

## MEDIA RELEASE

Illinois Gender Advocates  
www.genderadvocates.org

Contacts:

Stevie D. Conlon, Chair: 312 213-2311; Cyndi Richards, Vice Chair:  
tgcyndi@yahoo.com

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### STATEMENT OF ILLINOIS GENDER ADVOCATES CONCERNING ENDA BILL H.R. 3685 & PENDING BALDWIN AMENDMENT TO ADD BACK GENDER IDENTITY PROTECTION

Yesterday, the House Education and Labor Committee approved a version of the Employment Non-Discrimination Act (ENDA) bill (H.R. 3685) that does not include gender identity protection on a vote of 27 to 21. Although the bill is intended to protect members of the lesbian, gay, bisexual and transgendered (LGBT) community, Illinois Gender Advocates (IGA), as a member of the UnitedENDA coalition, opposes ENDA without gender identity protection.

IGA is shocked and disheartened that a congressional committee would approve a version of ENDA legislation that does not include gender identity protection. Under close scrutiny, H.R. 3685 as approved simply does not protect its intended class but instead benefits only a fraction of members of each of the lesbian, gay and bisexual communities (those that are closeted in their gender appearance while excluding others based on their lack of gender conformity) and none of the transgendered. We are outraged that such partial coverage could be considered beneficial and rhetorically ask what the reaction and level of support by representatives and their constituents would have been if non-discrimination legislation had been approved that had merely benefited bisexuals or lesbians, but not gays, for example. We emphasize and concur with other LGBT legal advocacy groups that H.R. 3685 in its present form does not protect all gays or lesbians due to its failure to include gender identity protections.

IGA considers the advancement of a non-inclusive version of non-discrimination legislation a setback and profoundly flawed. We note that there has been almost unanimous support by LGBT organizations regarding the intended beneficiaries of this legislation for the inclusion of gender identity protection. IGA would like to thank the following U.S. Representatives on the House Education and Labor Committee who stood up for equality and specifically voted against approving H.R. 3685 because it failed to provide gender identity protection: Rep. Rush Holt (New Jersey), Rep. Yvette Clarke (New York), Rep. Linda Sanchez (California) and Rep. Dennis Kucinich (Ohio).

The simple reality is that in many cases people blur the lines between the LGBT segments of our community—people are just categorized as gay due to their appearance and mannerisms without any probative analysis of their actual sexual orientation. For

example, a transgendered person is often simply perceived as gay, without any analysis or questioning of the person's actual sexual orientation. Non-discrimination legislation that fails to provide gender identity protection would merely permit businesses, individuals, organizations and the courts to continue to discriminate against people perceived as gay due to gender non-conformity.

In spite of our disappointment regarding yesterday's actions, we have been advised that Representative Tammy Baldwin (Wisconsin) intends on introducing an amendment to H.R. 3685 to add back its previously deleted gender identity protections. We applaud her actions and willingness to stand up for equality. It is our understanding that such an amendment could be introduced sometime next week and we hope that it will be approved to correct the travesty of H.R. 3685.

The discrimination against LGBT individuals based on perceived gender non-conformity has been rampant and long-running. A formative event in the demand for LGBT rights was the Stonewall riots in 1969. Do not forget all of those involved that were targeted due to their non-conforming gender appearance, including transgendered individuals. To this day, the primary group of individuals in the LGBT community most likely to suffer employment discrimination are the transgendered and the gender variant. Moreover, we cannot emphasize enough how important gender identity protection is for so many other LGBT community members who face recurring employment discrimination due to their nontraditional appearance and mannerisms.

In *Animal Farm*, George Orwell essentially noted that "all are equal but some are more equal than others." We ask for the approval of employment discrimination protection that includes Rep. Baldwin's proposed gender identity protection amendment to prevent such a situation here.

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