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Out and About: LGBT Legal -- A New Currency

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Lately, I have been thinking a lot about compassion.

Experiencing compassion presents us with opportunities to expand beyond ourselves, and to contribute to one another in extraordinary and transformative ways. And in times of disaster, when compassion manifests, it provides the lifeline of hope to those in distress. Thomas Merton said that "the whole of compassion is based on a keen awareness of the interdependence of all living beings, which are part of one another, and all involved in one another."

On January 12, a series of calamitous earthquakes rocked Haiti, a country already struggling with survival given its lot as the poorest country in the Western Hemisphere. As news and photographs detailing the devastation circulated, I forced myself to read the accounts of the rescue efforts, and to view the heartbreaking faces of the Haitian people and others who were in Haiti when the seismic events occurred. Faces of the survivors, the injured and the dead. I was mindful of the tendency to detach, to go numb in the wake of such tragedy, but I felt I owed it to those who suffered this nightmare to be present to their pain, to our pain.

President Obama published an article in Newsweek a few weeks following the tragedy in Haiti. In the article, he wrote about the "fragility of life" and the "compassion of the American people." He said that as a nation, we use our power to "lift up" others, and that "at no time is that more true than in moments of great peril and human suffering." It is because of America's compassion "that the world looks to us with a mixture of awe and admiration... America is acting on behalf of our common humanity."

We have witnessed a miraculous mobilization of humanitarian relief in response to the horror in Haiti. Support has come from many places: Catholic Charities and

other religious organizations, celebrity fundraisers and ordinary citizens' cellphone text donations, all resulting in millions of dollars in aid. In Baltimore, residents of a homeless shelter came together to raise \$14.64 for the people of Haiti. The names of those who donated this money are unknown; they sought no glory for their contributions. Rather, they were compelled to provide tangible expressions of their compassion through food, water, clothing and medical supplies to those in this wounded country whose world has been turned upside down.

For the Red Cross, this event has been historic, with the Haitian disaster involving more emergency response teams than any other single-country disaster in the organization's history. LGBT Americans, through a tremendous outreach effort, have banded together to assist the American Red Cross to honor a \$67 million commitment to meet the most pressing needs of the earthquake survivors. An LGBT Haiti Relief Fund was established, and is raising significant money. LGBT individuals, businesses and faith communities have generously joined forces to fortify the resources of the American Red Cross as it carries out this massive mission.

Judy Dlugacz, president and founder of Olivia, a lesbian cruise company, noted that "the symbolism of a unified, community-based financial response is important--it represents a fitting effort to reach beyond our borders with a message of hope and goodwill from LGBT Americans." Mark Bromley, Chair of The Council for Global Equality, is asking members of the LGBT community to "speak as one voice", and to donate to the LGBT Haiti Relief Fund as an expression of this community's "deepest compassion and support to the people of Haiti." The Rainbow World Fund is guided by the principle that we are "one human family", and our survival depends on pulling together for the good of the global community. In response to the Haiti catastrophe, the Rainbow World Fund is also sending financial aid. In fact, this organization had pledged a substantial monetary contribution to community work in Haiti even before the events of January 12, notwithstanding that in Haiti, discrimination against LGBT people and those living with HIV is commonplace.

Yes, LGBT people know well the importance of compassion.

And like other minority groups that have historically been marginalized, many in the LGBT community have experienced the withholding of compassion in the name of God, religion, tradition and social values.

On January 11, the very day before the Haitian cataclysm, the federal trial challenging California's Proposition 8 -- Perry v. Schwarzenegger -- began in Judge Vaughn Walker's courtroom in the Northern District of California. The case challenges the constitutionality of Proposition 8, a ballot initiative eliminating the right of same-sex couples to marry, approved by voters some six months after the California Supreme Court recognized the right to marriage equality. Ted Olson, the plaintiffs' attorney, argued in his opening statement that the case is really about marriage and equality. But isn't it also about compassion? Compassion that is being denied gays and lesbians by depriving them the civil right to marry?

The plaintiffs' team, led by Ted Olson and David Boies, has obliterated every aspect of the defendants' arguments opposing same-sex marriage. Two defense experts who had been deposed prior to trial, Dr. Paul Nathanson and Dr. Katherine Young, were not called by the defendants who had retained them. Their videotaped deposition testimony was admitted at trial though, and supported the plaintiffs' arguments for marriage equality. Both witnesses testified that same-sex marriage would increase family stability, and improve the lives of the children of same-sex

parents. Nathanson and Young admitted that there is consensus in the scientific and professional communities favoring marriage equality by organizations such as the American Anthropological Association, the American Psycho-Analytic Association, the American Psychiatric Association and the American Academy of Pediatrics.

This left only two "experts" in the defense arsenal -- Kenneth Miller, a political science professor from McKenna College, whose credibility was destroyed on cross examination, and David Blankenhorn, the founder of the Institute for American Values. Cross examination established Blankenhorn's inadequate expert credentials, and demonstrated how much of his testimony likewise supported the case for marriage equality. With all of the evidence now in the record, it is clear that the defense case was incredible, flimsy and rooted in discrimination.

As we await closing arguments and a decision by Judge Walker on the fate of Proposition 8, I find myself thinking again about compassion, and the juxtaposition of the events in this Northern California courtroom and Haiti. How can it be that many of the very same people who organize and contribute to those in need in places like Haiti, can take a stance against marriage equality for LGBT people? Is compassion reserved only for "moments of great peril and human suffering"? How do we distinguish between one form of human suffering and another? What is the metric that measures the nature of human pain, such that one type of suffering deserves our compassion, while another does not? Does it depend on who is doing the suffering?

What if we practiced everyday compassion? Not simply in reaction to disaster, destruction and death, but proactively, as fundamental to our daily interactions? What if compassion were the new currency, and the measure of our success?

President Obama, in his first State of the Union address, pointed out that we are experiencing a "deficit of trust." If, as the President has also said, this nation has the power to lift up others, should we not harness that power to lift up ourselves as well? The replenishment of this trust will occur by incorporating compassion into our collective mindset, and demonstrating its gift in ordinary ways, not only in times of crisis. As the Dalai Lama has said, compassion is not religious business, but human business, essential for survival.

Opponents of same-sex marriage would have us believe that granting equal rights to gays and lesbians would undermine the structure of society. But it is fear, and withholding of compassion while denying we are really part of one another, which threaten our existence.

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