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## 04/06 eNews

THE ISSUES | IN COURT | NEWS/PUBLICATIONS | IN YOUR STATE | TAKE ACTION | HELP DESK | [JOIN NOW](#) | ABOUT US

### In This Issue

**Largest Survey of LGBT Employees in a Decade Happily Ever After...After All Take Lambda Legal to the Prom Register Your Gift of Equality Changing Lives...One Gnome at a Time Last Stop for Marriage in New York 2006 Membership Drive**



#### In Brief

by Kevin Cathcart  
Lambda Legal  
Executive Director

The last time you changed jobs, did you think about whether

your prospective employer was committed to equality for lesbian, gay, bisexual and transgender people? If so, then you're in step with your peers, according to a recent workplace fairness survey Lambda Legal conducted with Deloitte Financial Advisory Services LLP.

Many of you participated in the online survey last fall. In total we had 1,200 respondents, making it the largest survey of LGBT people (and some allies) in the United States about workplace experiences in more than a decade. And I don't have to tell you how much things have changed in the past decade. For instance, 74 percent of you now report being out at work, while 54 percent say that you consider an employer's policies and practices advancing workplace fairness to be a "critical factor" in deciding where to work.

This is good news for the growing number of employers who've made a concerted effort to foster equality in the workplace. Employers understand that diversity is good business: If they want to attract the most talented employees then they must demonstrate a commitment to workplace fairness. Now we've got the numbers to back this up.

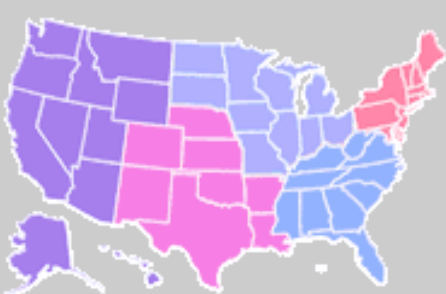
But the picture is not all rosy. More than one-third of you reported experiencing some form of antigay discrimination or harassment in the workplace. It's this part of the story that forms the bedrock of Lambda Legal's work — and fuels our ongoing fight to eradicate workplace discrimination in the courts and through our "Blow the Whistle on Workplace Discrimination" campaign.

### Help Desk Q&A

**Q:** My school was one of the law schools that protested the military's "Don't Ask, Don't Tell" policy by refusing to allow military recruiters on campus. But now the Supreme Court says this is unconstitutional. I feel very discouraged. Is there anything that we can do to fight the government's antigay bigotry?

**A:** Yes. The Supreme Court's decision on the Solomon Amendment makes explicitly clear that law schools and students like you have every right to protest the military's "Don't Ask, Don't Tell" policy. The Solomon Amendment requires schools to allow military recruiters on campus or be stripped of their federal funding. But the Court also stated: "[T]he Solomon Amendment regulates conduct, not speech. It affects what law schools must do — afford equal access to military recruiters — not what they may or may not say." There are many effective ways that law students, professors and school administrators can express their disagreement with the military's policies, and Lambda Legal has put together a fact sheet called "[The Solomon Amendment: What You Can Do at Your School](#)" to help get you started.

### Events Around the Country



### Lambda Legal Newsroom

Is the U.S. Supreme Court ready to hear the case for marriage equality? Lambda Legal's Legal Director Jon Davidson talks to the [Associated Press](#) about the recent challenge to the so-called Defense of Marriage Act and how it fits in with Lambda Legal's marriage strategy across the country.

### Support Lambda Legal today.

Make a donation and support Lambda Legal's groundbreaking impact litigation, public education and advocacy work.

In the years ahead, the struggle for LGBT equality will continue to take place in the courts. Yet our ability to get a fair hearing will be threatened if President Bush appoints extremists to fill judicial vacancies. That's why Lambda Legal is gearing up to make sure all supporters of justice know what's on the line. [Make a donation today](#) and help us defend the fairness of the courts.

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### Liberty Awards National Dinner \* New York, NY \* 5/8/2006, 6:00 p.m.

Join Lambda Legal members from around the country for the 20th Annual Lambda Legal Liberty Awards National Dinner and plan your New York [Lambda Legal getaway](#) weekend! [Make your reservations and secure your sponsorship online](#) or contact Koren Manning at [kmanning@lambdalegal.org](mailto:kmanning@lambdalegal.org) or 212-809-8585 x231 for more information.



### Largest Survey of LGBT Employees in a Decade

Every day more employers are strengthening their businesses by promoting workplace fairness for lesbians, gay men, bisexuals and transgender people in their policies and practices — and this commitment to equality is crucial for LGBT employees. In a recent survey conducted by Lambda Legal and Deloitte Financial Advisory Services LLP, nearly two-thirds of respondents reported that their employers actively promoted LGBT workplace fairness, and 54 percent said that such policies were a "critical" factor in deciding where to work. [Check out the rest of the results](#) from the "Blow the Whistle on Workplace Discrimination" survey and visit [Deloitte's Diversity & Inclusion Initiative](#).

### Happily Ever After...After All

Imagine a judge ordering your partner to move out of the home you share in order for you to keep custody of your child. That's what happened to Ulf Hedberg, a gay father, and his partner in Virginia. [Lambda Legal represented the family on appeal](#) in Maryland (where the family moved to comply with the restriction), and the court agreed that the family should have their day in court. Last week, the trial court ruled that it was not in the child's best interest for his father and stepfather to be separated, and the family was finally reunited.



### Take Lambda Legal to the Prom

Prom should be about celebration, not discrimination. As part of Lambda Legal's "[Out, Safe & Respected](#)" campaign, we've put together a [prom initiative](#) to educate young people about their rights. We have a Q&A answering common questions about the prom, including whether schools can require permission slips or enforce a dress code based on gender stereotypes. If you know of a young person or educator gearing up for prom season, tell them to check out these and other new resources on the "[Out, Safe & Respected](#)" website at [www.lambdalegal.org/osr](http://www.lambdalegal.org/osr) and be sure to look for our banner ads on [MySpace.com](#).

### Register Your Gift of Equality

Hundreds of people have included Lambda Legal in their celebrations and memorials by asking friends and family to make gifts to Lambda Legal. Registering a celebration or memorial makes it easy for friends and family to make gifts in your honor that support our work. It also helps us keep you informed of who has made a gift. To register a celebration or memorial, or to find out more, visit [www.lambdalegal.org/giftregistry](http://www.lambdalegal.org/giftregistry).



### Changing Lives...One Gnome at a Time

In the latest issue of [Lambda Legal Of Counsel](#), our bimonthly eNewsletter for the legal community, Staff Attorney Brian Chase discusses how he recently represented [two "gnomes" in their quest for equality](#) in cyberspace. Sara Andrews and Greg Wu, who play the gnomes Shimmre and Kadavra in the multiplayer online game World of Warcraft, needed Lambda Legal's help to fight discrimination by the game's administrators. Find out more about this battle — and [sign up for Of Counsel](#) today!

### Last Stop for Marriage in New York

Lambda Legal will argue [our historic case for marriage in New York](#) before the state's highest court on May 31, 2006, bringing New Yorkers one step closer to equality just in time for the summer Pride season. The [five couples](#) in this case have been together between four and 23 years and three of the couples are raising children — all deserve the protections that marriage can provide. Lambda Legal filed the case in New York City in 2004, shortly after the Massachusetts Supreme Court ruled that same-sex couples in that state must be allowed to marry.



### Lambda Legal 2006 Membership Campaign

In 2005, 34,018 people were paid members of Lambda Legal. Please help us increase our membership by 10 percent in 2006.

[Please join Lambda Legal today.](#)





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## 05/06 eNews

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### In This Issue

**Condi Has the Power...Tell Her to Use It!**  
**The ABC's of Discrimination**  
**A Little Help from Our Friends**  
**South America, the Caribbean and Julia Roberts Can Religion Justify Discrimination?**  
**Making Lemonade from Lemons**  
**2006 Membership Drive**



**In Brief**  
by Kevin Cathcart  
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Like many seniors at their Chicago school, Heather Hall and Jorge Mena are getting ready for final exams. But unlike other students, Heather and Jorge are embroiled in a public battle they hope will leave a legacy long after they're gone: They're fighting to establish the Noble Street Charter High School's first gay-straight alliance (GSA).

Heather and Jorge's request to form their club and have access to the same services that other groups have has been subject to numerous roadblocks. I can't give too many details about the case, as Lambda Legal currently is in settlement negotiations with the school, but it brings up the interesting question of charter schools and whether they are bound by the same federal laws that govern other public schools. The short answer, if they accept federal funds, is yes.

Charter schools operate under a state or municipal charter that frees them from some of the rules and regulations that apply to other schools in exchange for a promise to improve student achievement. Recent studies have found that these schools serve an increasing number of poor and minority students. Noble Street is about 80 percent Latino and 10 percent African American. It offers a rigorous college preparatory curriculum and emphasizes personal discipline and motivation. To support the latter, the school encourages participation in student clubs such as Student Council, Poetry Slam and various athletic teams.

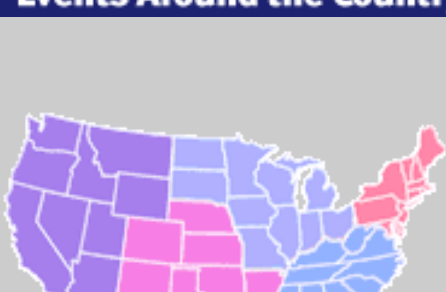
Because Noble Street allows clubs to meet and accepts federal funds, according to the federal Equal Access Act, it cannot bar a club because of its point of view. While a charter may indeed exempt a school from some rules and regulations, it does not condone discrimination — and that's exactly what is happening here.

### Help Desk Q&A

**Q:** I am the pastor of a small congregation in Iowa, and I have been following your case seeking marriage for same-sex couples in my state. What can I do to help support this fight?

**A:** As a faith leader in your community, there is a lot that you can do to support same-sex couples in the fight for marriage equality. Just by speaking out as a person of faith, you can have a huge impact on the public discussion of this issue. People of faith have traditionally stood at the front of the march for civil rights. You can deliver a sermon and talk about your reasons for supporting marriage for lesbian and gay couples. During services that recognize and celebrate families or couples, you can welcome the participation of lesbian and gay couples and their children. You are in an ideal position to educate people about the difference between religious unions celebrated by faith communities and civil marriage regulated by the government. Take the next step and check out our tool kit "[People of Faith Speak Out! Voices for Marriage Equality.](#)"

### Events Around the Country



### Lambda Legal Newsroom

Is it discrimination for a school to keep an evangelical Christian student from spouting hate speech on campus? Legal Director Jon Davidson weighs in on the issue in the [Baltimore Sun](#), as Georgia Institute of Technology's tolerance policy, which protects LGBT people and others from hate speech, comes under fire from the radical right.



Lambda Legal's *Of Counsel* is a bimonthly eNewsletter offering special insight for the legal community. In every issue, you'll find analysis of Lambda Legal's groundbreaking litigation, reflections on strategy and tactics written by Lambda Legal attorneys, and much, much more. Don't miss another issue of Lambda Legal's *Of Counsel* — [Sign up today.](#)

*"Of Counsel is a must-read for anyone who needs to keep up-to-date on the litigation strategies being implemented by Lambda Legal." — Ross Runkel, Professor of Law Emeritus at Willamette University*

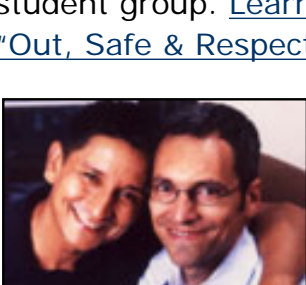


### Condi Has the Power...Tell Her to Use It!

Condoleezza Rice has the power to end the discriminatory policy at the State Department that bars all people with HIV from being hired by the Foreign Service, regardless of their qualifications or health status. [Lambda Legal argued a case](#) on behalf of an applicant with HIV just last week. We've also launched our "Tell Condoleezza Rice We Mean Business" campaign, and more 2,400 of you have already signed our petition! Help us keep the pressure on by [adding your name to our petition](#) if you haven't already and [tell five of your friends](#) about the campaign. Help stop this needless discrimination today.

### The ABC's of Discrimination

[Heather Hall and Jorge Mena](#) have been wrestling with the Noble Street Charter School administration for nearly their entire senior year, trying to have their first official meeting of a gay-straight alliance (GSA). Federal law requires their school to treat the GSA like any other student group, but instead the principal has forced them to meet unofficially and barred them from putting up signs or handing out flyers. Lambda Legal is representing Heather and Jorge and fighting for their right to be treated like any other student group. [Learn more about GSAs](#) and Lambda Legal's "[Out, Safe & Respected](#)" campaign.



### A Little Help from Our Friends

Last week, numerous professional, religious and civil rights organizations filed 14 friend-of-the-court briefs urging the New York Court of Appeals to [lift the ban on marriage for same-sex couples](#) in the state. Supporters included a coalition of more than 150 religious organizations, congregations and clergy and the NAACP Legal Defense & Education Fund. [Read a summary of all the briefs](#) or download PDFs of the complete briefs — and don't forget to [watch the oral argument for Lambda Legal's marriage case](#) in New York live via the web on May 31, 2006.

### South America, the Caribbean and Julia Roberts

Don't miss this chance to win big! Participate by phone in the [live auction](#) at Lambda Legal's annual [Liberty Awards National Dinner](#) on Monday, May 8 at 9:00 p.m. EDT. Simply [provide us with your phone number](#) and we'll call you when the live auction begins. You will be able to bid on a luxury trip to South America, an R Family Vacation Cruise to the Caribbean and a theater night featuring Julia Roberts on Broadway in "Three Days of Rain" with dinner, tickets and backstage passes.



### Can Religion Justify Discrimination?

Lambda Legal has [asked the California Supreme Court to hear a case](#) on behalf of Guadalupe "Lupita" Benitez, who was denied infertility treatment by her fundamentalist Christian doctors after more than a year of preparatory treatment because she is a lesbian. While [this case has taken many turns](#), we are now asking the high court to review the latest appellate decision, which ignores established precedent, medical ethics and the civil rights laws of California, and answer the central question of whether people can use religion to justify discrimination.

### Making Lemonade from Lemons

Recently, the U.S. Court of Appeals ruled that [Darlene Jespersen](#) did not have sufficient evidence to show that unlawful sex discrimination had occurred in her case against Harrah's Casino. Lambda Legal took the case three years ago and worked with the factual information already submitted at trial, hoping to strengthen federal protections and combat this kind of harmful sex discrimination that so many LGBT people face. There is, however, a silver lining: the court clearly states "that appearance standards, including makeup requirements, may well be the subject of a Title VII claim for sexual stereotyping," laying groundwork for future claims.



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