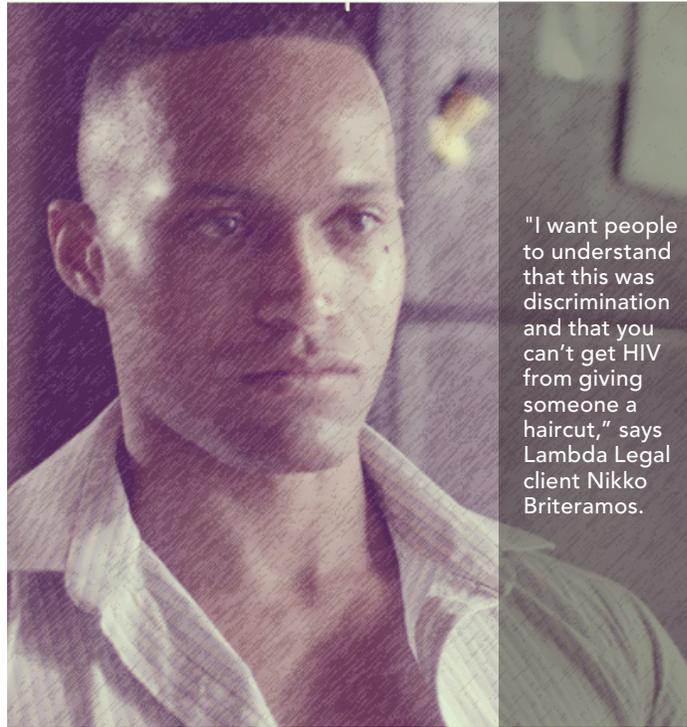
Last fall, when Nikko Briteramos went to get a haircut in his L.A. neighborhood of Leimert Park, he did not expect that he was about to get slapped in the face by his past.

In 2002, then a popular 19-year-old student on a basketball scholarship at a small college in South Dakota, Briteramos became the first person charged under the state's HIV criminalization laws for "knowingly exposing a female sex partner to HIV."

He had received his diagnosis shortly prior to the sexual activity that brought about the charges, but he didn't fully believe it, he says, and also feared that if he insisted on a condom, which they hadn't used before, the woman would suspect something was up. (She remained HIV-negative.)

The case sparked sensational global headlines, particularly after South Dakota's governor said that Briteramos had committed the equivalent of shooting someone in the head. Initially charged with five counts of intentional exposure and facing up to 75 years in prison, Briteramos ultimately got a 90-day sentence and a judge's order to stay in school.

Briteramos attempted to comply with the order during a brief furlough from jail intended for him to reenroll in school. While attempting to reenroll, Briteramos found out that he had lost his basketball scholarship and could not afford to stay in South Dakota or in school. The news hit hard, and he did not return to jail for more than 5 hours after the furlough ended. When he returned, he was found to have violated the court order, sending him to state



"I want people to understand that this was discrimination and that you can't get HIV from giving someone a haircut," says Lambda Legal client Nikko Briteramos.

started getting stressed. I'd wanted to be a lot of big things in life, like a professional ballplayer, and I felt like I was losing."

He was kicked off the basketball team when alcohol was found in his room. He started smoking pot. Failing every class and short on cash, he dropped out and moved to Las Vegas for a relationship that

prison for 18 months.

After serving that sentence, Briteramos, on HIV meds, went back to Chicago, his hometown, enrolled at Chicago State University, played basketball there, and changed his major to microbiology. With successful treatment for HIV and an undetectable viral load, this means he had little, if any, risk of transmission to sexual partners.

But with his name all over the internet, he could not shake what had happened in South Dakota. Women would be attracted to his good looks, he says, then find out about him and shun him. In his Chicago dorm, his roommate, scared of getting the virus, moved out.

"I started getting tired of being in this environment where I was constantly scrutinized," he says. "I

petered out.

"There are so many collateral consequences of HIV criminalization laws that permanently stigmatize you in society and leave you with a criminal record," says Stefan Johnson, who heads Lambda Legal's Help Desk. "It was very difficult for Nikko to restart his life." Such laws, often passed in the 1980s and 1990s, are being challenged in many states, by Lambda Legal and others, with some—California, Colorado, Iowa—recently repealing them.

Nonetheless, Briteramos tried. In 2016, he moved to Los Angeles, where he has relatives, intent on starting a career as a personal trainer. And then last October, when he went into that barbershop, his past came calling again.

He was waiting for his buzz, he recounts, when one of the barbers,

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whom he'd known in Chicago, recognized him and said hello. Then he whispered something to the chief barber, who shortly thereafter asked Briteramos if he was *that* HIV-positive Nikko Briteramos.

Briteramos said yes. The chief barber shook his hand and said no hard feelings, but he couldn't serve him because he had a reputation to think about.

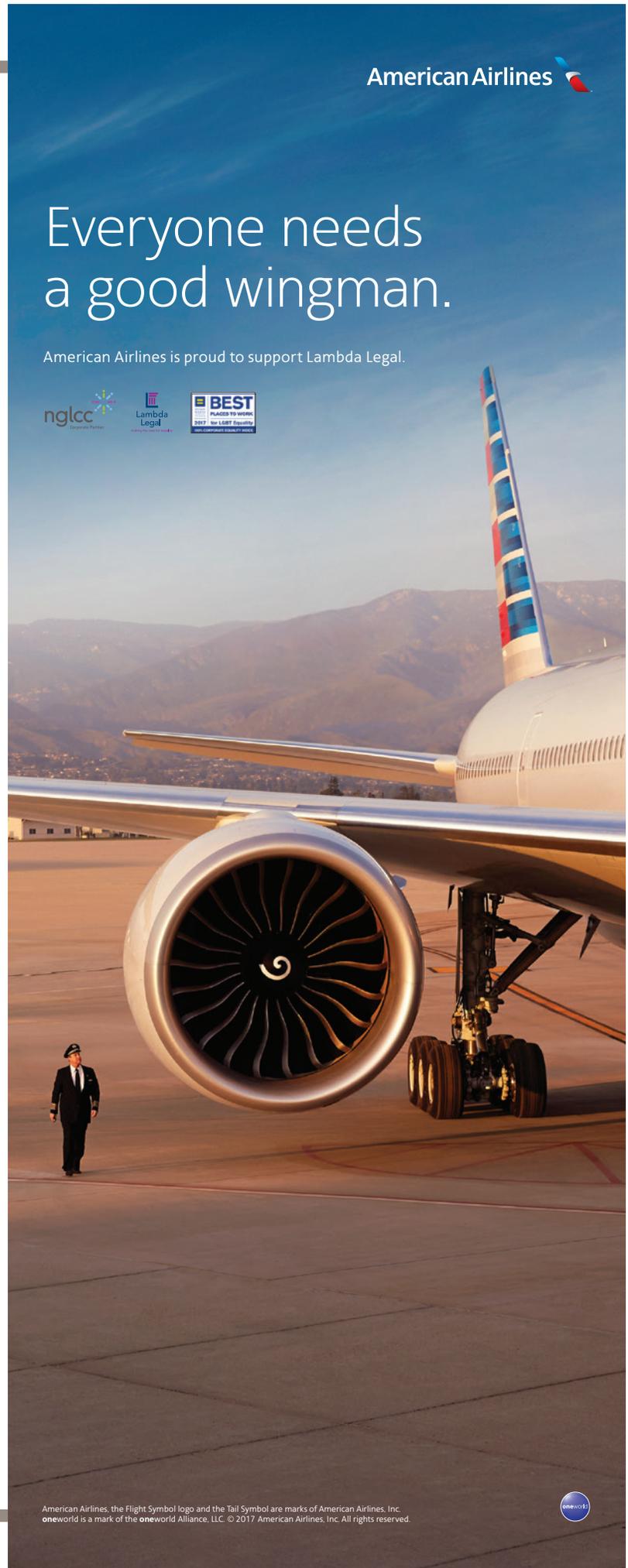
"I just walked away, tired, feeling like this would never end," says Briteramos. But the more he thought about it, the more he felt like his rights had been violated. He filed complaints with the L.A. County Board of Cosmetology and with an Americans with Disabilities Act online portal. It's been long-established that the risk of transmission by merely living or working with people with HIV is essentially zero. Then he called the Help Desk at Lambda Legal, which he'd known about since his 2002 case.

Lambda Legal is taking on the matter. "It's a clear violation of both the ADA and California's Unruh Civil Rights Act," which forbids disability discrimination in this context, says Taylor Brown, Lambda Legal Tyron Garner Memorial Fellow. "The proprietor made clear to him that he would not serve him because he was living with HIV."

Lambda Legal is partnering on the case with the Black AIDS Institute, which advocates for people of color living with, or at risk for, HIV/AIDS. "We want to shed light on HIV stigma in the black community and help provide accurate information, as well as make clear that service providers can't do this, because it's illegal," says Johnson. Misinformation and prejudice continue to fuel the firing, mistreatment and criminalization of people living with HIV.

As for Briteramos, he admits that he feels lost and he's not sure what he wants to do next. He spends a lot of time going to the gym and reading. But he's very clear about what he wants out of the Lambda Legal suit.

"I want this to go everywhere and raise awareness," he says. "I want the barber to apologize. I want people to understand that this was discrimination and that you can't get HIV from giving someone a haircut." 



## POSITIVE IDENTIFICATION

*Just a handful of states continue to block transgender people from correcting birth certificates to reflect who they really are. But Lambda Legal and these fierce plaintiffs are pushing back—and we won't stop until everyone's right to accurate IDs is protected*

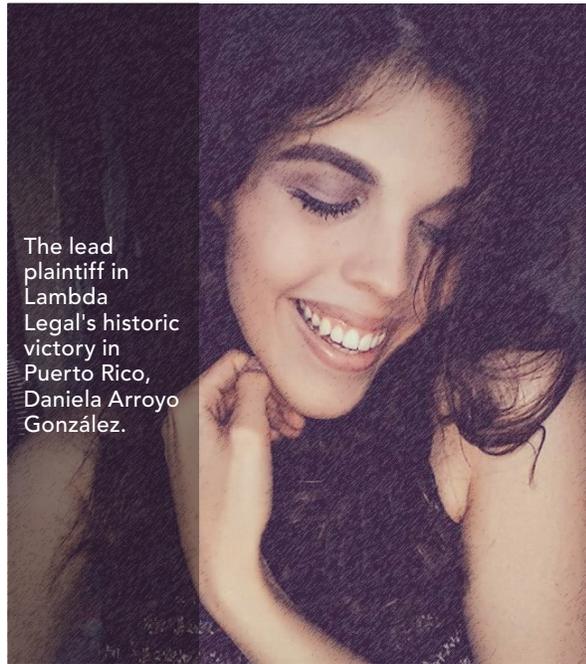
In the summer of 2017, Stacie Ray saw an opportunity. The 45-year-old Columbus, Ohio, truck driver, who is transgender, had a chance to leave a job that made her drive halfway across the state every day for one where she could stay in town, with higher pay and better benefits. All she needed was to get federal certification that she knew how to carry hazardous material in her semi.

So she went to her local TSA office, which handles the background check for the certification. She'd had the gender marker on her driver's license corrected to match her gender identity, but she couldn't get the same done on her birth certificate, because Ohio doesn't allow it. And that's where she hit the snag that nearly cost her a great new gig.

"The TSA lady said to me, 'Honey, you gotta change your driver's license back to male or I'm not doing this,'" Ray recalls. "And she says this loudly in front of other people. So I'm mad as a bull and crying and I go straight to the Ohio Department of Health's office of vital stats and say, 'My birth certificate is stopping me from getting a background check.' And they say to me, 'Ohio doesn't allow this correction, so it doesn't even matter if you sue.'"

But sue is exactly what she did, in conjunction with Lambda Legal and fellow named plaintiffs Ashley Breda and Basil Argento. "Where do they get the right to determine who we are?" asks Ray. "We need equal protections and rights."

The Ohio case (which Lambda Legal is doing together with the ACLU



The lead plaintiff in Lambda Legal's historic victory in Puerto Rico, Daniela Arroyo González.

and ACLU Ohio) is important, because the state is one of only three—the others are Tennessee and Kansas—that continues to prohibit trans people from correcting the gender marker on their birth certificate. That's an all-important document needed for everything from applying for jobs and schools to obtaining marriage licenses and state health care programs.

"Our most fundamental ID is our birth certificate, because we use it to access other ID documents," says Kara Ingelhart, Lambda Legal law fellow and a lawyer on the Ohio case. "It's deeply troubling that trans folks are forced to use a document that doesn't match their gender identity. That can be really traumatic. It can also expose them to harassment and violence, because many trans people are perceived accurately as the gender they identify as, but when they have to show an employer a birth certificate with an incorrect gender

marker, they lose control over their own life narrative."

Indeed, according to the 2015 U.S. Transgender Survey, almost a third of trans folks who showed an ID that conflicted with their perceived gender were harassed, denied benefits or services, discriminated against, or assaulted.

The issue ties directly into previous battles for lesbian and gay rights, says Ingelhart. "Fundamental rights, equal protections and privacy rights in the face of discrimination on the basis of sex—these are all arguments that we have relied on heavily for LGB people or those in same-sex relationships," she says. "The legal principles are the same. And let's not forget that trans folks are often LGB folks, too."

Most courts thus far have bowed to those principles in ruling that trans people have the right to correct their birth certificate gender markers. Idaho became the latest, in April, after a suit brought by Lambda Legal. Dani Martin, 32, a food-service worker outside Boise, was the named plaintiff in that case. (Another chose to remain anonymous.)

In the fall of 2015, while preparing to acquire a passport, Martin realized she first needed to update the gender marker on her driver's license. She went two years without being able to get a passport. Then a local trans activist, Emilie Jackson-Edney, told Martin about Lambda Legal's case, which she joined, ultimately appearing in court before a federal magistrate judge.

"I was nervous," she says. "I'd never been in a federal court." But when the judge told the state to write a tempo-

rary rule allowing trans people to correct their gender marker, Martin was thrilled. “My spouse and I are really excited,” she says. “Finally I’ll have all the documentation validating who I am.” (The rule will be made permanent in the next state legislative session.)

Also in April, a U.S. district court struck down Puerto Rico’s prohibition on trans people correcting their birth certificate gender markers. “What’s unique about the case,” says Lambda Legal Senior Attorney Omar Gonzalez-Pagan, “is that the prohibition was based on a reading of the law from Puerto Rico’s Supreme Court 13 years ago.”

He says that each ruling striking down such prohibitions across the country builds the precedent against the few hold-outs. “These remaining jurisdictions that prohibit corrections to birth certificates are outliers,” he says. “It’s hard to defend these positions in court. Puerto Rico tried and failed, and Idaho didn’t even try.”

Victoria Rodríguez Roldán, 29, a Puerto Rico native who is now the senior policy counsel for the National LGBTQ Task Force in Washington, D.C., and director of its Trans Project, was one of the Puerto Rico plaintiffs. The others were Daniela Arroyo González and a transgender man who goes by J.G.

“It’s been one of my great goals to get to this point,” Rodríguez Roldán says, “because one of my first memories as a trans woman was Puerto Rico’s Supreme Court saying back in 2005 that we trans people were not worthy of recognition on our IDs. So this new ruling closes that circle for me.”

The rulings are also a reminder that courts continue to decide in favor of trans rights even in the Trump era. “This administration is trying to erase trans people with its trans military ban,” says Lambda Legal’s Ingelhart. “But we’re still making progress with the visibility, acceptance and affirmation of trans lives.”

Her colleague, Gonzalez-Pagan, agrees. “These decisions impact the administration, too, because any discriminatory actions they take against trans people will be impacted in court by pro-trans decisions like those rendered in Puerto Rico and Idaho,” he says.

Meanwhile, in Ohio, as Ray waits for her own state’s ruling, she was still able to get that new job. She contacted Sen. Sherrod Brown, who intervened on her behalf so she could get her hazmat certification. Her lawsuit continues. “The state doesn’t have the right to determine who I am,” she says.

Now, less time on the road means more time to play with Sam, her 12-year-old boxer mix. “He’s my old man and we cuddle,” she says. **LL**



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We are honored to congratulate Dentons Senior Counsel Evan Wolfson on receiving the Kevin Cathcart Award. Evan's tireless advocacy for the civil rights and human rights of LGBTQIA people inspires us all.

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## BATTLE ROYALE

*Trump is trying to stack federal courts with anti-LGBT conservatives, and Lambda Legal is fighting him at every step*

**"M**eet Kyle Duncan. He's a lawyer who's spent a career disrespecting same-sex relationships and persecuting LGBTQ families. Now Donald Trump wants to make him a federal judge. He would be appointed for the rest of his life."

That's the warning in a video Lambda Legal released in early February, sounding the alarm against Duncan, whom President Donald Trump had nominated for a seat on the Fifth Circuit Court of Appeals, based in New Orleans and covering parts of the Deep South, where LGBTQ protections are already anemic. (He was confirmed in late April.) At press time, the video has been viewed more than 100,000 times and retweeted more than 1,000.

It's just one of the ways that Lambda Legal has been pushing back against a string of Trump picks for federal courts, all of them among the most hostile ever nominated not only to LGBTQ rights but to civil rights more broadly. Lambda Legal has led the charge among a wide range of groups opposing these nominees—doing research, drafting letters, talking to senators, holding rallies and more.

"Trump's legislative agenda is failing, so he's trying to push as many right-wing ideologues onto the bench as he possibly can," says Lambda Legal's Sasha Buchert. "They're all straight white men in their mid-40s who will be on the bench for a lifetime, long after Trump is gone—unless we can do more to stop them now."

Lambda Legal was part of the chorus of outrage that successfully pressured the White House to drop the nomination of Jeff Mateer, who compared



"Trump's legislative agenda is failing, so he's trying to push as many right-wing ideologues onto the bench as he possibly can."  
—Sasha Buchert, Lambda Legal staff attorney

marriage equality to bestiality and called transgender people part of "Satan's plan."

Duncan is nearly as worrisome. "If he'd had his way, there'd be no *Obergefell*," says Buchert, referring to the Supreme Court ruling that made marriage equality the law of the land. "As an attorney, he personally asked the Supreme Court to strike down a lower court ruling against the marriage ban."

He's also still defending HB2, says Buchert, North Carolina's anti-trans bathroom bill. And he's in court opposing Gavin Grimm, the trans teen in Virginia fighting for his right to use the bathroom at school.

Buchert notes that Duncan also asked the Supreme Court to strike down a lower court ruling finding that North Carolina's voter ID law aimed to "target black Americans with almost surgical precision." And he was the lead counsel for Hobby Lobby in the 2014 Supreme Court case that led to the ruling allowing some companies to deny employees coverage of things like birth control if they had religious or moral objections.

"He was absolutely, hands-down, the most pernicious of the Trump nominees," says Buchert.

A nomination is still pending for Matthew Kacsmaryk, proposed as U.S. district judge for Northern District of Texas. He has represented an Oregon bakery in its appeal of a ruling that said it can't discriminate against LGBTQ customers. And he has suggested that transgender people are "delusional" and has called the effort to secure LGBTQ rights

"public affirmation of the lie that the human person is an autonomous blob of Silly Putty unconstrained by nature or biology."

Howard Nielson, nominated to be a district judge in Utah, is part of a law firm that tried to get a San Francisco judge removed from a key marriage equality case on the grounds that the judge was in a same-sex relationship. That, notes Buchert, is like arguing that a judge of color is too biased to rule in a case about race, or a female judge in a case about sex discrimination.

Even more bad nominees are backed up in the pipeline—which is why, Buchert stresses, it's so important that people urge their senators, regardless of party, to oppose these picks. Schedule a visit to their home-state office, pick up the phone or tweet Lambda Legal's alerts at them, she suggests.

"We're fighting these picks as hard as we can," Buchert says. "They're all just variations on Trump-in-a-robe." **LI**

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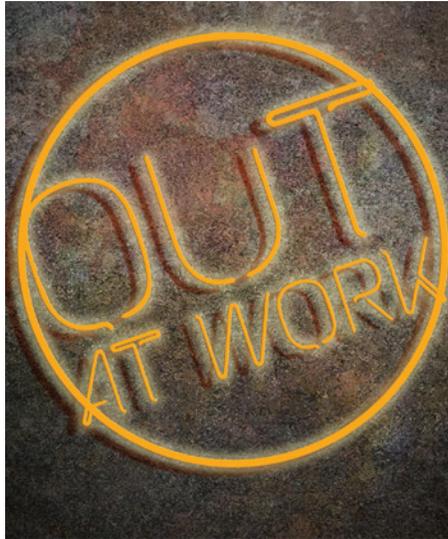
## TAKING ON THE MILITARY'S OUTDATED, DISCRIMINATORY HIV POLICY

Having served two tours overseas, in Afghanistan and Kuwait, and newly in possession of a law degree, National Guardsman Nick Harrison, 41, was ready to advance from enlisted soldier to officer—specifically, to become a member of the Judge Advocate General Corps, the legal division of the military for the D.C. National Guard.

“I’ve always wanted to be an officer,” he says. “JAGs are responsible for fixing problems. I’d have the opportunity to take care of soldiers who slipped through the cracks.”

When he was accepted into the JAG Corps in 2013, Harrison moved from Oklahoma to Washington, D.C., for the job. But then his medical exam disqualified him. Harrison had tested positive for HIV the previous year and he’d been on easy-to-take meds and perfectly healthy ever since. But the military generally doesn’t let people living with HIV serve overseas or as officers, thus curtailing their career advancement.

Now, with Lambda Legal, he is taking the policy to court. “Service members with HIV are currently able to take on any role and be deployed anywhere,” says Scott Schoettes, Lambda Legal’s HIV Project Director. “The military is behind on the science.” It’s been long-established that the risk of transmission by merely living or working with people with HIV is



essentially zero. And with successful treatment for HIV and an undetectable viral load, a person has little, if any, risk of transmission.

Both the Civil Rights Act and the Americans with Disabilities Act do not apply in the military, so Lambda Legal will argue the case as a constitutional equal protection challenge.

Harrison, who remains in the Guard as a reserve and is working in Washington as a civil contractor at a Department of Defense agency, says, “I want to be the case to show that this policy is outdated. In this day and age, there’s no reason why someone with well-treated HIV can’t serve overseas.”

## SECOND APPEALS COURT SAYS ANTIGAY DISCRIMINATION IS COVERED BY FEDERAL LAW

February saw a huge legal LGBT rights victory when the New York-based Second Circuit Court of Appeals, in a

case that Lambda Legal argued, ruled that sexual orientation discrimination is a form of sex discrimination prohibited under Title VII of the federal Civil Rights Act.

The case involved Donald Zarda, a New York sky-diving instructor who in 2010 sued his employer after he was fired for being gay—and who later died in a BASE jumping accident. (His sister and his former partner have continued the suit.)

A trial court had dismissed Zarda’s case, pointing to a precedent that said antigay discrimination was not covered by Title VII. But the Second Circuit reversed and ruled that antigay discrimination is a form of sex discrimination, becoming the second federal circuit to so rule, following Lambda Legal’s landmark victory last year in *Hively v. Ivy Tech* in Chicago.

“So here we have the second federal appeals court to rule that Title VII covers sexual orientation,” says attorney Greg Nevins, Lambda Legal’s director of the Employment Fairness Project. “We’ve been arguing that if you discriminate against someone for liking men when they’re not a woman, or liking women when they’re not a man, then that’s sex discrimination.” It’s an understanding of the law that Lambda Legal has pioneered and courts are increasingly agreeing with it.

In *Zarda*, the U.S. Equal Employment Opportunity Commission sided with Lambda Legal, clashing at the oral argument with the U.S. Department of Justice under Attorney General Jeff Sessions. “Sessions was smacked down 10-3,” Nevins says.

The issue of Title VII coverage is also before the Eighth Circuit, in St. Louis, where Lambda Legal represents Mark Horton, who received an offer for a new job in the geriatric care field—and gave notice at his old one—before casually referring to his partner

as “he” in an email to the employer. The employer’s responsiveness and tone soured immediately, followed by a rescinding of the offer.

“We persuaded an overwhelming majority of the judges in *Hively* and *Zarda*—including a majority of the judges appointed by Republican presidents—with a common-sense, straightforward approach of just following the words of the statute,” Nevins says. “That should serve us well in the conservative Eighth Circuit.”

“At very least,” he says, “the victories so far are a good sign if this issue goes to the Supreme Court.”

### ANOTHER VICTORY AGAINST TRUMP’S BAN ON TRANS PEOPLE IN THE MILITARY

In April, a federal judge in Seattle ruled that the injunction stopping President Donald Trump’s ban on transgender service members should stay in place.

That continues a streak of legal victories for Lambda Legal’s *Karnoski v. Trump* and other suits challenging the ban, which Trump infamously announced by tweet last summer, sending both current and aspiring trans service members into a state of upheaval.

Ryan Karnoski, the lead plaintiff, was on the cover of *Impact’s* last issue. He is a transgender mental health clinician in Seattle suing the government for the right to enlist.

The judge, Marsha Pechman, also said that any time the government wants to discriminate against transgender people, it has to satisfy “strict scrutiny.”

“This is big,” says Lambda Legal senior attorney Peter Renn, among those arguing *Karnoski v. Trump*. It means the government must show a compelling reasons that the discrimination is necessary, the same very high—often insurmountable—bar required

to make discrimination based on race, national origin or alienage permissible. “Strict scrutiny is the hardest test that the law knows and this is the first court in the country to ever apply it for transgender folks,” says Renn.

Pechman also refused the government’s request to get Trump himself removed from the case as a defendant. And that’s as it should be, says Renn: “He’s the key architect of this ban.”

The Trump administration had hoped that by making a few minor tweaks to the ban, announced in a March 23 allegedly “new” plan, it could get the injunction lifted. But Pechman ruled that the current policy is essentially an implementation of the same ban announced last summer.

The case is on track to go to trial in early 2019. Similar cases are pending in three other courts. “We’re confident that the ban is still doomed at its next reckoning,” Renn says. **LL**

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# “RELIGIOUS FREEDOM”

Get ready for the latest trend in anti-LGBT discrimination

BY MIKE ALBO

**In 2012**, Laurel and Rachel Bowman-Cryer, together 11 years and foster parents to two girls, were planning on getting married. In January 2013, Rachel went with her mother to a wedding cake tasting at Sweetcakes by Melissa in a suburb of Portland. When he heard the wedding was for a lesbian couple, Aaron Klein, co-owner of the shop with his wife, Melissa, said, **“We don’t do same-sex weddings”** and called the couple’s relationship an “abomination.” Bowman filed a complaint. Aaron Klein posted the complaint on his Facebook page and went on a right wing talk show. The couple started receiving death threats. “Can’t wait to see you die and go to hell,” one message said.

**In 2015**, Krista and Jami, received a note from their pediatrician: **“After much prayer following your prenatal, I felt that I would not be able to develop the personal patient-doctor relationships that I normally do with my patients.”** Thus they found themselves with their six-day old infant in the office of a doctor they had never even met.

**A**fter marriage equality became the law of the land, many LGBT people breathed a sigh of relief. We could marry. We had fun Pride parades. We had *Ellen* and *RuPaul’s Drag Race* and *Orange Is the New Black*. The future looked bright.

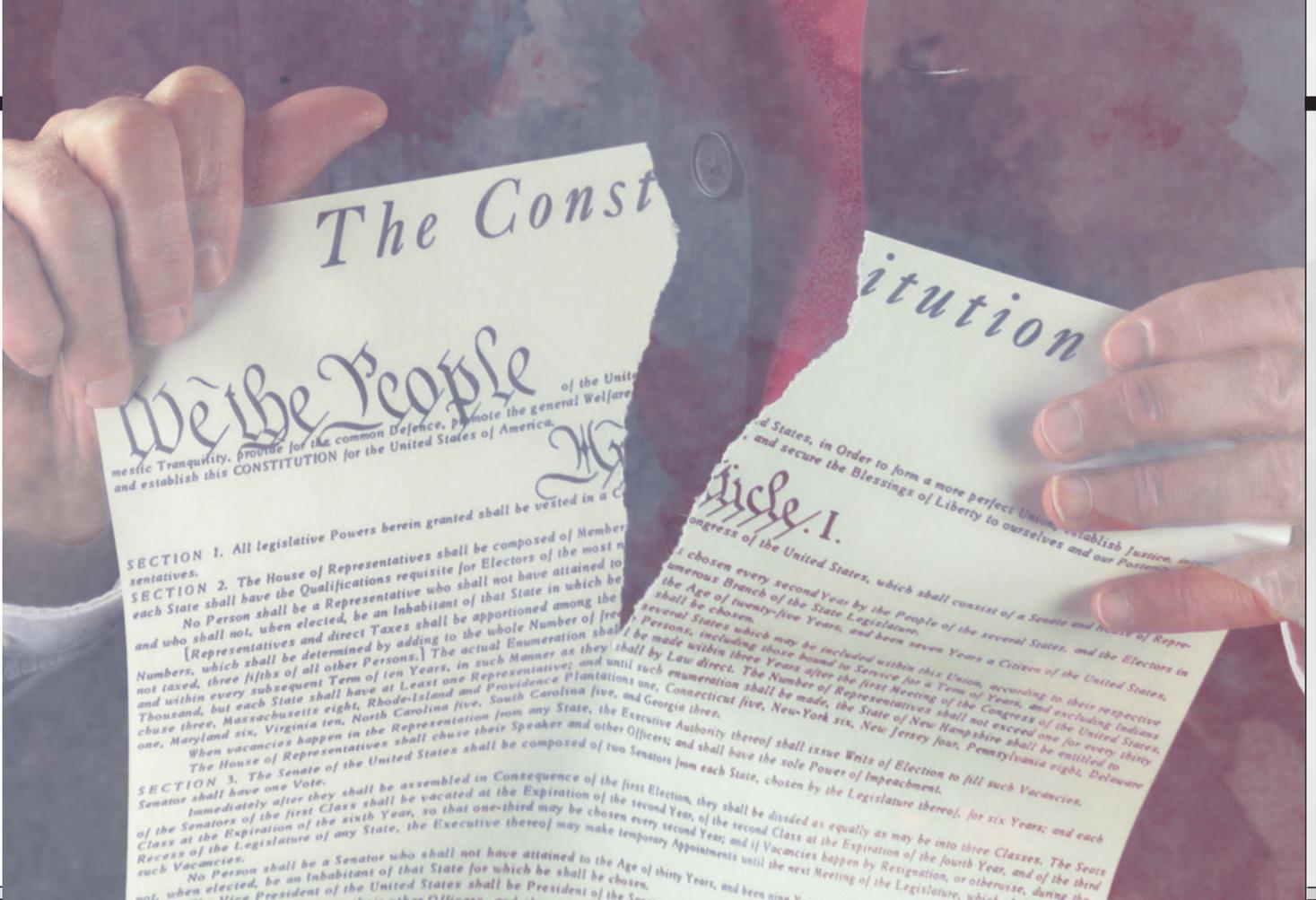
But the truth is that attacks on our basic rights have been ramping up since long before same-sex couples

gained the freedom to marry in all 50 states. These attacks are as old as our movement, but they are dressed now in a new outfit. Now discriminators are claiming victimhood themselves, saying that LGBT people are attacking their “religious freedom” by existing openly.

The claim is that the daily activity of LGBT people—from seeking medical help to ordering wedding cakes and more—is not just offensive to someone’s religious

beliefs, but actively curtailing their right to exercise their religion.

Calling this kind of bigotry “religious freedom” is smart branding. But the label is an Orwellian use of language that smooths over its real intent. It is part of an alternate reality of alternative facts where white people are oppressed, immigrants are criminals and people who discriminate are the ones being discriminated against.



Religious freedom—a core value of our country since its founding—has been weaponized.

“A more accurate term is ‘religious exemption’ or ‘religious refusal,’” says Jennifer Pizer, Law and Policy Director at Lambda Legal. These new attacks, she explains, come in tandem with our community’s growing expectation of equal treatment in the marketplace. “As it became clear we were going to win marriage equality, we started to see a new category of wedding-related discrimination.”

Suddenly some cake-makers and florists and dress designers have had to confront their own prejudices against same-sex couples celebrating weddings. Some in the wedding-services industry have re-examined their own biases and evolved, while others seem, well, hellbent, on going down in history as holding abhorrent attitudes as those who condemned interracial couples in the name of religion.

“Of course they’re free to discriminate in their churches and social clubs. The Constitution absolutely protects them. But if they are operating a business that the state regulates to protect the public, then they must follow the law.”

—Jennifer Pizer, Law and Policy Director, Lambda Legal

And they have plenty of right-wing Christian legal groups with names like the Alliance Defending Freedom ready to swoop in and help them fight the evolution towards more enlightened views.

ADF was behind *Masterpiece Cakeshop*, in which the U.S. Supreme Court issued a limited, fact-specific

ruling that the Colorado civil rights agency violated the religious rights of a Denver baker who refused to sell a same-sex couple a wedding cake.

#### A NATIONAL STAGE

Thanks to our current administration, this religion-couched anti-LGBT agenda is increasingly taking hold on the national stage.

In May 2017, President Trump issued an executive order announcing a new priority of certain conservative Christian religious values over other public policies and directing the Department of Justice to “develop new rules” to afford maximum protection to people who feel as though their religion is burdened by federal law.

In 2017, Attorney General Jeff Sessions did just that, releasing guidance instructing all federal agencies to give lenience to staff, federal contractors and grantees who want to exempt themselves from federal laws, rules and

regulations based on religious beliefs.

Then, in January of this year, the Office for Civil Rights within HHS formed a new Conscience and Religious Freedom Division. Its stated purpose is to protect health care providers who refuse to provide services that contradict their moral or religious beliefs. It was an invitation to discriminate, putting the future of health care for LGBT people—a group already facing significant challenges in the medical community—at risk.

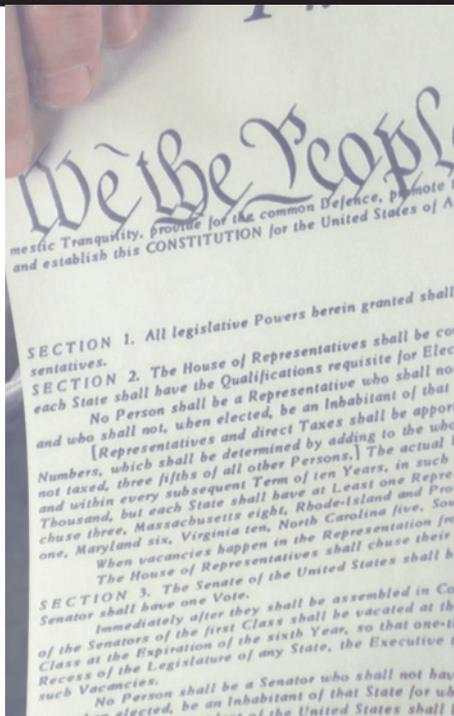
Considering this administration's cast of characters, it's not hard to worry just how religious-exemption policies may be used. Ben Carson, secretary of Housing and Urban Development, is a guy who compared marriage for same-sex couples to bestiality and pedophilia, and Education Secretary Betsy DeVos rescinded the Obama-era guidance urging Title IX protections for transgender students.

And, of course, this administration's vice president, Mike Pence, as governor in Indiana in 2015, signed a bill allowing individuals and companies to defend themselves legally if they feel their exercise of religion is "substantially burdened."

### TO THE BREAKING POINT

Religious exemption demands go far beyond wedding cakes and flowers. Potential federal permission to turn away LGBT people from health care services, for example, paints a very dark picture.

"Religious exemption is the greatest threat to the LGBT community since HIV," says David Garcia, director of policy at the Los Angeles LGBTQ Center, who worries his group might see a surge of new service requests. The center is the largest of its kind in the world, with a



\$107 million budget and eight facilities, serving 42,000 clients a month.

"As doctors refuse to treat, we could continue to see increases because the community is not receiving services, so they just come here," he says. "Our transgender care services and clinics are already waitlisted. The same thing could be said for our senior services. The 100 units in Triangle Square, our new senior living facility, already have a three-year wait list."

Our community has always strived to take care of our own. But we also need to rely on public services and funds, just like everyone. "We can't provide health care to everyone who lives in the D.C. metropolitan region," says Daniel Bruner, senior director of policy at Whitman-Walker Health Clinic in Washington, which provides crucial health and mental health care to LGBT patients in the metropolitan area. "That's impossible."

Like GMHC and the Callen-Lorde Community Health Center in New York, and other LGBT-created health care centers across the country, the Whitman-Walker clinic emerged from the AIDS crisis. Bruner, a longtime D.C. activist, recalls those challenging times.

"I was one of the people who fought this battle with HIV, when there was widespread discrimination in dental offices," he says. "Dentists told people to go to Whitman-Walker. Not only is that not acceptable in terms of stigma and trauma, but a lot of these folks didn't make it to us. And if they had, we wouldn't have been able to take them all on."

The same holds true today. Religious exemptions that allow wrongful discrimination will leave many LGBT people stranded without medical care, no matter how robust LGBT clinics may be. "There are a lot of medical specialties that we are not equipped for," says Bruner. "If someone needs a kidney doctor, to say nothing of surgery, we can't provide that." And for trans people, who need medical care to become their authentic selves, the

“Calling this kind of bigotry 'religious freedom' is smart branding. But the label is an Orwellian use of language.”

options become even more bleak.

Jionni Conforti's story provides a cautionary tale. Conforti, 33, who is transgender, contacted St. Joseph's Regional Medical Center in Paterson, NJ, for a routine hysterectomy as treatment for his gender dysphoria. The hospital, which had treated him and his family members for years, scheduled the surgery.

But soon after, Conforti received an email from hospital administrator Father Martin Rooney that the surgery was cancelled. "This is to inform you

that as a Catholic Hospital we would not be able to allow your surgeon to schedule this surgery here at St. Joseph's," the email reads. In January of last year, Lambda Legal filed a suit in federal court on his behalf.

Religion-based denial of care hits the most vulnerable in our community the hardest, including transgender and bisexual people, seniors and people living with HIV. One area it could seriously affect is LGBTQ youth. A 2014 joint study by the Los Angeles LGBT Center and the Williams Institute found that a whopping 19 percent of kids placed in foster care identify as LGBTQ. Turned away from their families, "these kids end up in our facilities, which are also at capacity, or they become homeless," says Garcia. "The street economy is very quick to pick them up."

Shockingly, the biggest trend in religious exemption policies is state laws that allow taxpayer-funded child welfare agencies to deny care to LGBTQ youth and to refuse to place children in queer families. Texas passed such a law in 2017, and Oklahoma and Kansas did in 2018.

Meanwhile, Texas couple Fatma Marouf and Bryn Esplin were denied a chance to foster a refugee child because, they were told, their family did not "mirror the Holy Family." Lambda Legal is suing on their behalf as well.

### AN ATTACK ON THE CONSTITUTION

What's most misleading about all these efforts is that the U.S. Constitution and federal and state laws already provide strong protections for religious belief, but when it comes to conduct that affects others, the protections are tailored.

For example, Title VII of the Civil Rights Act, the federal employment

nondiscrimination statute, allows religious institutions to limit hiring to people of their same faith.

"Of course they're free to discriminate in their churches and in social clubs," says Lambda Legal's Pizer. "The Constitution protects them. But if they are operating a business that the state regulates to protect the public, they must follow the law."

Bruner at Whitman-Walker sees an even larger problem. "This interpreta-

“There’s a harmony that we must maintain. There has to be freedom from another person’s freedom—not to be harmed by another’s exercise of freedom.”

tion invites chaos," he says. "It's much broader than just discrimination against LGBT people. According to this, if I am a health care worker and believe Islam is terrible, why can I not discriminate against a Muslim woman?"

Like many of this administration's attacks on our country's core values, the strength of the Constitution and our system are being tested. "Religious freedom has been at the core of the American Experiment going back to de Tocqueville," says Pizer. "There's a harmony that we must maintain. There has to be freedom from other people's freedom—not to be harmed by another's exercise of freedom."

### AN ATTACK ON THE SOUL

For some religious and observant LGBT people, an especially damaging aspect of this agenda can't be readily seen.

As government accepts this shunning of LGBT people based on religion, they feel their spiritual lives are jeopardized. To feel like a sinner, a pariah, banished because of others' beliefs, can corrode their own faith. It's an aspect of the LGBT struggle that is often overlooked, but to these people of faith, it is crucial to our community's collective soul.

This makes places of worship that are LGBT friendly especially vital now. Every Sunday morning, Rev. Kenny Callahan, of the Metropolitan Community Church of Richmond, Virginia, begins his service saying the same thing: "It doesn't matter who you are, where you've been, what you've done, how you love or who you love, you are welcome here."

Surrounded by conservative Christians, the Richmond MCC, founded in 1978, is one of the oldest churches in the state to accept LGBT people. Parishioners come from all over, some driving over two hours to attend services.

One parishioner, Callahan says, is a trans senior citizen who cares for his grandchildren as a man. "But she drives an hour, and in several rest stops on the way, she changes into her authentic self," the pastor says. "She says when she is here it is the only place where she can feel normal, validated as she has always felt. That's the beauty of our church, that that woman has a place to be where she can't be anywhere else."

In these dark times, when religion is being used to promote hatred and division, putting a strain on our resources and encouraging hopelessness, it's important to keep that commitment in mind. The LGBT community and our allies can respond as we have done in previous dark times, with love, togetherness and inclusivity. [L](#)

**L**AST JUNE, ON HER FIRST DAY OUT OF PRISON, PASSION STAR AND HER FAMILY WENT TO THE MALL.

It was meant to be an ordinary visit, just to reacclimate her with the

world beyond bars, a world that had changed during her 15 years of incarceration, serving a sentence for aggravated kidnapping in the Texas Department of Criminal Justice system.

But the trip to the mall was unnerving for Star, even overwhelming. The strictly enforced, almost robotic order of prison movement—stay to the right, only walk in straight lines, never stop or speak without permission—was abandoned. Shoppers meandered around, talking on their cell phones, laughing loudly, idly chatting. Even their revealing summer clothes were strange.

It was all too foreign, all at once. Star had an anxiety attack.

“Everyone is in an assigned place at an assigned time,” Star says of prison. “In the mall, it wasn’t like that. Everybody was just walking around, and not paying attention to where anyone else was going. And I didn’t know what to do.” She laughed as she recounted the incident months later. “I was terrified,” she says.

A year ago, Star,

now 34, was one of very few openly transgender or gender-nonconforming inmates in the custody of the State of Texas. She’d been a prisoner there since 2003, and had confronted a wash of horrors within many corrections facilities: Long stretches in solitary; sexual assault; repeated rape, once at knife-point; harassment; and other violence, including an attack in which her face was sliced with a razor. That wound required 36 stitches. Through all of this, the state’s Department of Corrections challenged her transgender identity, and though she lodged complaints for years, she was not placed in safer housing within the system until March 2015, after Lambda Legal intervened. Legal action was facilitated by Star’s copious recordkeeping, evidence of years of sustained, audacious self-advocacy. After numerous attempts, she was granted parole in December 2016. She received a settlement in March 2018.

Star’s settlement included an undisclosed monetary payment and an agreement from the Texas Department of Criminal Justice to change their policies to better protect LGBT people being held in their facilities.

“These include improving intake processes to better identify vulnerable people early on, so decisions with respect to housing and placement can be made in ways that better protect them,” says Demoya Gordon, Lambda Legal Transgender Rights Project attorney and lead lawyer on Star’s case. “The presumption now is that someone who faces sexual or physical abuse, or credible threats of sexual or physical abuse, will be placed in safekeeping, where they can be separated from those who would seek to abuse them while still having human interaction and access to the recreational, vocational and

rehabilitative activities they would not have in isolation.”

The settlement also requires Texas to re-train prison staff on the revised policies within two years. Lambda Legal continues its legal and educational work around the issues affecting transgender women of color and transgender and gender-nonconforming individuals in prisons and jails around the country.

“I didn’t know this was gonna be that big, but it’s what I wanted to do,” Star says. “And I did it. There was no selfish reason behind it, I was just pouring out my heart.”

Surveys suggest that nearly one in six transgender Americans has been to prison. And 50 percent of black transgender people, this research shows, have been incarcerated. Transgender rights advocates attribute this to a confluence of factors, primarily the intersection of over-policing and profiling of low-income communities, especially black and brown ones, and criminalization of transgender people. Transgender women, many of them poor, are often falsely arrested for soliciting, lack of “proper” identity documents and even, in some jurisdictions, threatened with arrest for using the “wrong” bathroom or locker room, notes the Sylvia Rivera Law Project, which advocates for transgender rights among marginalized communities.

Once inside prisons and jails, which are often sex-segregated, transgender and gender-nonconforming people are at dramatically heightened risk of abuse or harassment. Research published in 2009, found that transgender people in California facilities were far more likely than others to experience sexual assault, overwhelmingly more likely to be sexually assaulted by an attacker with a weapon, and, perhaps most troublingly,

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that you want  
to see in the  
world!

roughly half as likely to be provided medical attention.

Though the academic, legal and corrections communities have been aware of the unique risks justice system involvement poses for transgender and gender-nonconforming people in prison, the public has largely been blind to these issues. Star's case was one that received national attention in 2015, when her case was profiled by *The New York Times*, among other outlets. That spotlight, many agree, was the result of Star's own efforts to get help.

# WRITTEN IN THE STARS WITH PASSION

After many horrors while being incarcerated, a Lambda Legal client achieves a lifesaving victory

BY ESE OLUMHENSE





“Surviving in any form of detention is incredibly difficult for anyone, but it is particularly hard for transgender women, who are especially vulnerable to sexual and physical violence in the male facilities where they are typically housed,” says Gordon. “One of the reasons Passion is such a great client is she is amazingly well-organized, resilient and diligent. She exhausted every step of virtually all of her many grievances and had paperwork for everything.”

“People should not have to do this in order to be able to file suit for abuses they face in prisons and jails—especially since grievance rules often impose short filing deadlines, are inconsistently administered, and involve numerous confusing and unclear steps—but unfortunately they do,” Gordon says.

Though much of this struggle is behind Star now, freedom has not been easy, she says. First were the nightmares, which started seeping into her dreams after she found out she would be paroled.

“I kept having the recurring dream

of me being killed outside prison,” she says. This, she thinks, stemmed from the death of a friend who had been incarcerated with Star, who left prison the year before she did and died months later, after overdosing on pain medicine, she said.

“It’s a bit of a trip,” she says of the adjustment. “You don’t understand how far the world moves while you’re in a stagnant state until you’re pushed into it and you’re basically told to swim or drown. You never really know how you’re gonna perform in that.”

The first few months out were particularly hard and, in the last year, she has faced numerous obstacles, including periods of unemployment and struggling to make ends meet. She worked for a time at a meatpacking plant, labor that involved early mornings, long days and arduous tasks. She struggled to get to work due to lack of money for gas and unreliable vehicles.

Relationships with family members were at turns strong, then strained. Her home was broken into; she even had a gun pulled on her in the neighborhood.

“It wasn’t anything like I thought it would be,” she says, her tenor careful and measured. “I fell on my face a few times. Nothing got easier, nothing got easier, nothing got easier.”

Others have even questioned her gender presentation, a painful part of the readjustment process Star is undergoing. Some say she does not appear feminine enough to really be transgender, that her sculpted physique, taut muscles, and bald head betray her gender-fluid identity.

Star, who identifies as gender fluid, scoffs at the thought that transgender and gender-nonconforming women

can only express their gender identity by appearing feminine. Those who feel it does underestimate her need for safety and stability, she said.

“My life has never been my own, so I’ve always had to do what’s necessary to survive,” she once told to Gordon over the phone.

In the male-dominated, physical spaces she’s worked, her appearance is something of a survival strategy, a shield safeguarding her from possible discrimination, harassment, or worse.

“I don’t really care how anyone feels about it,” she added. “I don’t see nobody hiring transgender people to work at the places that I have had to work since I have no way of passing... I am a convicted felon living in the real world and having to adapt all over again.”

“Surviving in any form of detention is incredibly difficult for anyone, but it is particularly hard for transgender women, who are especially vulnerable to sexual and physical violence in the male facilities where they are typically housed.”

—Demoya Gordon, Transgender Rights Project Staff Attorney, Lambda Legal

Things started to change this spring. “Just got married,” Star texted me on the night of April 11. She and her wife, Taleshia, are having fun exploring new things together, showing their cars off on Facebook in front of a backdrop of neat homes and carefully manicured

lawns.

“Congratulations!” I responded, thumbs excitedly flying across my phone screen as I wrote. “How does it feel?”

“It feels real,” she replied.

She got a new job working for a software installation company, she said. She pierced her lip and gauged her ears, too, she said, body mods she didn’t dream of having just a year ago. She also bought a dark grey Camaro, outfitting it with matte black rims, new speakers and an amp, as well as lights and a remote start.

She’s relearning how to live, in some senses, and enjoying the ride. Learning to use a smartphone was a new experience, because phones didn’t even have cameras when she first went to prison. It was like “alien technology,” she says. Now she loves it, posting selfies often on social media.

“Things just are,” Star said, her contentedness obvious. “We live life. I’m just grateful that I found someone who loves me for me,” she said. “I don’t really have any problems.”

She plans on pursuing a career as a paralegal. “I want to try and break my curse,” she says. **LL**



## Congratulations

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# WHAT'S HOT FOR SPRING/SUMMER

The top 9 LGBTQ arts and entertainment events you won't want to miss!

## 01] THEATER THE CHER SHOW

Do you believe that this is happening? If anyone has a life story and musical output ripe for a big, splashy Broadway jukebox bio-musical, it's Cher, who has turned out both hits and looks—or what the kids now call *lewks*—for a remarkable half-century. From her teenage flower-child “I Got You, Babe” days with Sonny to her Bob Mackie-fabulous 1970s, from her 1980s serious-actress phase to her big 1998 “Believe” comeback to her current incarnation as Trump’s worst nightmare on Twitter, it’s all there. Broadway darling Stephanie Block (*Wicked*, *The Boy From Oz*) will play the adult Cher, with two other actors playing younger versions of the Goddess of Pop. *The Cher Show* has a book by Rick Elice (*Jersey Boys*), direction by Jason Moore (*Avenue Q*) and orchestration and arrangements by Daryl Waters (*Memphis*).

The show will run June 12 to July 15 in Chicago before transferring to Broadway in the fall. Don't miss it—you can't turn back time! [thechershowbroadway.com](http://thechershowbroadway.com)

## 02] TELEVISION POSE

TV titan Ryan Murphy has produced some pretty gay stuff in recent years—everything from the unabashed queerness of his *American Horror Story* franchise to the meta-camp of the Bette Davis-Joan Crawford *Feud* to this year's *American Crime Story*, tackling the homophobia and self-loathing surrounding Andrew Cunanan's 1997 assassination of Gianni Versace. Now, working with a large team of queer and transgender writers, directors and actors including Janet Mock and Our Lady J, he takes on the 1980s New York City gay and trans voguing scene

immortalized in the documentary *Paris is Burning*. Stars of this TV dance musical include Kate Mara, James Van Der Beek, the transgender actor Angelica Ross and the gay *Kinky Boots* star Billy Porter. OK, Miss Murphy, you better *werk!* (And we'll admit the eight-second trailer at [fxnetworks.com/shows/pose](http://fxnetworks.com/shows/pose) looks pretty fabulous.) **June 3.**

## 03] FICTION MAGGIE TERRY



Sarah Schulman

The eleventh novel and seventeenth book from lesbian author, playwright and social critic Sarah Schulman (*After Delores*, *Conflict is Not Abuse*) is a thriller about a lesbian former NYPD detective fresh out of rehab and fighting to put her career back together and reconnect with her young daughter. She's back to work and stumbling her way through an ultra-wealthy new downtown full of Trump-hating Manhattanites when she's thrown on the case of a young actress who seems to have been murdered by her boyfriend, a successful older male novelist who lives in a grand Greenwich Village townhouse. “Everyone was in a state of confusion because the president was insane,” is the



A scene from *Pose*

PHOTO: JOJO WHILDEN/FX

opening line, setting the tone for a classic Schulman tale that's as much murder mystery as it is a grimly funny comment on our semi-dystopian moment. **Feminist Press, September, \$17.95**

## 04] NON-FICTION NO ASHES IN THE FIRE: COMING OF AGE BLACK AND FREE IN AMERICA

Queer author, educator and activist Darnell Moore was one of the original Movement for Black Lives organizers, mobilizing buses from New York City to Ferguson, Missouri,



PHOTO: ERIK CARTER

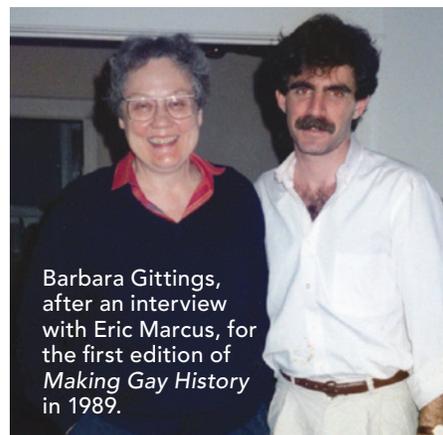
Darnell Moore

after the police murder of Michael Brown. In this politically charged memoir, he recounts how he suffered growing up black and gay in Camden, New Jersey—when he was 14, three boys from his neighborhood tried to set him on fire—and how, with mentors and peers, he grew into his power as a gay black man in an era when LGBTQ lives of color are under attack. A graduate of Princeton Theological Seminary who's now a writer-in-residence at Columbia University, he tells his complex and affecting story in this book. No less a black liberationist voice than bell hooks says that *No Ashes in the Fire* is written "with

an intensity and passion that offers readers a deep understanding of a gay black male coming of age who open-heartedly claims his identity, and who embraces redemptive suffering." **May, Hachette Book Group, \$26.**

## 05] PODCAST MAKING GAY HISTORY

There are some amazing, funny, sassy, smart LGBTQ podcasts out there right now—among them "Keep It" with Louis Virtel, "Las Culturistas," "Food4Thot," "LGBTQ&A" and "Nancy." But the most substantively historical is "Making Gay History," which is also the name of a 2002 book by esteemed LGBTQ historian Eric Marcus. The podcast series, all three seasons (and counting) of which are available at [makinggayhistory.com](http://makinggayhistory.com) and via the Podcasts app on your phone, is drawn from Marcus' extraordinary archive of audio interviews with LGBTQ historymakers dating back decades, bracketed by his own invaluable context. There are episodes with well-known figures like Ellen DeGeneres, Larry Kramer and trans pioneers Marsha P. Johnson and Sylvia Rivera, as well as with more obscure but also pivotal folks like Barbara Gittings and Kay Lahusen,



Barbara Gittings, after an interview with Eric Marcus, for the first edition of *Making Gay History* in 1989.

PHOTO: KAY LAHUSEN

leaders of the pre-Stonewall "homophile" movement, and Deborah Johnson and Zandra Rólon Amato, two lesbians of color who in 1983 successfully sued a Los Angeles restaurant for refusing them service. In October, Marcus will release Season 4, focusing on the period from World War II through the eve of Stonewall.

## 06] VISUAL ART DAVID WOJNAROWICZ

Before he died of AIDS in 1992, gay New Yorker David Wojnarowicz became one of the most important artists and writers of the 1980s, working in mixed media—paint, silkscreen, photography, text, collage and more—to make a stunning body of explicitly political work. His themes were homosexuality, beauty and the oppressive role of the state, which he wove through his work. He became one of a generation of



David Wojnarowicz, *Untitled (Green Head)*, 1982.



RuPaul's Drag Race alum Mimi Imfurst in *Hedwig and the Angry Inch*.

PHOTO: KAY LAHAUSEN

extraordinary gay artists—including Keith Haring, Robert Mapplethorpe, and Peter Hujar, Wojnarowicz's lover and mentor—to die young from the AIDS epidemic. Now, New York's Whitney Museum presents the first major exhibition of his work in more than a decade—at a moment when the output of this "lost generation" of gay artists is being considered by a rising new wave of queer thinkers and creators. **July 13–September 30.**

## 07] MEMOIR BOY ERASED

Garrard Conley's 2016 memoir of being outed at 19 to his Arkansas family and forced into "conversion therapy" to undo his gayness is now a movie. Directed by and featuring Joel Edgerton—writer, director and lead actor in 2015's supremely creepy thriller *The Gift*—the movie has a powerhouse cast: Lucas Hedges (*Manchester-by-the-Sea*, *Lady Bird*) plays Conley and Russell Crowe and Nicole Kidman his conservative Baptist parents, who insist on the treatment if he wants to stay in their family and church. They're

joined by Troye Sivan, Xavier Dolan (*I Killed My Mother*, *Mommy*), Michael Balzary (Flea from the Red Hot Chili Peppers) and the inimitable Cherry Jones (*24*, *Transparent*). The *Los Angeles Times* said that the book's power "resides not only in the vividly depicted grotesqueries of the therapy system, but in his lyrical writing about sexuality and love." Will the film measure up? **September 28.**

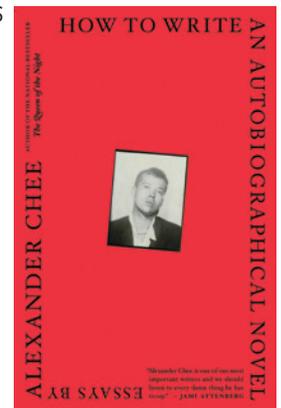
## 08] THEATER HEDWIG HITS PHILLY

Take the wig down off the shelf and head to the City of Brotherly Love. *Hedwig and the Angry Inch*, John Cameron Mitchell's glamtastic rock musical about a Cold War-era East German gay boy who grows up to be the stage-strutting, big-haired and broken-hearted Hedwig, comes to Philadelphia for the month of June, starring local boy and *RuPaul's Drag Race* alum Mimi Imfurst. That's the stage persona of Braden Chapman, who credits his CD of the musical with saving his life when his parents kicked him out at 15 for

being gay. The musical is both raunchily hilarious and dreamily moving, full of classics like "Wig in a Box," "Origin of Love" and "Wicked Little Town." Make it a queer Philly weekend and stay at the Alexander Inn, dine at Knock Restaurant and Bar and party at Woody's—a trio of beloved LGBT-leaning spots. **June 1–25, tickets \$25-\$35, [retheater.org](http://retheater.org).**

## 09] GUIDEBOOK HOW TO WRITE AN AUTOBIOGRAPHICAL NOVEL

Queer novelist Alexander Chee has a hit in 2016 with *The Queen of the Night*, the sumptuous story of a 19th century Paris opera diva and her secret past. Now he returns with this erudite and witty collection of essays in which he, to quote the preview copy, "reckons with his identities as a son, a gay man, a Korean American, an artist, an activist, a lover, and a friend." "The only things you must



have to become a writer are the stamina to continue and a wily, cagey heart in the face of extremity, failure, and success," he writes in an essay on his career. Another piece recounts his earlier years working as a cater-waiter for homophobic conservative author William F. Buckley. *Kirkus* praises Chee's "consistent care with words and open-hearted tone; having been through emotional and artistic wars, he's produced a guidebook to help others survive them too." **April 24, Mariner/Houghton Mifflin Harcourt, \$15.99. [L](#)**

Culture | Opportunity | Community

We applaud and support Lambda Legal's mission to achieve full recognition of the civil rights of LGBT people and everyone living with HIV.

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# Equality

## Under the Law

Mayer Brown is proud to stand with Lambda Legal in the fight to achieve full civil rights for the LGBT community.

**LAMBDA LEGAL IN FORT LAUDERDALE**  
 Bonnet House Museum & Gardens,  
 March 25, 2018



Long-time supporters **Beverly Dash** and **Debra Lobel** received recognition for their commitment to Lambda Legal as this year's featured honorees.

**BON FOSTER CIVIL RIGHTS CELEBRATION**  
 Morgan MFG, Chicago, April 19, 2018



**LAMBDA LEGAL IN ARIZONA** Phoenix, April 12, 2018



Board Chair **Anne Krook** joined supporters **Stephanie Martin**, **Carmen Jandacek**, event co-chair **Nonnie Shivers** and **Erin Borg** at a private home for an annual celebration of Lambda Legal supporters in Arizona.



Co-chairs **Julius Carter** and **Anastasia Kraupp** welcomed guests for a brief program.

More than 500 guests gathered in Chicago to demonstrate the *Power of the Party* at the annual tribute to the legacy of Robert "Bon" Foster, founder of Lambda Legal's Midwest Regional Office 25 years ago.



Lambda Legal Board Member **Roderick Hawkins** with **Darrious Hilmon**.

**SAN FRANCISCO SOIRÉE** Fairmont, April 20, 2018



Co-chairs of the San Francisco Leadership Committee **Harold Hagen** and **Michael Stevens** served as hosts of an evening that included dinner, drinks and dancing to a live band.



Lambda Legal's client in our challenge to a ban on transgender service members, **Ryan Karnoski**, shared his story at the SF Soirée. Here he is on the red carpet with wife **Ester Matskewich** and Lambda Legal Law Fellow **Kara Ingelhart**.

# POWER

# OF

NEW YORK NATIONAL LIBERTY AWARDS Chelsea Piers, April 30, 2018



Orange is the New Black's **Lea DeLaria** hosted Lambda Legal's biggest gala of the year and was joined by fellow cast members **Selenis Leyva** and **Abigail Savage**.



Guests were treated to the powerhouse vocal stylings of Broadway actor and vocalist **Nathan Lee Graham**.



*"The work of Lambda Legal is the work of our movement, but it is also the work of We the People, called now to do more—not just for ourselves and our movement, but for the many communities and values under assault."*

—LGBT rights pioneer and Liberty Award recipient **Evan Wolfson**

## SPOTTED ON THE RED CARPET



**Seth Marnin**, Lambda Legal CEO  
**Rachel B. Tiven**, filmmaker and actor  
**John Cameron Mitchell** and director  
**Stephen Winter**



Lambda Legal employment discrimination plaintiffs  
**Mark Horton**, **Jameka Evans** and **Kim Hively**



Transgender pop phenom **Kim Petras**, who kicked off the after-party



Lawyer and activist  
**Justin Mikita**



Vine influencer  
**Jeffrey Marsh**

# THE PARTY

## 7 MINUTES WITH

# ARIEL GOLDBERG

Digital Deputy Director, Lambda Legal, Dallas; joined 2012



### What's always in your bag?

I've been very obsessed with growing my nails out lately because acrylics and gels absolutely ruin my nail beds, so I always have some cuticle oil and a bottle of OPI Nail Envy on me.

#YesAllFemmes

### What was the last show you streamed?

I'd like to pretend that it was something educational or impressive or interesting like *Wild Wild Country*, this new(ish) docuseries on Netflix that my roommate and I binged in a weekend, but honestly it was an old episode of *Fixer Upper*. I've been rewatching it from the beginning now that it's over. I am pretty much obsessed with everything HGTV and Food Network put out.

### What's something you've done at LL that most people don't know about?

When we were filing our *Karnoski* case against Donald Trump's ban on transgender service members in the military, we broke the news pretty early one morning so I worked from home before heading into the office. Later that day, I discovered that our breaking-news tweet, which I had posted from my bed, had been shown on MSNBC. How many people can say that a tweet they wrote from bed ended up on MSNBC?

### What are you most proud of?

I co-run an international summit for women digital media influencers in the travel industry. We're about to have our biggest event yet in Québec City, Canada, and I'm moderating our closing keynote on #TimesUp, #MeToo, and the role of travel influencers in furthering the global conversation about sexual harassment and assault. I've been working in travel spaces for a few years now and am privileged to have been able to visit 15 plus countries, with more to come! I'm really proud that I've succeeded at helping to tell stories from people whose voices are frequently not prioritized in travel writing—in particular women, queer people, people of color, differently abled people,

and people from non-Western countries.

### What's on your bucket list?

There are a few countries on my list that I've never been to but that my family is from, like Panama, Morocco, Greece, and Turkey. I'm also dying to visit Japan, South Africa, India, Mexico, Nicaragua, Costa Rica, Brazil, Venezuela, Australia, New Zealand, Tanzania, Zambia, Zimbabwe, Egypt, Kenya, Thailand, South Korea, Indonesia, Vietnam, Puerto Rico, Cuba, Alaska, Greenland. And that's not all. The list is clearly endless.

### What do you do at Lambda Legal?

I'm our deputy digital director. Everything from the website to social media to graphic design to video content to email communications. As the deputy director I tend to have my fingers in everything.

### What's challenging about your job?

The 24/7 news cycle. My team is amazing at sharing the slack, but generally when you see the @LambdaLegal Twitter account tweeting at midnight on a weekend, it was probably me. I've had to pull out my laptop and get to work when news has broken during birthday parties and dates more often than I'd like to admit. It's a lot, and I don't think people realize how much work goes into every single piece of content that we put out. Also, the trolls are challenging.

### What's rewarding about it?

#### Can you give us one example?

Getting to work with my brilliant, hilarious, smart, and passionate team. We all work so hard and manage to do so with support and respect for each other and our individual talents. Sometimes that support is sending each other long strings of GIFs of the Fab Five from the new series of *Queer Eye*, but hey—whatever works. **LL**

# SHOP TO SUPPORT OUR WORK & JOIN US AT PRIDE.



<b>DC Black Pride</b>	Washington, D.C.	May 25	<b>NYC Pride</b>	New York	June 24
<b>Indy Pride</b>	Indianapolis	June 9	<b>Chicago Pride</b>	Chicago	June 24
<b>LA Pride</b>	Los Angeles	June 9	<b>LA Black Pride</b>	Los Angeles	June 30
<b>LA Trans Pride</b>	Los Angeles	June 16	<b>NYC Black Pride</b>	New York	August 16
<b>Folsom Street</b>	EastNew York	June 17	<b>Atlanta Black Pride</b>	Atlanta	August 31
<b>NYC Trans Day of Action</b>	New York	June 22	<b>Dallas Pride</b>	Dallas	September 15
<b>NYC Dyke March</b>	New York	June 23	<b>Atlanta Pride</b>	Atlanta	October 12

**SHOP** Lambda Legal

T-shirt, \$27.95. Find this and other items at [shop.lambdalegal.org](http://shop.lambdalegal.org)

# "Lambda Legal has our lifetime support"

## KAREN AND NELDA MET AS COLLEGE STUDENTS IN HUNTSVILLE, TEXAS, IN 1957.

"I was engaged to a boy who I was with for four years," Karen says. But soon after she moved into the same dormitory as Nelda, they became good friends and realized that they shared a lot in common. "I found out that Karen grew up in the Methodist church," Nelda says. "I grew up in the Baptist church, and we shared the same values of honesty and caring for other people."

Their relationship gradually deepened and became romantic. They left college and moved through life together, but they were careful to maintain an illusion of heterosexuality. "I was working at an oil company, and I had a fake life there where I had a boyfriend," Karen says. "If people knew you were gay, you were fired right away. In Texas, you could get arrested, you could lose your friends, your family, and your church."

When Karen and Nelda became Lambda Legal plaintiffs in Arizona's marriage equality case in 2013, they'd been together for more than 57 years. Together, they've raised two children, Karen's great-grandnieces, Marissa and Sharla, as their own. Sharla came into their home at 4, and six years later Marissa did at 3. Today, the girls are 26 and 19.

"The first time we came out was actually to the two girls," Karen says. Nelda adds, "They were so accepting and welcoming that it made it easy for us to come out to others and become public faces for Lambda Legal."

The thought of getting married felt unrealistic over most of the six decades that Karen and Nelda were together. But after they fought with Lambda Legal to have Arizona's marriage ban struck down, they were overjoyed. "We were



Nelda and Karen, center, with their two great-grandnieces Marissa and Sharla.

PHOTO: RANDY BINGHAM

on cloud nine just knowing that people still cared for us," says Nelda. "We didn't realize how good it would feel."

Karen and Nelda have been supporting Lambda Legal since 2005, and they continue to stand with us in our fight for full equality for LGBT people and everyone living with HIV. "Lambda Legal has our lifetime support," says Nelda. "It is the most important LGBT organization, because if you don't have the law on your side, then nothing else matters."

Even in challenging times like today, that's important. "You just have to keep taking those small steps," she says. "Sometimes you might take two or three backwards, but you just have to keep moving forward."

*Stand strong next to Karen and Nelda by joining Lambda Legal with a Justice Fund monthly gift of \$30.42 today.*

Join Lambda Legal's Justice Fund with a monthly gift starting at \$10. [lambdalegal.org/donate](http://lambdalegal.org/donate)

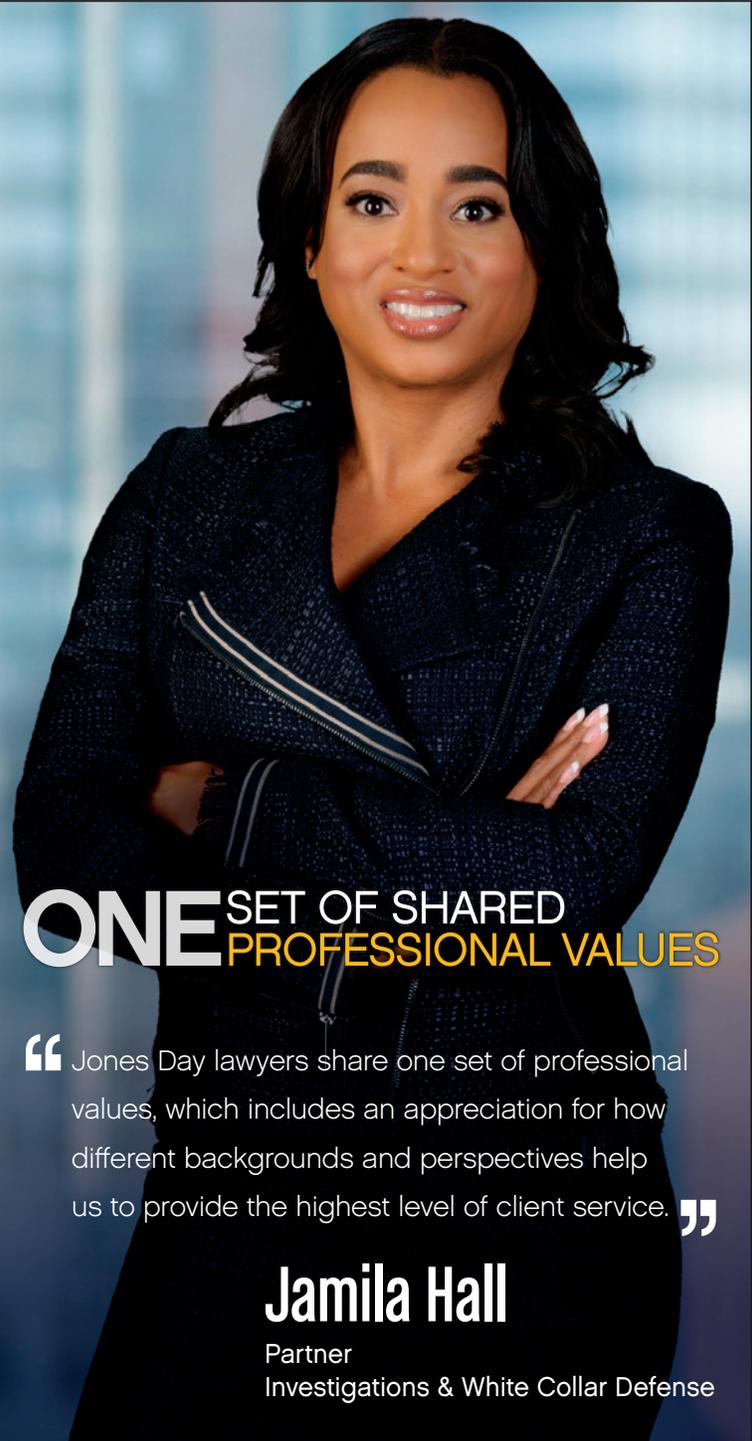
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**Jamila Hall**

Partner  
Investigations & White Collar Defense

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Jones Day proudly supports Lambda Legal and its mission: to achieve full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people, and everyone living with HIV through impact litigation, education, and public policy work.





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## A VOICE FOR JUSTICE DEPARTS

*Mourning the death of pioneering Lambda Legal attorney David Buckel*

It seemed like a crazy idea back in 2005, bringing a state lawsuit to demand marriage equality in conservative Middle America. But David Buckel, then Lambda Legal's marriage project director, was prepared to give it a shot.

Buckel championed filing a lawsuit on behalf of six same-sex Iowa couples seeking the right to get married. In 2007, an Iowa district court ruled in their favor—and so did the Iowa Supreme Court, unanimously, two years later. It was an extraordinary early victory for the marriage equality movement.

"You have to remember that at the time we filed the case, the Supreme Court had only just struck down sodomy laws, and only Massachusetts allowed same-sex couples to marry," says Camilla Taylor, Lambda Legal's Director of Constitutional Litigation, who worked on the case with Buckel. "But David believed we could get a foothold in the Midwest, and he fought for our ability to file that case. It raised a lot of eyebrows—but we won because of him."

Buckel, who joined Lambda Legal in 1995 from the Legal Aid Society in New York and moved on from Lambda Legal in 2008, took his own life April 14. He was 60 years old. He committed self-immolation in Brooklyn's Prospect Park, not far from where he lived. He left a note nearby—and messages with several media outlets—calling his death by fossil fuel a protest against the damage society was doing to the planet.

In recent years, Buckel had immersed himself in environmental causes, most recently serving as the senior organics recovery coordinator with the NYC Compost Project, funded by the city's sanitation department.

Taylor remembers Buckel as uniquely principled. "He was a visionary, a brilliant strategist who was extremely passionate about his work but also incredibly kind to his colleagues," she says. "Everyone at Lambda had a story about how he reached out to them and showed his humanity."

In addition to his work on marriage equality while at Lambda Legal, Buckel in 2001 represented the family of Brandon Teena, the transgender man murdered in Nebraska in 1993. (Hilary Swank won an Oscar for her portrayal of Teena in the movie *Boys Don't Cry*.) In that case, the local sheriff was found liable for failing to protect Teena, who, feeling threatened, had contacted his office days before the murder.

It was not the only work Buckel would do to hold accountable authorities who did not safeguard LGBTQ people. He also brought the landmark 1996 case *Nabozny v. Podlesny*, in which a jury found that school officials in Wisconsin had failed to protect a student, Jamie Nabozny, from homophobic bullying so severe that he had to drop out of school. Nabozny and



his family were awarded nearly \$1 million in damages.

"That was a huge breakthrough at a time when bullying of LGBTQ students was not yet acknowledged nationally as a problem" says Jennifer Pizer, Lambda Legal's Law and Policy Director, who worked

with Buckel for a decade. "It sent a powerful message nationwide to school administrators that they have a responsibility to protect all their students," she says.

With other developments, the case led to school policies to prevent and address bullying, especially of LGBTQ students.

"David was kind and funny and deeply committed to our work at Lambda Legal," remembers Pizer. "He had a strong sense of justice and an urgent moral call, particularly when it came to calling out the irresponsibility of institutions in not protecting the vulnerable, especially LGBTQ people." 

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*Suicide and suicide attempt rates are particularly high among LGBTQ people, especially young ones. If you're struggling with those issues, or someone you know is, contact The Trevor Project's 24/7 Lifeline by call, text, or online chat at (866) 488-7386 or [thetrevorproject.org](http://thetrevorproject.org).*