



May 14, 2010

Dear Representative:

Re: ACLU Urges Support for H.R. 3017, the Employment Non-Discrimination Act

On behalf of the American Civil Liberties Union (ACLU), a non-partisan organization with more than a half million members and fifty-three affiliates nationwide, we write to urge you to support H.R. 3017, the Employment Non-Discrimination Act (ENDA). This bipartisan legislation, which was introduced by Representative Frank (D-MA) and currently has over 200 co-sponsors, would prohibit employment discrimination based on sexual orientation and gender identity in most American workplaces. This critical and long overdue legislation will allow all American workers who stand side-by-side at the workplace and contribute with equal measure in their jobs to also stand on the same equal footing under the law.

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ENDA, which is similar to other federal civil rights laws barring workplace discrimination based on race, color, religion, sex, national origin, age and disability, offers this Congress and American employers the opportunity to ensure workplace equality for everyone by protecting lesbian, gay, bisexual and transgender (LGBT) employees from discrimination in employment. Currently, it remains legal to fire or refuse to hire someone for being lesbian, gay and bisexual in 29 states, while transgender workers can legally be denied or refused jobs in 37 states. Such numbers clearly demonstrate the need for the federal government to expand employment non-discrimination protections to LGBT workers.

This view is shared by the overwhelming majority of the American public. According to a 2008 Gallup poll, 89 percent of Americans believe that gay men and lesbians should have equal opportunities in the workplace, and a majority believes the same for transgender employees. Additionally, nearly 90 percent of Fortune 500 companies have implemented non-discrimination policies including sexual orientation and over 30 percent have policies that include gender identity. With these numbers, over 7.5 million employees work for Fortune 500 companies that include both sexual orientation and gender identity-based non-discrimination policies.

While these facts are certainly encouraging, there are obvious gaps in our patchwork of state civil rights laws that leave many LGBT people vulnerable

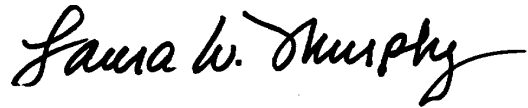
to employment discrimination based purely on who they are. In 2007, the ACLU released a report entitled *Working the Shadows: Ending Employment Discrimination for LGBT Americans* which documented the stories of workers from across the country who have experienced workplace discrimination based on sexual orientation and gender identity. Among those courageous enough to come forward and share their stories in the report were –

- Single mother **Jacinda Meyer** worked as a licensed insurance agent in Southern California. During her first nine months on the job, the company gave her positive feedback about her performance and a raise. But soon after her boss learned that she was a lesbian, she was fired. She later applied for a job with a “sister company” and after several interviews and personality and placement testing, they made her a verbal offer. The next day, she received a call rescinding the offer.
- Before transitioning from male to female, **Diane Schroer** was a decorated U.S. Army Special Forces officer who completed 450 parachute jumps into some of the world’s most dangerous places during her 25 years of service. She was handpicked to head up a classified national security operation and briefed Vice President Cheney. After retiring from the military, she wanted to capitalize on her experience fighting terrorism and applied for a job with a large federal agency library in Washington, D.C., as a senior terrorism research analyst. She received an offer after the interview and accepted the position. Prior to starting work, Schroer invited her new boss to lunch to explain that she was transgender and would like to begin the job as a woman. The next day, the director called Schroer and rescinded the offer because she wasn’t a “good fit.” In April of last year and as a result of litigation brought by the ACLU in 2005, a federal court awarded Schroer maximum damages of \$491,190 for back pay, other financial losses and emotional pain and suffering after finding the library illegally discriminated against her because of her sex.
- **Thomas Bryant** worked for a temporary staffing agency in Indiana where he was viewed as a good employee and was responsible for training 50 new workers. Bryant, who was honest about the fact that he was gay when asked, had a co-worker who repeatedly made comments about “fags” in front of him. After complaints to his supervisor were ignored, Bryant complained to human resources. After a meeting with HR and the other employee, Bryant thought the problem was resolved. The next day, Bryant was fired.
- **Brooke Waits** worked as an inventory control manager for a cell phone vendor in Texas. Brooke’s manager opened Waits’ cell phone and saw a picture of Waits and her partner sharing a New Year’s Eve kiss. The next day she was fired.

It is fundamentally unacceptable that in America in the year 2010 there is a group of people who, when they go to work, are forced to deny their families and loved ones and hide who they are for fear of losing their livelihood. Particularly with unemployment numbers still so high, it makes absolutely no sense to add otherwise talented, dedicated workers to the unemployment rolls, simply because they have the “wrong” sexual orientation or gender identity. By passing ENDA, Congress can help to ensure that everyone can enter and succeed in the workplace without regard to sexual orientation or gender identity.

We strongly urge you to support H.R. 3017, the Employment Non-Discrimination Act.

Sincerely,

A handwritten signature in black ink that reads "Laura W. Murphy". The script is fluid and cursive, with the first letters of each word being capitalized and prominent.

Laura W. Murphy
Director, ACLU Washington Legislative Office

A handwritten signature in black ink that reads "Christopher E. Anders". The script is cursive, with the first letters of each word being capitalized and prominent.

Christopher E. Anders
Senior Legislative Counsel