



# U.S. Department of Justice

## Civil Rights Division

### Defending the Rights of LGBT Americans

“Just as our forebears came together to overcome tremendous adversity – and to forge the more just and more equal societies in which we now live – so, too, must the current generation rise to the causes that have become the struggles of our day; the defining civil rights challenges of our time. I believe one of these struggles is the fight for equality for our lesbian, gay, bisexual, and transgender – or LGBT – citizens.”

-Attorney General Eric Holder

The Civil Rights Division is committed to the full enforcement of our nation’s civil rights laws to combat discrimination in all its forms – including discrimination against LGBT individuals. The Division defends the rights of LGBT Americans by ensuring nondiscrimination in employment, education, housing, lending, and credit, and by prosecuting hate crimes to the fullest extent of the law. This document discusses some of the highlights of this work.

#### **COMBATING HATE CRIMES**

The ability to live safely in one’s community is the most basic civil right. Throughout a diverse nation like ours, we all must be able to live and work without fear of being attacked because of how we look, what we believe, where we come from, or who we love.

More than four years ago, President Barack Obama signed the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act. Championed by the late Senator Edward Kennedy, this landmark legislation expanded the federal government’s ability to investigate and prosecute hate crimes. The law expands the Justice Department’s ability to prosecute crimes motivated by race, color, religion and national origin; it also empowers the department to prosecute certain violent crimes committed because of a person’s sexual orientation, gender identity, gender or disability as hate crimes.

*Atlanta, Georgia:* In 2013, a Justice Department investigation and prosecution in response to the beating of an Atlanta man resulted in the first conviction in Georgia under the sexual orientation provision of the Shepard-Byrd Act. In this case, two men pleaded guilty to assaulting a 20-year-old gay man as he left a grocery store in Atlanta’s Pittsburgh neighborhood. Video footage of the incident showed not only physical violence but also the use of anti-gay epithets. The defendants repeatedly punched and kicked the victim and hit him with a tire.

#### **PROTECTING THE RIGHTS OF LGBT STUDENTS**

The Division fights to foster safe learning environments for all students, no matter their sexual orientation or gender identity. In recent years, the Departments of Justice and Education have resolved a number of cases involving gender-based harassment in public schools.

*Anoka-Hennepin, Minnesota:* In 2010, the Division investigated a complaint that the environment in the Anoka-Hennepin School District was unsafe and unwelcoming for students who did not conform to gender stereotypes—including LGBT students. Some students faced threats, physical violence, derogatory language, or other harassment every day. Several students stopped attending school; a few even contemplated or attempted suicide. In 2012, working with

the Department of Education, the Division reached a comprehensive consent decree to reform harassment policies and practices.

*Arcadia, California:* Last year, the Division, joined by the Department of Education's Office for Civil Rights, entered into a first-of-its-kind settlement agreement with the Arcadia Unified School District to resolve allegations of discrimination against a transgender student based on the student's sex. The student's gender identity is male, and he has presented as a boy at school and in all other aspects of his life for several years. Yet prior to the agreement, the district prohibited the student from accessing facilities consistent with his male gender identity, including restrooms and locker rooms at school, as well as sex-specific overnight accommodations at a school-sponsored trip. Under the agreement, the district will treat the student like other male students in all activities, and it will also adopt policies to ensure nondiscrimination for all students going forward.

## **COMBATING DISCRIMINATION IN THE WORKPLACE**

The ability to earn a living and climb up the economic ladder is at the heart of the American dream. People should not be denied a job or the opportunity to earn promotions and pay raises, or be subjected to unfair workplace conditions, because of who they are or who they love.

*Philadelphia, Pennsylvania:* In April 2014, the Division filed a statement of interest in support of Bobbie Burnett, a transgender woman bringing a workplace discrimination suit under Title VII. The statement argued that discrimination on the basis of transgender status because a transgender person does not conform to stereotypical beliefs about gender-appropriate behavior or appearance can fall under the Title VII prohibition against discrimination on the basis of sex. Ms. Burnett, who alleges that she was denied use of women's restrooms, given undesirable job assignments, and disciplined for frivolous reasons while working at a Free Library of Philadelphia branch, reached a settlement with the City of Philadelphia in which she will receive monetary damages and keep her job.

*Supporting the Employment Non-Discrimination Act:* President Obama, Attorney General Holder, and the Civil Rights Division support the passage of the Employment Non-Discrimination Act (ENDA). Since the passage of the Civil Rights Act of 1964, federal law has prohibited employment discrimination on the basis of race, color, religion, sex, or national origin. Yet five decades later, while we wait for ENDA to pass the House of Representatives, no federal law exists that explicitly prohibits employers from discriminating on the basis of an individual's sexual orientation or gender identity, and the majority of states lack basic workplace protections for LGBT Americans. If signed into law, a fully inclusive Employment Non-Discrimination Act would explicitly prohibit workplace discrimination based on actual or perceived sexual orientation or gender identity. The Division is also committed to enforcing the president's recently announced executive order banning discrimination by government contractors on the basis sexual orientation or gender identity.

## **CONTACT THE DIVISION'S LGBTI WORKING GROUP**

The Division's LGBTI Working Group advises the Division's leadership on legal and policy issues relating to sexual orientation, gender identity, and discrimination based on HIV/AIDS. To contact the Division's LGBTI Working Group, or to report acts of violence or discrimination, send an email to the Division at [CRT-LGBTI@usdoj.gov](mailto:CRT-LGBTI@usdoj.gov) or visit <http://www.justice.gov/crt/complaint>.