

Friday, April 21, 2017

D'Arcy Kemnitz, Esq.
Executive Director
The LGBT Bar



Via Email: darcy@lgbtbar.org.

Dear Attorney Kemnitz,

Thank you for your letter of April 12, 2017 regarding our program “Pronoun Wars: The Law & Transgender in America.” We welcome feedback of all kinds and appreciate the opportunity to respond.

I am the Senior Producer and responding on behalf of attorney Naughton and our team.

First, some context: If you are not familiar with our program, we are the legal talk/feature program airing on the Philadelphia CNN-News affiliate WFMZ-TV. Christopher Naughton is a former New Jersey prosecutor and in-house counsel. In the last two years, we have been honored with three Emmy awards including two that focus on LGBT-related topics:

- “*Transgender at Work: LGBT Rights on the Job*” - 2016 Emmy for the Mid Atlantic Region in the Interview/Discussion Series (Thomas Ude was a featured interview)
- “*Sexual Orientation, LGBT & the Workplace*” - 2015 Emmy for the same region in the Interview/Discussion Program/Special

We have produced programs of a similar, “up to the minute” nature, some with controversial guests, since 1990.

When we received your letter stating “We demand an apology to the other panelists and to the greater LGBT community” we were concerned that perhaps our guests had felt unfairly treated or otherwise unhappy with their experience. We wondered if they had expressed concern to you regarding the program. They said they did not.

- Thomas Ude of the Mazzone Center said he did not feel he needed an apology— that he knew who all the guests were in advance, the type of questions to be addressed and was prepared.
- Julie Chovanec of Trans-Help was also briefed ahead of time, and indicated she needed no apology.
 - She posted on Facebook two days after her appearance “*This is one of the few if only times I know lawyers from opposite sides of trans issues have appeared facing each other. It's like a black and white lawyer facing off during Jim Crow times.*”
 - And via email to both of us: “*I believe in the core principle of free speech among other principles. It is urgent and necessary to allow everyone to speak and not label them beforehand.*”
 - See below the signature line for her full statement.
- Enclosed is a letter from one of our other guests, Scott Goldshaw.

You also mentioned apologizing to the LGBT community- did you receive feedback? We did not receive any other negative feedback from any LGBT groups or individuals.

To your specific allegations questioning our motives and larger goals as journalists:

- Our mission is “Empowering ‘We The People’ to better understand the law, our Constitutional rights and responsibilities.” In this case, the legal challenges pertaining to LGBT issues.
- Our larger goal as journalists is to provide a forum for discussion by guests from all sides of an issue to the extent they are available in-studio or by satellite. Our track record on this is solid.

- We do not editorialize, on or off the air. When a cross-examining question must be asked to evoke a full instead of partial answer, we ask it. This was fulfilled by both the host and by guests on numerous occasions in this broadcast.
- Our guests are encouraged to speak of their experience and opinions, characterizing if they choose to do so. The audience may then form their own opinions.

To your point that you believe Alliance Defending Freedom (ADF) should have been characterized as a hate group, we must disagree. As odious as viewpoints from some groups may be, they are not criminal.

What if ADF or a Christian Coalition group asked us to label your group as “radical left wing” or “sexually deviant”? Do you think we would give that a moment’s notice?

We don’t put our finger on the scale. We say what these groups have done and let the free marketplace make up its mind. As our host and guests have said, privately after the program, this group shared their true colors. And were countered for same. In our mind that means more for our journalistic integrity than labeling them in any particular manner.

NPR recently responded to criticism for how they covered/interviewed Steve Bannon and Roger Spencer and not characterizing their organization or ideology:

- *“It is our duty to present difficult and even unacceptable points of view if they are driving thinking among voters or policy makers.”*

We agree.

As you know, ADF has lawsuits underway across the country and just argued *Trinity* at the Supreme Court this week. They had also filed *Doe v. Boyertown* mere miles from our studio just a few days before our discussion. They were, therefore, relevant to the program’s discussion, immediate geographical and national audience.

Media at the local and national levels, print and broadcast, generally do not characterize groups. If one group is characterized, all must be. Press releases and editorial content, on the other hand, do characterize though usually with attribution. However, note that the *ACLU press release on Boyertown* does not characterize ADF.

I have multiple links to both news and editorial material on this issue should you wish to see them.

You may reach me at 757-627-8200 or valerie@lawjournaltv.com.

Regards,

s/Valerie Jones
Senior Producer, The American Law Journal

“With all due respect to the National LGBT Bar Organization, (who we have often worked with) it's position in this letter is misplaced. I could "evenhandedly" be labeled with whatever appellation the show might choose for me - which for a trans woman can be damaging and dangerous - if the show did as you suggest. More importantly, I believe in the core principle of free speech among other principles. It is urgent and necessary to allow everyone to speak and not label them before hand. The hate in their speech -- as was the case in the show -- will be proven by them. And that is the strongest argument we can bring. Because it's educating the greater public that we are people too, and our opponents are wrong in saying we aren't. But it's imperative we respect the public's decision on that, not try to pre-label any one or anything. As the only trans participant in the show, moreover, I can assure you that the hate was very real and palpable to me. Hopefully, the public saw it too. But that is for each of them to decide.”

~ via e-mail from Attorney Julie Chovanec, Executive Director and Legal Program Director at Trans-Help