

ADL and the LGBT Community: A Commitment to Equal Rights

“...to secure justice and fair treatment to all citizens alike and to put an end forever to unjust and unfair discrimination against and ridicule of any sect or body of citizens.”

ADL Founding Charter (1913)

The Anti-Defamation League has a longstanding commitment to protecting civil rights, and has been a key partner in advancing Lesbian, Gay, Bisexual, and Transgender (LGBT) rights. At the federal, state, and local levels, ADL has advocated in support of anti-discrimination statutes, for strong and inclusive hate crime and bullying prevention laws, and for marriage equality. In addition, as one of the nation’s preeminent producers of educational and training resources to address bias and prejudice, ADL’s educators and trainers have integrated inclusive resources in our anti-bias training for schools, universities, corporations, and community organizations throughout the United States and abroad.

MARRIAGE EQUALITY

ADL opposes barriers to marriage equality, including the so-called federal “Defense of Marriage Act” (DOMA) and related state laws and ballot propositions. The League has filed *amicus* briefs, on behalf of itself and nearly two dozen religiously-affiliated civil rights groups, challenging the Federal DOMA and state laws, constitutional amendments, and ballot measures that defined marriage as exclusively between one man and one woman. ADL’s briefs argued that overturning a marriage ban would not only ensure that religious considerations do not improperly influence which marriages the state can recognize, but would also allow religious groups to decide the definition of marriage for themselves.

- [DeLeon v. Perry](#) (U.S.C.A. 5th Circuit, 2014) (TX)
- [Wolf v. Walker](#) (U.S.C.A. 7th Circuit, 2014) (WI)
- [Baskin v. Bogan](#) (U.S.C.A. 7th Circuit, 2014) (IN)
- [Latta v. Otter](#) (U.S.C.A. 9th Circuit, 2014)
- [Bostic v. Schaefer](#) (U.S.C.A. 4th Circuit, 2014) (VA)
- [Kitchen v. Herbert](#) (U.S.C.A. 10th Circuit, 2014) (UT)
- [Bishop v. Smith](#) (U.S.C.A. 10th Circuit, 2014) (OK)
- [Henry v. Himes](#) (U.S.C.A. 6th Circuit, 2014) (OH)
- [Tanco v. Haslam](#) (U.S.C.A. 6th Circuit, 2014) (TN)
- [Bourke v. Beshear](#) (U.S.C.A. 6th Circuit, 2014) (KY)
- [DeBoer v. Snyder](#) (U.S.C.A. 6th Circuit, 2014) (MI)
- [U.S. v. Windsor](#) (U.S.C.A. 2nd Circuit, 2012; US Supreme Court, 2013) (NY)
- [Hollingsworth v. Perry](#) (US Supreme Court, 2013) (CA)
- [Sevcik v. Sandoval & Jackson v. Abercrombie](#) (U.S.C.A. 9th Circuit, 2013) (NV & HI)
- [Griego v. Toulouse](#) (New Mexico Supreme Court, 2013)
- [Golinski v. OPM](#) (9th Circuit, 2012) (CA)
- [Gill et al. v. OPM](#) (1st Circuit, 2011) (MA)
- [Perry v. Schwarzenegger](#) (9th Circuit, 2010) (CA)
- [Lewis v. Harris](#) (New Jersey Supreme Court, 2010)
- [Strauss v. Horton](#) (California Supreme Court, 2009)
- [In re Marriage Cases](#) (California, 2007)
- [Hernandez v. Robles](#) (New York, 2006)

DISCRIMINATION

For more than 25 years, ADL has supported anti-discrimination laws that explicitly bar discrimination in employment, housing, and public accommodations on the basis of sexual orientation and gender identity. Through our advocacy work, ADL has not only [advocated inclusive anti-discrimination laws](#) such as the Employment Non-Discrimination Act, but also for an [inclusive interpretation](#) and enforcement of existing federal anti-discrimination laws, such as Title IX of the Education Amendments of 1972 and Title VII of the Civil Rights Act of 1964. ADL has filed briefs encouraging courts to eliminate discriminatory barriers to LGBT people's full inclusion in society, including in:

- **[Christian Legal Society v. Hastings Law School](#)** (U.S.C.A. 9th Circuit, 2006; US Supreme Court, 2010)
The Court held that public universities have a right to implement and enforce policies that reject discrimination by school clubs, affirming the Ninth Circuit.
- **[David Parker v. William Hurley](#)** (U.S.C.A. 1st Circuit, 2008)
This case addressed whether an elementary school curriculum which taught about diversity, including same-sex families, violated parents' rights to privacy, to raise their children, or to exercise their religion. ADL argued that teaching about diversity is reasonably related to the school's goals of preparing children for a diverse society, and that such teachings do not necessarily violate parents' rights. The court agreed, dismissing the case.
- **[Benitez v. North Coast Women's Care Medical Group](#)** (California, 2005)
Guadalupe Benitez was denied infertility treatment by her physicians on the basis of their religious beliefs and her sexual orientation. ADL joined a number of organizations to argue that such action violated anti-discrimination laws. The California Supreme Court unanimously agreed.
- **[Lawrence v. Texas](#)** (US Supreme Court, 2003)
The Court struck down the Texas sodomy law and, by extension, invalidated sodomy laws in 13 other states, overturning its previous ruling in the 1986 case, *Bowers v. Hardwick*, where it upheld Georgia's sodomy law and did not find a constitutional right to privacy.
- **[Boy Scouts v. Dale](#)** (US Supreme Court, 2000)
The Court held that a private organization like the Boy Scouts may exclude a person from membership when "the presence of that person affects in a significant way the group's ability to advocate public or private viewpoints."
- **[Romer v. Evans](#)** (US Supreme Court, 1996)
The Court struck down Colorado's law banning anti-discrimination protections for LGBT individuals.
- **[Equality Foundation of Greater Cincinnati Inc. v. Cincinnati](#)** (US Supreme Court, 1996)
In 1993, Cincinnati voters passed an initiative to prohibit the city from allowing gay, lesbian, or bisexual individuals to have minority or protected status. After the Sixth Circuit upheld the initiative, ADL joined a brief urging the U.S. Supreme Court to review the case. It declined, allowing the law to stand.
- **[Hurley v. Irish American Gay, Lesbian, and Bisexual Group of Boston](#)** (US Supreme Court, 1996)
When the South Boston Allied War Veterans Council refused to allow the Irish American Gay, Lesbian, and Bisexual Group of Boston (GLIB) a place in the 1993 Saint Patrick's Day Parade, the Massachusetts State Court ordered their inclusion. The Veterans' Council appealed, arguing the forced inclusion violated their free speech as private event organizers. ADL's brief urged that the lower decision be upheld, but the Supreme Court unanimously overturned it.
- **[Curran v. Mount Diablo Council of the Boy Scouts of America](#)** (California Court of Appeals, 1996)
Tim Curran was not allowed to become a Scoutmaster on the basis of his sexual orientation. He sued, and ADL filed an *amicus* brief arguing that the Boy Scouts of America was unlawfully discriminating against Curran. The California court found no violation.
- **[Lowe v. Kiesling](#)** (Oregon Supreme Court, 1995)
An Oregon ballot measure would restrict the rights of gay and lesbian people by preventing their inclusion in government classifications, blocking such potential benefits as affirmative action, spousal benefits, and more. The court dismissed the case against the measure as moot since the measure failed to pass.
- **[Washington Association of Churches v. Munro](#)** (Washington State Supreme Court, 1994)
A Washington ballot measure to block anti-discrimination legislation for sexual orientation was challenged in this case. ADL argued that protections against discrimination could not be put to a popular vote, but the court refused to rule on the constitutionality, allowing the ballot initiative to move forward.

LEADING THE EFFORTS TO ENACT INCLUSIVE HATE CRIME LAWS

Over the past 30 years, ADL has emerged as the [nation's leader](#) in crafting and advocating for inclusive state and federal hate crimes laws. ADL wrote a model hate crime law in 1981, and now 45 states and the District of Columbia have hate crimes laws. ADL led the broad coalition of civil rights, religious, law enforcement, education, and professional organizations that worked for 13 years to secure enactment of the [Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act \(HCPA\)](#) in October, 2009 – the first time gender identity was included in a federal civil rights law. The League also played a lead role in helping the FBI update and revise its post-HCPA [Hate Crime Data Collection Guidelines and Training Manual](#), which includes new definitions and inclusive training scenarios. ADL's website features an interactive [database](#) on State Hate Crimes Statutory Provisions, which detail which states' hate crimes laws include sexual orientation and gender identity as protected categories.

ADL has filed *amicus* briefs and joined coalition *amicus* briefs in the most important challenges to hate crime statutes, including the first coalition brief in a challenge to the HCPA.

- [United States v. Miller \(USCA 6th Circuit, 2014\)](#)
The Defendants in this case challenged the constitutionality of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (HCPA). ADL filed an *amicus* brief on behalf of 40 prominent civil rights, human rights, religious, education, and law enforcement organizations urging the Sixth Circuit to uphold the constitutionality of HCPA.
- [People v. DeLee \(New York Court of Appeals, 2013\)](#)
DeLee was convicted of first-degree manslaughter as a hate crime, under a New York State law patterned after ADL's Model Law. The jury also found DeLee not guilty on a second count, which was described to the jury as including manslaughter "but not as a hate crime." DeLee's attorneys appealed the verdict, and the Appellate Division agreed; DeLee was immediately released from prison. ADL joined a distinguished group of organizations urging the Court to reinstate the conviction so that justice may be served.
- [Virginia v. Black, 538 U.S. 343 \(2003\)](#)
In 2003, three defendants in two separate cases in Virginia were convicted of violating Virginia's statute against cross burning. In the *amicus* brief, ADL supported neither side, but sought to protect First Amendment rights and fight hate and bigotry.
- [Wisconsin v. Mitchell, 508 U.S. 476 \(1993\)](#)
This case involved a young black man convicted of racially-motivated aggravated battery against a young white man. Mitchell challenged the constitutionality of his sentence, which had been increased under a Wisconsin hate crime statute. ADL argued that such penalty enhancements were constitutional, and the Supreme Court unanimously agreed.
- [Snyder v. Phelps, 562 US ___ \(2011\)](#)
This case arose when a deceased soldier's father sued the Westboro Baptist Church (WBC), a hate group that frequently pickets LGBT events, after the group protested near his son's funeral. ADL filed a brief in support of neither side. The ruling held that, however hurtful the speech, the First Amendment protects their right to protest publicly, even at a funeral.
- [Brandon v. County of Richardson, Nebraska \(Nebraska Supreme Court, 2001\)](#)
Brandon Teena was a transgender man who was brutally raped. The county sheriff abusively questioned the victim and proceeded to notify the rapists that Teena would be pressing charges, despite the duty to protect a witness who agrees to help law enforcement officials and strong evidence that Teena's life was in danger. The Nebraska Supreme Court held the sheriff liable for abusive treatment and failure to protect.

“DON'T ASK, DON'T TELL”

ADL opposed this ill-conceived exclusionary military policy enacted in 1996, supported the successful repeal efforts, and urges full implementation of the repeal. In our 2012 statement of policy priorities on a range of international and domestic issues submitted to both the Democrat and Republican Platform Committees, [ADL urged the elimination of barriers](#) preventing transgender people from serving their country.

EDUCATION INITIATIVES

Through A WORLD OF DIFFERENCE® Institute, ADL has demonstrated that education is the best antidote against hate. Complementing our advocacy work confronting bullying and hate violence, our anti-bias education training initiatives are capable of changing hearts and minds before biased attitudes can escalate into acts of hate.

Recognizing that LGBT youth are frequent targets of name-calling, bullying, and bias-motivated hate, ADL's education programs and resources are designed to counter homophobia and anti-LGBT bias. The following programs and resources are available through the Anti-Defamation League and directly address LGBT issues:

- [Unheard Voices: Stories of LGBT History](#) (Grades 9-12 Curriculum Connections)
An oral history and curriculum project put together by ADL, GLSEN, and StoryCorps that will help educators integrate LGBT history, people, and issues into their instructional programs.
- [What Is Marriage Equality?](#) (Grades 4-8 Current Events Classroom)
A lesson for grades 4-8 that allows students to explore marriage equality, gain background information about it, and reflect on their own thoughts and feelings about marriage equality.
- [Transgender Identity and Issues](#) (Grades 9-12 Current Events Classroom)
A lesson for grades 9-12 that provides an opportunity for high school students to learn more about transgender identity and issues, the barriers faced by people who identify as transgender or are gender non-conforming, and how we can make our schools safe and welcoming for transgender and gender non-conforming students.
- [Discussing Transgender and Gender Non-Conforming Identity and Issues: Suggestions and Resources for K-12 Teachers](#) (Anti-Bias Curriculum Resources)
A resource for K-12 teachers that gives a brief overview of statistics and why it is necessary to discuss transgender issues in the classroom.
- [Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act Fifth Anniversary](#) (Grades 6-12 Current Events Classroom)
Using the fifth anniversary of the HCPA as a focus, this resource provides background on who Matthew Shepard and James Byrd, Jr. were and their bias-motivated murders in 1998. Students can learn about how hate escalates and consider what young people can do in their schools and communities to prevent hate crimes.
- [Analyzing Hate Crimes Statistics](#) (Grades 9-12 Current Events Classroom)
This resource provides an opportunity for grade 9-12 students to learn more about hate crimes, the annual report and background on the 2009 Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (HCPA) and explore possible actions they can take to prevent hate crimes.
- [Terminology Related to Sexual Orientation and Gender Identity](#)
A glossary of terminology relating to transgender and gender non-conforming identity.
- ['That's So Gay:' Language That Hurts and How to Stop It](#) (ADL blog)
In honor of the 10th anniversary of GLSEN's No-Name Calling week, this blog post provides a brief guide to help adults respond when intervening against biased language.
- [Identity-Based Bullying](#) (Grades 2-5 Current Events Classroom)
A lesson for grades 2-5 helps students define and understand identity-based bullying, reflect on experiences they have had, and analyze scenarios and come up with potential solutions.

LGBT ISSUES INTERNATIONALLY

ADL's commitment to and advocacy on behalf of LGBT people does not stop at our nation's borders. ADL served on the drafting committee for the Organizations for Security and Cooperation (OSCE) Office of Democratic Institutions and Human Rights (ODIHR) [inclusive manual on hate crime laws](#). And ADL continues to speak out on LGBT issues around the globe:

- [Expressing concern at Nigeria's enactment of a law persecuting gay and lesbian people;](#)
- [Calling for 'A New Jackson Vanick' in response to anti-gay bigotry and harassment in Russia;](#)
- [Calling on Russian World Cup Director to apologize for anti-gay Nazi analogy.](#)

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