

April 1, 2019

Committee on the Judiciary
U.S. House of Representatives
2141 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Nadler, Ranking Member Collins, and Committee Members:

The undersigned lesbian, gay, bisexual, transgender, and queer (LGBTQ) and allied organizations write to express our strong support for the Equality Act (H.R. 5). As LGBTQ and allied organizations, we are particularly eager to discuss how anti-LGBTQ discrimination drives LGBTQ people into poverty and the criminal legal system, as well as discuss the Equality Act's ability to help address these issues.

Employment discrimination is a significant factor contributing to LGBTQ poverty and unemployment rates. Over half of the US population lives in a state without comprehensive, explicit nondiscrimination laws prohibiting employment discrimination based on sexual orientation and gender identity.¹ A 2017 Harvard School of Public Health survey found that one in five LGBTQ people reported experiencing discrimination in hiring, pay, and promotions due to their sexual orientation or gender identity.²

Because of discrimination in employment, housing, education, and other areas³, LGBTQ individuals are more likely to be jobless, homeless, and poor than the general population. Additionally, same-sex couples are more likely to experience poverty than different-sex couples⁴, and the US Transgender Survey found that nearly one-third (29%) of transgender respondents were living in poverty compared to 12% of the general U.S. population.⁵ This disproportionate rate of poverty is particularly acute for women, people of color, and bisexual people.⁶

¹ Movement Advancement Project, "Non-Discrimination Laws," last modified March 25, 2019, available at http://www.lgbtmap.org/equality-maps/non_discrimination_laws.

² NPR, Robert Wood Johnson Foundation, Harvard T.H. Chan School of Public Health, "Discrimination in America: Experiences and Views of LGBTQ Americans" (2017), available at <https://www.npr.org/documents/2017/nov/npr-discrimination-lgbtq-final.pdf>.

³ See Lourdes Ashley Hunter, Ashe McGovern, and Carla Sutherland, eds., *Intersecting Injustice: Addressing LGBTQ Poverty and Economic Justice for All: A National Call to Action* (New York: Social Justice Sexuality Project of the Graduate Center at the City University of New York, 2018), available at http://socialjusticensexuality.com/intersecting_injustice/.

⁴ M.V. Lee Badgett, Laura E. Durso, and Alyssa Schneebaum, "New Patterns of Poverty in the Lesbian, Gay, and Bisexual Community" (Los Angeles: The Williams Institute, 2013), available at <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGB-Poverty-Update-Jun-2013.pdf>

⁵ Sandy E. James, "The Report of the 2015 U.S. Transgender Survey" (Washington: National Center for Transgender Equality), available at <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>.

⁶ Ibid; James, "2015 U.S. Transgender Survey."

Widespread discrimination combined with higher rates of poverty lead many LGBTQ people to turn to underground survival economies, like the sex and drug trade, to obtain basic necessities including food and housing.⁷ For example, family rejection and abuse led George, a gay man, to flee his home at the age of 14. Facing anti-LGBTQ discrimination and social stigmatization, George “lived on the streets and worked as a prostitute to survive” until he was arrested and placed in an LGBTQ group home.⁸

LGBTQ youth face similar pressure to seek survival economies for basic survival. The impact of schools’ severe disciplinary policies combined with bullying and harassment of LGBTQ students by their peers and school staff push more LGBTQ students out of schools and into the criminal legal system.⁹ As a transgender teenager of color, Kourtnee Davinnie suffered bullying and being chased out of her school by her classmates, as well as discrimination by school staff.¹⁰ The extra stress and unsafety she experienced in school caused her to battle “with being in and out of school, in and out of the streets, on drugs, and doing sex work...to survive on a daily basis.”¹¹

To address anti-LGBTQ discrimination, the Equality Act explicitly prohibits discrimination based on an individual’s sexual orientation or gender identity in employment, housing, credit, education, public spaces and services, jury service, and programs receiving federal financial assistance. By combatting discrimination in these areas, the Equality Act will help address the issues that push many LGBTQ people into poverty and the criminal legal system. By protecting LGBTQ employees from discrimination in hiring, pay, and other working conditions, the Equality Act will help to reduce joblessness and poverty.

The Equality Act will also decrease other factors, such as housing and education discrimination, that drive many LGBTQ people into survival economies to escape poverty, homelessness, and hunger. Ultimately, the Equality Act will help place LGBTQ people on more equal footing, reduce stigma and bias, and give more LGBTQ people a fair chance to obtain an education, find housing, and support themselves and their families.

We ask that Congress recognize the critical need for these consistent, explicit, and nationwide protections.

Sincerely,

AIDS Action Baltimore

⁷ Hunter, *Intersecting Injustice*, 88-101; Catherine Hanssens, Aisha C. Moodie-Mills, Andrea J. Ritchie, Dean Spade, and Urvashi Vaid, “A Roadmap for Change: Federal Policy Recommendations for Addressing the Criminalization of LGBT People and People Living with HIV” (New York: Center for Gender & Sexuality Law at Columbia Law School, 2014), 54-65, available at https://www.law.columbia.edu/sites/default/files/microsites/gender-sexuality/files/roadmap_for_change_full_report.pdf

⁸ Center for American Progress and Movement Advancement Project, “Unjust: How the Broken Criminal Justice System Fails LGBT People” (2016), 11.

⁹ Hunter, *Intersecting Injustice*, 101; Hanssens, “A Roadmap for Change,” 36, 40-41.

¹⁰ Center for American Progress and Movement Advancement Project, “Unjust: How the Broken Criminal Justice System Fails LGBTQ People of Color” (2016), 12.

¹¹ *Ibid.*

AIDS Alabama
AIDS Foundation of Chicago
American Association for Access, Equity and Diversity
American Civil Liberties Union
Black and Pink
Center for Constitutional Rights
CenterLink: The Community of LGBT Centers
Drug Policy Alliance
Equality California
Equality Federation
Equality Florida
Equality Illinois
Equality New Mexico
Equality North Carolina
Equality Ohio
Equality Utah
EqualityMaine
FORGE, Inc.
Freedom Overground
Garden State Equality
Georgia Equality
GLAA
Global Justice Institute
Harm Reduction Coalition
Hepatitis Education Project
Howard Brown Health
Human Rights Campaign
Impact Fund
In Our Own Voice: National Black Women's Reproductive Justice Agenda
Justice Strategies
JustLeadershipUSA
JustUs Health
Lambda Legal
Legal Aid At Work
LGBT Advocacy Clinic, Brooklyn Law School
LGBT Bar Association of New York
Mazzoni Center
Movement Advancement Project
NAACP
NASTAD
National Action Network
National Association of Criminal Defense Lawyers
National Association of Social Workers
National Black Justice Coalition
National Center for Lesbian Rights
National Center for Transgender Equality

National Coalition for LGBT Health
National Coalition of Anti-Violence Programs
National Employment Law Project
National Latina Institute for Reproductive Health
National LGBTQ Task Force Action Fund
National Trans Bar Association
National Women's Law Center
National Working Positive Coalition
One Colorado
OutServe-SLDN
People For the American Way
PFLAG National
Positive Women's Network-USA
Pride Action Tank
Public Justice
Reframe Health and Justice
Sargent Shriver National Center on Poverty Law
Sexuality Information and Education Council of the United States (SIECUS)
Silver State Equality
The DC Center for the LGBT Community
The National LGBTQ Workers Center
TRANScending Barriers
Treatment Action Group
Utahns Against Hunger
Whitman-Walker Health
Witness to Mass Incarceration
Workplace Fairness