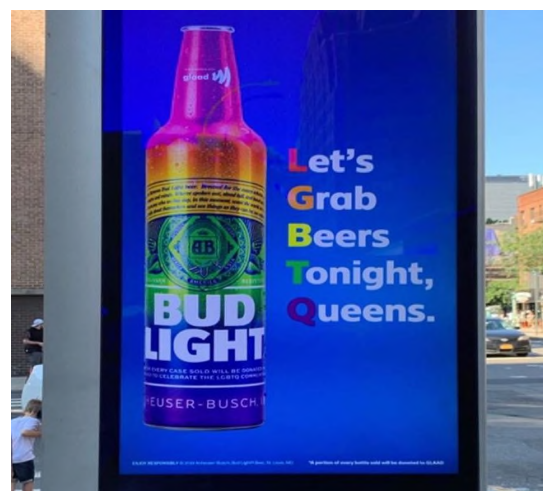


By: *Dan Sullivan*

CELEBRATING PRIDE: Looking Back and Moving Forward

In June, the Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersex, and Ally (“LGBT+”) community celebrates “Pride,” an amorphous concept that culminates in parades, parties, and corporations outwardly pledging their support of gay dollars everywhere. Most people are vaguely familiar with history of the Pride. After enduring decades of state-sanctioned police harassment, the queer residents of Greenwich Village, New York fought back in a series of spontaneous demonstrations (riots) in response to a police raid that began in the early morning hours of June 28, 1969, at the Stonewall Inn.

This series of protests is credited as the “origin story” of the modern gay liberation movement, which has culminated in a series of key legal victories for the LGBT+ communities. *Lawrence v. Texas*, 539 U.S. 558 (2003), decriminalized same-sex sexual relations between consenting adults. *Obergefell v. Hodges*, 576 U.S. 644 (2015), established that the fundamental right to marry is guaranteed to same-sex couples under both the Due Process and Equal Protection Clauses of the Fourteenth Amendment. *Bostock v. Clayton County*, 590 U.S. ___ (2020), held that Title VII of the Civil Rights Act of 1964 protected employees against discrimination on the basis of sexual orientation. Pride is certainly a celebration of these landmark cases affirming the humanity of LGBT+ people.



Bud Light's oof-tastic and cringeworthy Pride marketing poster for 2021.

But these cases are not the complete picture. Progress remains slow. Even in our home state of Louisiana, legal protections for the LGBT+ community are notably missing. Louisiana lacks numerous LGBT+ protections in basically all aspects of Louisiana life: parental recognition, education, medical care, schools/youth, health insurance, data collection—the list goes on and on. Even this week, SB 156, a law banning transgender girls and women from participating in sports consistent with their gender identity, was put on Governor Edwards’s desk. Governor Edwards vetoed that bill and made a strong statement in support of trans athletes wanting full participation in the State of Louisiana.

For me, the lack of LGBT+ protections within our home state have had and will continue a very real impact on the decisions that I have made in my own life. Prior to joining MBLB, I was offered an associate position at an insurance defense firm in Jefferson Parish, which I declined for several reasons. But one of the major considerations was working in a location where there was no protection from employment discrimination on the basis of sexual orientation at the state or parish level. When Pete and I bought our house, I made sure that we used a trusted family member to handle our mortgage because historic data shows that same-sex borrowers are much more likely to be denied loans and tend to be charged higher fees and interest. These just a couple quick examples of the many landmines that I have to be aware of as a minority living in America in order to gain access to my “life, liberty, and pursuit of happiness.”

So, when I, as a gay man and as a lawyer, celebrate Pride, I look back at the doors that have been opened for me through the sacrifices and hard-fought legal battles of those who came before. I am fortunate that in 2021, I do not have to rely on enforcement of employment non-discrimination acts in order to keep my job. Pete and I can be confident that we are able to purchase a home without being discriminated against or charged outrageous fees or interest rates. (Thanks, Brexit, for driving down interest rates!) We can live in a neighborhood where the only thing offending the neighbors is the length of our grass after remaining uncut for two weeks. Culturally, we can live safe and happy lives. However, that safety and happiness remain at the discretion of those around us, as the law has yet to catch up to cultural norms.

The foundation of my successes as an “out-and-proud” professional began with bricks being thrown by drag queens at NYPD. The window dressing of feather boas and Chromatica Oreos associated with Pride is fun and delightful. But there are still gains to be made at the local, state, and national level so that all colors under the LGBT+ rainbow can continue to live with dignity.

LGBT LOUISIANA

- Statewide, there is no comprehensive non-discrimination act that protects LGBT+ individuals in employment, housing, public accommodations, or lending.
- Only New Orleans and Shreveport have existing statutes that protects LGBT+ individuals in employment, housing, and public accommodations.
- Louisiana does not prohibit use of the “gay panic” affirmative defense in criminal matters. A defendant may allege to have found a perceived same-sex sexual advance so offensive or frightening that he was provoked into reacting, was acting in self-defense, was of diminished capacity, or was temporarily insane, and that this circumstance is exculpatory or mitigating against murder, assault, or battery charges.
- Louisiana does not bar conversion therapy, the medically debunked and harmful practice of using psychotherapy to “convert” queer people into living “straight” lives.
- Louisiana maintains a “no promo homo” law that prohibits sex education classes from discussing male or female homosexual activity. La. R.S. 17:281.