PA 11-055

HB6599

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CONNECTICUT
GENERAL ASSEMBLY
HOUSE

PROCEEDINGS
2011

VOL.54
PART 12
3772 – 4108

(Chamber at ease.)

(Speaker Donovan in the Chair.)

SPEAKER DONOVAN:

Will the Clerk please call Calendar 361.

THE CLERK:

On page 18, Calendar 361, House Bill Number 6599, AN ACT CONCERNING DISCRIMINATION, favorable report of the Committee on Judiciary.

SPEAKER DONOVAN:

Honorable Chair of the Judiciary Committee, Representative Gerry Fox, you have the floor, sir.

REP. FOX (146th):

Thank you, Mr. Speaker.

I move for the acceptance of the Joint Committee's favorable report and passage of the bill.

SPEAKER DONOVAN:

The question is on acceptance of the Joint Committee's favorable report and passage of the bill.

Will you remark?

REP. FOX (146th):

Thank you, Mr. Speaker.

This bill addresses our antidiscrimination

statutes, and what it does is it adds the term "gender identity" or "expression" to our existing statutes which include -- and I'll go through the -- the list of some of our areas where we have antidiscrimination laws -- and it includes race, color, religion, creed, age, marital status, national origin, ancestry, sex, mental disability or other forms of disability. What this does, Mr. Speaker, is it does add the term "gender identity or expression." And this bill has been around for -- I think it's been around since before I got here. I know it's been around for about a decade in various forms. It has passed several times out of the Judiciary Committee.

And what -- what happened we had a public hearing where we heard some very compelling testimony from a number of individuals who have gone through the process or -- or are going through the process of either changing their gender or having their gender -- or feeling that their gender is not the gender that they were assigned at birth. And I recognize and I know many of us recognize that this is not common. It's not something that --

REP. CAFERO (142nd):

Mr. Speaker.

SPEAKER DONOVAN:

Representative Cafero, for what would you rise?

REP. CAFERO (142nd):

Excuse me, Mr. Speaker. May I ask that they volume of the Chamber come down? We're having trouble hearing Representative Fox.

SPEAKER DONOVAN:

Thank you, Representative.

I ask that the members keep the volume down so that -- Representative Fox is trying to describe the bill. I'd appreciate it by -- if everyone could please listen. If you have any conversations, please take them out into hallway.

Thank you, Representative Cafero.

Representative Fox, you may continue.

REP. FOX (146th):

Thank you, Mr. Speaker.

I -- I was saying that this is not a common situation for -- for individuals. It's something that many of us are not familiar with. We have -- but we do -- we did hear testimony on it, and we do recognize and I think all of us recognize that it does, in fact, exist. The conditions of being transgender or questioning your gender or your gender identity is

something that does exist, it has existed and is going to continue to exist.

The -- during our public hearing we heard testimony from a number of individuals who described what they have gone through as a result of -- of this experience and this change in their lives or what they are feeling in their lives.

We also heard from people who love these people. We heard from parents who talk about their children. There was compelling testimony from a number of agencies and organizations, including our -- our Child Advocate in support of this bill, also the Connecticut Education Association which represents teachers and students. They came forward with testimony in support of this bill. Also, Mr. Speaker, the Connecticut Sexual Assault Crisis Services Center, they -- they also supported this bill. They are the organization that deals with sexual assault victims. They felt that this bill was necessary in order to provide protections to those citizens who do question their -- their gender identity and whose expression of their gender identity is different than the one that had been assigned to them at birth.

I know that there has been a number of

discussions and a lot of back and forth with respect to what -- what this bill means, but I -- I think for many of us and I recognized no one here wants to discriminate, no one here is supporting a form of discrimination. And why this bill has come before in the past and why it's here today is it's an effort for us to treat all of our citizens, including those citizens who are not great in number, to give them the same rights as everybody else.

As I said we recognize this is not a large group. It is not -- I don't -- I don't have a specific number, but I know that should this bill pass it's not anticipated that there would be a significant number of increased claims or lawsuits. But it is important to those individuals who are in this situation.

Many of us, should this bill pass, will never -- will not be impacted at all. We'll just go about our lives and it will be -- there will be no change whatsoever. But for those who are in this situation, for those who do meet this -- these criteria, this is something that would -- provide them with those extra protections or the -- the same protections as the rest of us.

I urge passage of the bill.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further? Would you care to remark further?

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

First of all, I want to thank Representative Fox for bringing out the bill and, most particularly, the way he brought out the bill. He did so, as is his custom, in a respectful manner.

And one of the things he said is -- which I greatly appreciate -- is no one here wants to discriminate. That rings so true with me because my father, 91 years old, God bless him, does not have a bias bone in his body and he and my mother raised their two boys that way. And God willing myself and my wife, my brother and his wife will raise our children that way and hopefully that will pass on for generations. And that's really what we all hope. Because there isn't a person here, as Representative Fox says, that wants to discriminate.

The thought that in history we've had people who have been deprived jobs because of the color of their

skin, or their religion or their ethnicity is repugnant to most, if not, all of us. It is repugnant to us. As a father, I have no control over my child's choices in life, what happens to them biologically or psychologically. But I know this, that's my kid, and I'll fight to my death for that kid for he or she to have every single right that they're entitled to.

But I also realize, as we've discussed over the last few days, that there are occasions where in our effort to do good by people, to be fair to people, without intending it, folks, we have unintended consequences that result in being unfair or unjust to other people. And it's our job as a Legislature to weigh that. And this is that one of those kind of bills. It's not an easy one. It's not a no-brainer. And yet one might say if you read the title of the bill it's AN ACT CONCERNING DISCRIMINATION. Would someone want to go on record saying I'm for discrimination personally? Of course not. But it requires us to dig a little deeper and ask some questions to make sure that we're doing the right thing.

And please -- I'm going to say this in advance to this Chamber and I mean this with every bit of

sincerity I have in my body. The questions that are going to be asked by me and maybe others mean absolutely no disrespect to anyone -- to anyone. But, as Representative Fox said, the group or class of people that this bill is intended to protect is a small class. And there is a lot of misinformation and misunderstanding about the people that are members of that staff -- this class, excuse me. And we, as a Chamber, as we vote on this need to understand about the class of people that we hope to protect by this piece of legislation.

And with that, through you, Mr. Speaker, I would ask a few questions to Representative Fox.

SPEAKER DONOVAN:

Please proceed, sir.

REP. CAFERO (142nd):

Representative Fox, the class -- the discrimination that we are trying to prevent in this piece of legislation are people's gender identity and expression and that is a relatively obviously brand new term to our statutes. It might be a new term to some of the people in this room and, most importantly, to many of the people that we represent.

And in the years that this bill has come up it

was an education for me to understand the various people that we are hoping to protect with this piece of legislation. There are some common nomenclature that we have used or heard and this is where I -- I don't mean to be disrespectful -- and I need to ask through the Speaker if these -- what the definition is with regard to this law of these terms, if you will, and how they fit into this.

We've heard of the term "transvestite." Through you, Mr. Speaker, could Representative Fox explain what that is?

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I -- I will do my best to try to identify these -- the terms at least as they have been explained to me and through the public hearing. I -- my understanding of transvestite is that it would mean somebody who -- and there will be those who disagree but -- who acts like the difference -- who acts, for example, as a man who may dress like a woman but is a man in terms of biologically at least.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Through you, Mr. Speaker, does a transvestite -- is that recognized in -- in psychology, in medicine, in psychiatric medicine as was someone is -- I guess what you're saying is physically a man but dresses -- just dresses like a woman or feels like a woman -- identifies themselves internally as a woman?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, I -- I do believe it includes dresses. It may also include feels internally like the opposite sex.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

See -- see that's important, folks. Because one of the things we try not to do in legislation, as tempting as it might be, is legislate based on feelings. So it's my understanding that there are

certain individuals, I believe they are termed "transvestites" who are born of one sex but internally believe, feel and act like another sex. Is that accurate? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. That -- that may also be identified, I believe, as -- as you -- yes, I do believe that is correct.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

Okay. Through you, Mr. Speaker.

Another term that we hear is "transsexual." Through you, Mr. Speaker, if the good gentleman could define transsexual and maybe distinguish that from transvestite? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. It is my understanding of -- transsexuals are in conflict with their assigned

gender at birth. So if somebody at birth is deemed to be a man and -- but internally they feel like a woman and they've been -- they've always felt that way that -- that would be a transsexual.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Mr. Speaker. I appreciate the gentleman's answer but if -- if -- to me, anyway, that sounds an awful like the transvestite description, and I'm wondering if the good gentleman could distinguish the two.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. That's -- the transvestite might be more in line with what people would consider a cross-dress -- cross-dresser whereas the transgender would be the identifying more yourself with internally with the opposite sex.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Mr. Speaker. Is it fair to say that someone who, say, is a man and dresses like a woman -- at least at that moment -- is identifying himself as a member of the opposite sex?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I don't know that that alone is conclusive. I -- it would be an indication that that might be how that person feels.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Mr. Speaker. We also are aware of the fact that certain people go through sex change operations, have their genitalia changed and their body changed to look like someone -- to look like the opposite sex of which they were born; is that correct?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I -- I believe the

procedures that were just described are -- go further than to look like. I -- I think they actually seek to become the opposite sex of what they were born.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

And that being the case, in the case of someone who goes through an operation to physically become the opposite sex, do they fall into either the category of transsexual or transvestite?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I believe the term is a post -- postoperative transsexual, I -- I believe.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Mr. Speaker, the descriptions given by Representative Fox and he also indicated commonly, I assume, it's a commonly used term "cross-dresser."

Through you, Mr. Speaker, other than the act of dressing as either sex, is there -- a psychological or psychiatric thought process assign -- associated with someone who's a quote, "cross-dresser."

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, that I don't know.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Thank you, Representative Fox.

I -- I might have some other questions but I guess what we're learning is -- and the good Representative is trying his darndest, and I'm certainly not faulting him to describe the differences in the terminology that I just indicated. It's tough and it's tough because a lot of it is internal, unlike a person who has a different color skin, obvious. A person who is -- who is obvious at least to the eye to be a female or male because we have laws with regard to sex -- one might argue -- obvious, someone who is

-- of a certain religion less obvious, someone who is of a certain national origin less obvious.

With regard to the descriptions of the people who would be covered under this bill a lot of it is subjective based on feelings. There are various kinds of discriminations that go on beyond not only the classes that we already categorize and prohibit discrimination and even the one that's before us.

You've heard reports that in some cases, maybe that of job opportunities, people who are obese or overweight are discriminated against. In some cases, people who are not appealing to the eye are discriminated against. In some cases, people who are short of stature are discriminated against. I guess it happens. And when we talk about discrimination, at least in our mind, what first comes to mind is to prohibit somebody from saying, Hello, Mr. Jones, you've applied for this job. Well, I'm not giving you the job because you are black or you're white or you're Jewish. You're not getting the job because I don't like those people, blatant, obvious discrimination.

So I'm wondering, in this case, if someone came in to an office, as I've described, and was -- had

male features but was wearing a dress, if the perspective employee said, Hey, I think you are a transvestite and I don't like transvestites and I'm not going to hire you for this job.

That is as discriminatory if they had done that if the person was a different color or of a different religion.

Through you, Mr. Speaker, to Representative Fox, do the laws, as we have them today, prevent or -- have it actionable for that hypothetical employer that I just mentioned who said you're a transvestite and I ain't giving you this job, is that person subject to any lawsuit?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. They could be subject to a lawsuit, yes.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

We have laws that prohibit discrimination based

on sex. Much of what we've talked about here is how a person defines their sex either internally or by physically altering their sex by operation. That's our current law, and we prohibit discrimination based on that.

We also have laws that prohibit discrimination based on someone's sexual orientation. Now sexual orientation could be described or defined as many things. How is one oriented internally sexually not only to other people. Are they male attracted to a male or a male attracted to a female or a male who might be attracted to both or a female who might be attracted to both. We have laws right now against discriminating against people who feel that way, who are that way. So you have to scratch your head as many of us had for years to say, well, how does this one fit in? And maybe it -- with due respect, you could say, well, there's a subtle difference. But it's so subtle that, again, with due respect to Representative Fox, even he had trouble describing. But you might conclude after all that, hey, Cafero, you just said we're all against discrimination. So whether you can identify a transsexual versus a cross-dresser versus a transvestite versus a

postoperative transsexual. What the hell is the difference?

We stand for antidiscrimination so pass the bill. Simple. Not that simple, folks. Not that simple. Because if someone violates the law that we are about to pass, it is a Class A misdemeanor. And a Class A misdemeanor requires that they pay 2,000 bucks and face potential jail term. We take our laws seriously here as well we should. So you have to say well, as we've said before in this Chamber, you just have to obey the law.

But if was clear cut, that wouldn't be a problem. What do I mean by "clear cut?" The sign says stop; you kept going. Huh. Hello? Pretty easy. Speed limit is 55, you went 80. You violated it. Easy. But what about the circumstances here? Could somebody out there get themselves in some serious trouble without ever intending to do so, without ever intending to discriminate as we define it in our mind's eye? I think they could.

If you're a proprietor of a restaurant -- we have some here in this Chamber -- and you have a men's room and a women's room. Yeah, I heard all the talk about the bathroom bill, et cetera. I think it demeaned the

concerned, quite frankly, and I resent the label. But these are real live stuff, folks. You own a restaurant, you got a men's room and a women's room. Maybe you've got a constant clientele -- Mrs. McGillicuddy, Mrs. (inaudible), they come every week. And somebody walks in who at that moment feels like a member of the opposite sex. Maybe they're dressed like me, maybe they just have a t-shirt on and jeans. But that particular day they feel like a woman. They want to go use the restroom. Their genitalia is that of a man and use the restroom like a man might. That might be offensive, shocking, disturbing to other people.

So maybe the proprietor of the restaurant says, hey, excuse me, I can't have you use the restroom. Do you mind using the other one?

Now they could say you're violating my rights. Today I feel like a woman. I'm going in that bathroom. And you don't let me, I'm going to sue you.

You see we even under our current law -- under our current law we have exceptions for that. No, we can't discriminate against sex, but in our current law we -- we recognize the fact that there are men's rooms and ladies' rooms, men's dressing rooms and women's

dressing rooms, men's locker room and women's locker room. We recognize that because that's common sense. But this law blurs that line. And you might say, ah, get over it. You're in a restaurant -- too bad. Get over it. It's 2011.

Let's talk about -- forgetting adults -- let's talk about children for a second. I've got to share with you a story just to show you how impressionable second graders are, for example. I'll never forget. I remember like it was yesterday. What was it? Forty-some-odd -- God knows years ago. I'm in second grade. My second grade teacher was Mrs. Barber. Mrs. Barber, I saw her every day, loved her -- loved her. I didn't know Mrs. Barber happened to be divorced. What the heck did I know? We loved Mrs. Barber. Over the Christmas break, Mrs. Barber got married. She came back in January, she was Mrs. Smith. To a second grader that was mind-boggling. It screwed us up for months. How could Mrs. Barber be Mrs. Smith? I'm serious. It actually, for a bit, had a serious disruptive effect on the educational process.

Now under this law if Mr. Jones is teaching second grade and one day feels like a woman and wants to wear a dress. They could do that under this law

and, frankly, should be able to -- God bless them. But it happens to be that their occupation is to teach second graders, in my example. Does the employer, the school system in my example, have a right to say, Hey, Joe, it is seriously disruptive to the educational process if one week you come in, you know, dressed as a man and the next week you come in dressed as a woman. It's disruptive. And I -- I'm not going to fire you, of course, but I just -- you know, maybe we could make other arrangements. That's not allowed under this bill.

Folks, that's common sense stuff. You see what we think of discrimination, we think you shall not deprive me of the job, you shall not deprive me of drinking at a water fountain, you shall not deprive me -- but there's other kinds of stuff that can be interpreted as that is my right.

And I want you to think about this. Right now under our current law if you have a female teacher, let's say, or a male teacher -- we can do it both examples -- but a female who walks into a classroom and is dressed provocatively, plunging neckline, short skirt, whatever it might be. And the principal calls that person over and says, hey, your attire is

disruptive to the educational process. It is inappropriate for the workplace. And, by the way, it doesn't have to be a -- excuse me -- it doesn't have to be a school, could be a corporation, a law firm, an insurance company. You know you -- you can't come in dressed like that. It's inappropriate. Why? It's distracting.

Now according to this law, I'm not so sure dress codes could be enforced. Think about it. If I was a transsexual or a transvestite or a cross-dresser and I chose one day as a man the next day to dress as a woman and I chose to wear a plunging neckline or a short skirt, do I fall under the same categories if that boss or employer said to me, hey, inappropriate.

Uh-uh, you can't touch me. I'm protected under this law.

Will it happen? I don't know. Could it happen? Yeah.

In real life, it could happen, folks. And that person who's enforcing or the -- that dress code or prohibiting the person from using the ladies' dress room, et cetera, they don't mean -- they're not bad people. They're not trying to be discriminatory. They're not wearing hoods over their heads. They're

just trying to exercise a little common sense. But, under this law, they're breaking the law. They're facing a $2,000 penalty and possible jail term.

Now you might say, well, come on it's not going to happen that -- well, when would that happen? Well, all it has to happen is once.

And you know what folks? With those kind of examples that I gave, there's easy ways to fix it, easy ways to fix it that we've done in other discriminatory statutes because we recognize common sense. And those suggestions were given over and over again, but they're not, unfortunately, part of this bill.

So if you see people standing up today and you see people saying why are we doing this? You've got to know why. And it's not based on cruelty or meanness or bias. God knows it's not based on that. It's based on common sense, folks -- common sense. You know it when you see it.

I presume the debate is going to be lengthy today, ladies and gentlemen. I ask you to listen to it based upon common sense from your everyday life's experiences. We, as a Chamber, could fix this bill and make it right so we don't discriminate against not

a single person but not like this, not like this.

Thank you, Mr. Speaker.

(Deputy Speaker Aresimowicz in the Chair.)

DEPUTY SPEAKER ARESIMOWICZ:

Thank you very much, sir.

Will you remark further?

Representative Schofield of the 16th, you have the floor, Madam.

REP. SCHOFIELD (16th):

Thank you, Mr. Speaker.

I want to speak in support of this bill. I think we've all gotten lots of emails on the topic, some for, some against, and there's been a lot misinformation, I think, a lot of red herrings about the situation. And I, as many of you know, am a nurse by background and I kind of look at these things from kind of a clinical perspective. And in talking with some of my colleagues I felt that it might be helpful to look at it a little bit clinically. So I went back and did a little bit of research and wanted to just share some of that with you.

I -- I think what's really important to me in this debate and particularly having heard, you know, read a lot of emails where people seem to think that

intersexed or transgendered individuals are just choosing a lifestyle that they don't understand that gender is really a continuum. That it's not black or white or as I say it's not pink or blue, it's a continuum. There are shades of lavender in there which is why I'm wearing purple today.

You know I've worked with a lot of other nurses in my short career as a nurse, one of whom worked at Johns Hopkins for a while. And Johns Hopkins has a specialty clinic -- a specialty service -- inpatient service in their hospital. And I was a nurse a long time ago so I assume it's still there but back then what they did was actually deal with a lot of babies that were born with -- what were called ambiguous genitalia. And there are a number of different conditions where this happens. And what they did back then was pretty much assign, without necessarily really knowing what you were, they would assign a gender at birth. It typically was female because that surgery is easier to do. It's easier to construct female organs than male organs when you've got some confusing combination of the two because back then, and probably still today, when you look at a birth certificate there's a checkbox, male or female. There

isn't an "other," there isn't a checkbox for intersexed. But there are people who are born that way. And so they were given an option. So Mother Nature made have made mistakes with gender assignment and then that may have been complicated further with medical science making mistakes with gender assignment as well.

Gender can be ambiguous externally. You can have a mixture of male and female organs. You can have kind of not a lot of either one. You can have the external looking all one way but the internal being different. You know, we have undescended testes inside, labia on the outside, or the reverse so that the internal and external organs don't match.

And what we're discovering, in more recent decades, is that sometimes even if the internal and external organs look the same that what's in your brain is not the same and that there's a mismatch between your mental gender and your physical gender. So it's not just about XX chromosomes or XY chromosomes which probably you remember from your high school science classes but there are people who are born with XXY -- not sure what those are necessarily. In fact, surprisingly one in 500 to 1,000 men have XXY

chromosomes. They don't all show externally that have an expression of different gender but it -- it may affect them. That's called Klinefelter's Syndrome.

There's a condition called congenital adrenal hyperplasia in which babies look like girls at birth but when they reach puberty they develop more male looking organs.

There's another condition called gonadal dysgenesis; another one called androgen insensitivity syndrome. There's another condition that's actually fairly common, about one in 200 males have what's called hypospadia where the urethral opening is where a woman's urethral opening would be rather than at the end of their penis. That's something that's often surgically repaired. Their chromosomes may be normal, but it's a symptom of a somewhat gender-bender situation.

So it's -- it's not just chromosomal. What happens in utero is your -- as a fetus? There are lots of chemicals that the maternal body exudes into your uterine environment and that affects how your organs develop. When you're a little tiny embryo, we all have exactly the same set of cells. They look the same. It's that combination of chromosomes and the

chemicals that you're exposed to that cause those, sort of, root organs to differentiate over the nine months of your gestation.

If the maternal organs -- if the maternal chemicals aren't released at the right time or in the right quantity your gender expression can be different.

I don't want to, you know, bore you all with a lot of clinical details, but I thought it was important to make it clear that Mother Nature doesn't always get it right, at least not as we see it in the pink versus blue differentiation. And I listed some of these clinical conditions because I wanted you to realize that even though we understand some of these now, there are additional conditions that we probably don't understand where we don't have a scientific name for them yet where that mental gender is different from the physical gender.

And I think it's important to help our constituents understand this because what I hear in my emails is that people don't understand. They really see it as a black or white thing and I see part of our role as helping to educate them because discrimination, historically, has been based on fear

of the unknown.

People didn't understand leprosy and they were, as we say today, treated like lepers, tossed off into an island and people threw rocks at them and treated them horribly. People made fun of folks with birth defects. They used to stick them in the circus and the freak shows. People with mental illness were discriminated against.

As we come to understand these things, from a medical perspective over time, we realize all right these people are just like us but a little bit different. God made them a little bit differently is not a reason to assign vicious intent to them or think that they're bad people.

So I just want us all to fight some of the fear mongering and red herrings that we've all been seeing in emails with an understanding that, again, gender is not always clear. It's a continuum. We don't even know everything about it at this point. And I hope you'll join me in helping the rest of the public to understand what a complex issue this is and that we shouldn't discriminate against people just because Mother Nature or God made them differently.

Thank you.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you very much, Madam.

Representative Mikutel of the 45th, you have the floor, sir.

REP. MIKUTEL (45th):

Thank you, Mr. Speaker.

I, like many of my colleagues, have concerns about this bill. Certainly we don't want to discriminate but the perception to discrimination should not preclude us from asking some serious questions and -- and voicing our concerns.

To me, this is an issue of self-expression. And where do we draw the line on self-expression? Does society have the right to draw the line as to what is and is not acceptable behavior? I mean, we do that on many different issues. We -- we certainly don't let people walk around naked in the public square. We don't let people use all the drugs they want to do but a lot of people think using drugs is a matter of self-expression. People who go to nudist camps think it's a matter of self-expression. People who have this gender identity issue think it's a matter of self-expression.

I personally don't care what a person does in his

own household. And if a private employer wants to -- adopt a policy that allows cross-dressing, that's fine. I mean if that's the policy they want to adopt, that's fine.

But I -- I get a little concerned when we're dealing with young people, especially captive audience young people, children who are captives in the school system. They're going there. You expect that to be a learning environment. I'm concerned about how this bill, if it becomes law, how does it impact the learning environment of our young children -- but also how does it -- how does it -- how do they deal with it? How does a young child deal with this situation where one day their teacher is dressed like a man and next week he's dressed like a woman? I imagine that that situation can happen.

Representative Fox, is that a possibility if this bill becomes law that I -- that I just described that situation. On any given day can a person who has a gender identity crisis, can that person who is a teacher cross-dress every other day or any other day?

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I was about to answer that it could happen today but then when the -- at the end of the question the good Representative said any other day, and I would state that would be very unlikely to use the benefits of this law if somebody is switching back and forth.

REP. MIKUTEL (45th):

But -- but how will --

DEPUTY SPEAKER ARESIMOWICZ:

Representative Mikutel.

REP. MIKUTEL (45th):

Yes, through you, Mr. Speaker. I -- under the law as I read it they have that protection as -- of self-expression so if one week they want to dress as a man, what -- what would preclude them in the law from dressing like a woman the following week?

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. MIKUTEL (45th):

For Legislative intent are we saying that that law would preclude them from -- from being a cross dresser?

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. The -- the definition that is -- that is provided states that it would be -- it would require that the individual's gender identity be that of the opposite sex -- opposite gender. It would be difficult -- and I don't know of any examples at least that came before us through our public hearings and I know that they testified. There was testimony regarding the other states -- I believe there is 13 other states that have passed this -- oh, excuse me, I'm being corrected -- 16 states that have passed this type of legislation and that there were no examples of somebody alternating day by day and then using the protections of this law.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Mikutel.

REP. MIKUTEL (45th):

Through you, Mr. Speaker. But is that -- could that be a possibility even though you don't know of any particular instance?

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. If the individual were

-- were changing their identity on a day-to-day basis --

REP. MIKUTEL (45th):

-- but not -- excuse me, Mr. Speaker. Not necessarily on a day-to-day basis. Let's say on a -- on a week-to-week or month-to-month basis.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Mikutel, just for the procedure -- this is going to be a long debate. Let's make sure we're addressing all questions to the Chair and the question through you, Mr. Speaker, so I don't have to guess as to when the question has ended and then allow the good Representative to answer.

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker.

I believe the question was -- was changed from day-to-day to week-to-week, and I would think that the same logic would apply in that one would not successfully prevail using this bill as a basis for a discrimination lawsuit if they were not, in fact, acting in a manner that is consistent with their gender identity.

REP. MIKUTEL (45th):

Through you, Mr. Speaker. But if a person likes to cross-dress and under this bill, as I read it, if he is -- or she is afforded -- protection to do that, how can you say that the person on a, let's say, on a month to month basis decides that they want to -- to cross-dress and -- I know -- are you saying that that is -- that is going to be precluded under this bill?

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. This is an antidiscrimination bill. And what it is doing is adding a -- a group to our existing classifications --

REP. MIKUTEL (45th):

I know it has.

REP. FOX (146th):

-- with respect to discrimination. With respect -- what it's adding is gender identity or expression. It does not necessarily mean that one who likes to cross-dress. It is somebody who really is, as Representative Schofield previously stated, really is somebody who identifies with a gender that is different than the one that has been assigned to them.

REP. MIKUTEL (45th):

Through you --

DEPUTY SPEAKER ARESIMOWICZ:

Representative Mikutel.

REP. MIKUTEL (45th):

Through you, Mr. Speaker. My understanding of this bill is that -- and your definition of a transvestite includes cross-dressers and those are people who do not have to biologically change their sex. They're just people who -- who like to dress in the opposite sex' clothing. So they, to me, are covered under this bill.

Through you, Mr. Speaker, to the Representative Fox, are they not covered under this bill and afforded legal protections?

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. It -- my answer would be that it depends if their purpose for cross-dressing is related to their gender identity as well.

Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Mikutel.

REP. MIKUTEL (45th):

Thank you, Mr. Speaker.

I -- I really want to focus on how this impacts on our constituents. I'm not quite sure and I think other Legislators are not quite sure as to how -- what this law -- what this law will mean in terms of how it impacts parents, how it impacts the school system, how it even impacts employers. I'm going to listen to this debate.

You know, all I can say is that our constituents expect us to use good judgment and common sense in passing laws. They expect us to look out for their welfare and especially the welfare of their children. Again, I have nothing against what people do in their own homes but when it -- when it impacts society and it impacts children, in particular, we must be careful that we are not turning the norms of society upside down to protect the small class of individuals' desire to be different, to express themselves differently.

I -- I guess I want to ask one last question to Representative Fox. Would you -- through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Please proceed, sir.

REP. MIKUTEL (45th):

Representative Schofield mentioned some issues relating to why a person be -- becomes a transvestite. I mean it's like a biological thing I recall, but what is -- what is the American Psychiatric Association's position on this? Do you -- do you have -- do you know what their position is with respect to transvestites?

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I don't know their position specifically with respect to transvestites. There was testimony -- I don't have it in front of me, though, from a psychology or psychiatric organization that is in support of this bill.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Mikutel.

REP. MIKUTEL (45th):

Yes, thank you, Mr. Speaker.

Well, I'm going to listen to this debate. I want people to know that I'm going to try to be understanding. I'm going to try to be sympathetic but I -- I need to weigh that against how I feel this will impact my constituents.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you very much for your questions and comments, sir.

Representative Rowe of the 123rd, you have the floor, sir.

REP. ROWE (123rd):

Thank you. Good evening, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Good evening, sir.

REP. ROWE (123rd):

Thank you. Maybe I can start with a few questions to the proponent please. Thank you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox, please prepare yourself.

Please proceed, sir.

REP. ROWE (123rd):

Thank you. When you brought out the bill, Chairman Fox, I think you referenced -- somewhere in your discussion -- how big or small a problem this was and how many people, perhaps, this -- this impacted.

Could you repeat that answer or tell us how big a problem this is maybe is a better way to frame the question? Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker.

And through you, I don't know if I was specific other than to say it's a -- it would be a very small percentage of our population.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Rowe.

REP. ROWE (123rd):

Thank you.

And do you -- do you know the number -- the percentage number? I mean not -- not in trying to nail you down to a precise figure but we're talking less than 1 percent. Are we talking less than one-tenth of 1 percent, as best you know please, through you?

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. Somebody may be able to get me the information. I'm not sure that there's a -- an actual count, but it is a extremely low percentage. So I'm sorry if I don't have a direct

answer.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Rowe.

REP. ROWE (123rd):

Thank you.

Now, if we could -- well, let me ask you a related question. How many -- are you aware that there have been discrimination claims made by individuals based upon their gender identity? Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. Yes, there has.

REP. ROWE (123rd):

Okay.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Rowe.

REP. ROWE (123rd):

Thank you.

And can you tell us how -- how numerous or innumerous those have been? Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. Perhaps a way to -- to answer the question and that might help to get it where the Representative is going is the -- to look at the fiscal note which I believe estimates that there would be less than 10 cases per year that this would impact.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Rowe.

REP. ROWE (123rd):

Thank you.

Do you know the basis of OFE's estimation that we're looking at fewer than 10 a year? Through you please.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. Your back and forth is -- you're doing great.

I -- I presume that they looked at the number of cases that have been filed.

Through you, Mr. Speaker. I don't have a direct knowledge as to the basis.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Rowe.

REP. ROWE (123rd):

I'll try and ask longer question so you can do what you need to do up there but --

DEPUTY SPEAKER ARESIMOWICZ:

Thank you very much, sir.

REP. ROWE (123rd):

So -- so what we know so far is that the -- the gender identity issue applies to a very small percentage of people and that we have an estimate or guesstimate that fewer than 10 people annually would avail themselves of this -- of this statute were it to pass.

Maybe we could -- we could talk a little bit about the standards that I believe are found -- to the extent there are standards, beginning in line 74. Am I correct that the standards by which we will use to identify one who is claiming a gender identity or expression discrimination is found in lines 74 through 78? Through you, please.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. That is correct.

REP. ROWE (123rd):

Okay.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Rowe.

REP. ROWE (123rd):

Okay. Thank you. So the standard that -- that has been set forth in this legislation is that gender identity or expression means a person's gender-related identity, appearance or behavior whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth. Correct? Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. That is correct.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Rowe.

REP. ROWE (123rd):

Through you, is there anything else in the 30 so paged bill that gives us a better idea of how to -- how to define or gives us additional standards by which we can ascertain to whom this would apply?

Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. There are -- perhaps, I don't know if the Representative is getting to this but there is an amendment that has been filed when I initially brought out the bill I'm not sure if it had been actually -- if it had actually come out. And I'm not sure if there's a fiscal note yet.

There is? Which there is a note. I'm getting a nod on the heads -- nod of the head saying that there is. And there's no fiscal impact so if the Representative wants to continue in this line of questioning, perhaps, this will be a good opportunity for me to call this amendment if we want to go along because it does provide additional standards in the amendment.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Rowe. The question is to you. Do you want to continue debate -- the debate or would you like to see the amendment? Is that where your question is going or would you like to go to another area?

REP. ROWE (123rd):

I think it's probably where I'm going with this line. Let me ask you. Where do I -- what happens to me in the queue -- on the board? Am I going to be 73rd or --

DEPUTY SPEAKER ARESIMOWICZ:

No, not 73rd. We will return to you after the good Representative brings out the amendment, sir.

REP. ROWE (123rd):

Okay and if it's the Chairman's pleasure, I will -- I will yield the floor I suppose and we can bring out -- or he can bring out that amendment and we'll go from there.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you very much, sir.

REP. ROWE (123rd):

Okay. Thank you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox, you have the floor.

REP. FOX (146th):

Thank you, Mr. Speaker.

And thank you to Representative Rowe.

We did have a number of discussions earlier today regarding some of the questions involving how you --

how do you define -- what goes into identifying someone's gender identity or expression. And there were some who felt that the definition was somewhat limited so with that, Mr. Speaker, and I would ask that the Clerk call an amendment. It's LCO Number 6685 and if it could be called, I'd be allowed to summarize.

DEPUTY SPEAKER ARESIMOWICZ:

Will the Clerk please call LCO Number 6685 which will be designated as House Amendment Schedule "A."

THE CLERK:

LCO Number 6685, House "A" offered by Representative Fox.

DEPUTY SPEAKER ARESIMOWICZ:

The Representative seeks leave of the Chamber to summarize the amendment. Is there objection to summarization? Is there objection to summarization?

Hearing none, Representative Fox, you have the floor to proceed with summarization, sir.

REP. FOX (146th):

Thank you, Mr. Speaker.

What the amendment attempts to do is to establish a means by which a court or -- a court could determine evidence that would lead them to support a claim for

discrimination based on gender identity or expression. There were those who felt that -- that medical history, care or treatment should be something that would provide evidence of an individual's gender identity or expression. So that -- that is one potential basis.

There's also those who -- to get to the situation of, you know, what if somebody decides one day to be one gender, change it the next day, change it back. There was -- it's a provision here that says that the person's gender identity would be consistent and -- consistent and uniform assertion of that person's identity. So these would all be evidence of that person's claim -- or evidence to support that person's claim of discrimination based on gender identity or expression.

There's also at the last line of the amendment, line 12, that the person could not assert this claim, could not say that they are discriminated against based on their gender identity or expression if they are making that assertion for an improper person -- purpose. So it is hoped that this amendment will help to provide some clarity to those who had some reservations regarding the bill, and I would urge

adoption of the amendment.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you very much, sir.

The question before the Chamber is on adoption of House Amendment Schedule "A." Will you remark on the amendment?

Representative Rowe of the 123rd, you have the floor, sir.

REP. ROWE (123rd):

I do. Thank you, Mr. Speaker.

And on the amendment this obviously does flesh out better what they -- what is -- frankly, I think, in the underlying -- there's a standard list definition so this gives some guidance.

And maybe if I could just -- just ask one or two quick questions. The -- in line -- in line 8 -- beginning in line 8 when it talks about -- and this I think is the new language -- but not limited to medical history, care or treatment of the gender-related identity consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held part of a person's core identity or not being asserted for an improper purpose. Does this -- does

this language seek, at least in the beginning part maybe in line 8 when it talks about medical history, does this amendment seek to recognize that there is a American Psychiatric Association definition or diagnosis of gender identity disorder? Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I'm not sure if it's called gender identity disorder. However, there -- there was testimony throughout the public hearing that medical treatment, medical -- medical history is -- is something that many of those who are undergoing or are in this situation would -- would have gone through. And so this will be one means by which evidence could be presented that a discrimination claim based on gender identity or expression could be supported.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Rowe.

REP. ROWE (123rd):

Thank you.

And through you, in line 7, it reads which gender related identity can be shown by providing evidence, et cetera. Ought we -- ought we -- well, I was going

to say ought we but -- ought the amendment not read which gender-related identity must be shown by providing? In other words, by using the word "can," are we -- are we again being too vague and why -- why wouldn't the amendment require this type of -- this type of evidence? Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. It -- the reason it does not say -- or it says "can" is because in some situations there would be no medical evidence but there might be a consistent and uniform assertion meaning that somebody hasn't shown for some time that they are of this other -- that they believe -- that they identify with another gender. So it was not meant to be limiting but it was meant to give guidance, in essence, to a court that this is the type of evidence that would be used to support a claim.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Rowe.

REP. ROWE (123rd):

Thank you.

And in line 12 where the new language ends with

"or not being asserted for an improper purpose," can you talk about the improper -- the reason improper purpose was included in the language please? Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. For some that was included reluctantly. They -- it was aimed more to address some concerns from those who had questions about the bill that an individual could use this bill for an improper purpose. It was not meant to say that they would but it was meant to say that they could not if they did.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Rowe.

REP. ROWE (123rd):

Okay. Thank you.

And I guess that's -- that's all the questions I've have -- have on the amendment. Maybe I'll -- the -- I think the amendment improves slightly the underlying definition but the fact that the word "can" is in there and the fact that there are still so many ways, vague ways, frankly, in which one will be able

to avail themselves of this statute -- of the amendment.

I think that it runs the danger of including not just the people that are intended to be included but a host of others. So I appreciate and I know the Chairman has made efforts to tighten things up and have a more workable bill but this, in my estimation, falls short so I will not be supporting the amendment.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you very much, sir.

Just as a point of information also with all the folks lined up to speak on this bill, we are referring to the amendment so if you'd like to speak on the amendment, if you raise your hand or stand, I will recognize you and put you on the list as not to clear the board.

In that vein, I represent -- I recognize -- Representative Klarides of the 114th. Ma'am, you have the floor.

REP. KLARIDES (114th):

Thank you, Mr. Speaker.

I rise for a few questions to the Chairman of the Judiciary Committee.

And I'd like to say first, I know the House Republican Leader has mentioned this before I -- I have to applaud Representative Fox for all the work he's done on this and his good faith effort to try and come to some agreement. And I -- I admire that and I would like to thank him for that.

But through you, sir, I'd like to ask a few questions of the Chairman.

DEPUTY SPEAKER ARESIMOWICZ:

Please proceed, ma'am.

REP. KLARIDES (114th):

Thank you, Mr. Speaker.

I know my colleague from Trumbull had asked the question about line 7, the word "can" being in there. So I won't go through that again.

I guess my question would be in line 8, talking about everything in lines 8 through 12 and can be used as evidence including but not limited to -- and it goes through the litany of things that we can look at. Are those things that the person who is claiming that he or she has been discriminated against can use as evidence to prove that he or she does fit into this protected category? Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker.

And if the Chairman can just briefly go through how a case like this might be handled if somebody believes they have been discriminated against and he or she then has the burden of showing that they fit into this category that should be protected, what happens after that? Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. It can depend upon the context what you -- whether it's employment, whether it's denial of -- of access, but it would apply -- should this bill become law, it would apply the same way as any other discrimination case would be brought in that a complaint would be filed usually with the CHRO and a hearing would be held.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker.

And I'm asking these questions honestly just for the edification of the Chamber who might not be familiar with how one of these cases might be handled. And at the end of the day when the person who believes he or she has been discriminated against presents their evidence as to why they believe they fit into this category, would a judge make the final determination? Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, or a hearing officer or judge.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker.

So as -- as with any judge or hearing officer making determination, it's based on their subjective opinion based on the evidence that they -- they hear during -- during the hearing or the case. Would this

list in this amendment in lines 8 through 12? Because we say "evidence including but not limited to," this is just a list of possible things that the person who believed they're being discriminated against could use to show that they fit into the category that was protected? Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. As -- as the language says it's not limited to but it is -- it did identify some of the strongest concerns that people had and amongst them included some sort of independent medical verification, as well as a continuous assertion of this -- of an identity that is different than the one that they were assigned.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker.

And let's just imagine for a second that -- that this amendment did not exist or did not become part of the underlying bill and that underlying bill became law without this part in it. How would one go forward

in trying to overcome their burden of proof to show that they belong to this group that was being protected? Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

The question is -- should -- if the amendment did not pass, what would be the impact of the underlying bill? I still -- I do believe that the -- criteria that are set out in the amendment would still be strong evidence of one who was bringing a claim of discrimination. So -- I don't know that it would change it so much but it -- what the purpose of the amendment is to do is to state, as part of the bill, and outlined in the bill that these are the types of criteria that would support this type of claim.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker.

So if this amendment did not pass and the underlying bill did pass, someone who were -- who was -- found themselves in the category of overcoming a burden of proof to prove they were in this category of

protected people could use medical history, could use consistency and uniform assertion of gender-related identity, the belief that -- the belief that that gender-related identity is sincerely held and any of these in lines 8 through 12. The person could use these things anyway to prove if this amendment did not pass to show that they're -- that they fit into this protected category. Is that correct, Mr. Speaker, through you?

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. Yes, they could use these criteria anyway.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker.

I thank the gentleman for his answers.

I guess my problem, at this point, is even though I -- as I mentioned earlier -- it was certainly a good faith effort on the part of the Chairman.

We've listed these things in here but in reality what this is is a suggestion list. You might want to

use these things if you find yourself in this case -- in this situation, but it won't really make any difference insofar as what we have to prove in overcoming a burden of proof legally. Because the language we have is "can" be shown by providing this evidence so it's not a must. So it may or may not and it's evidence including but not limited to. So you may use these; you may use another thing. So this is a suggestion list, of sorts, which I appreciate but, in my opinion, doesn't change, at all, the underlying bill.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you very much, madam.

Would you remark further on the amendment before us? Would you remark further on the amendment before us?

Representative Thompson, you have the floor, sir.

REP. THOMPSON (13th):

Sorry. I've been very quiet all year so I'm not too familiar with all of this.

I've listened to the debate and, certainly, I've had many minutes, perhaps hours, thinking about this issue over the years. And I came to the conclusion

that I believe that we have something that we should correct.

And I -- I can best explain it by a young man I grew up with. We both went to the same high school. We chummed around. And I was the athlete playing baseball and basketball and pretty good competition. He was the guy who enjoyed dancing and working hard but enjoyed different things. And he dated at that time. Well, the long and short of it was he was, in my terms, gay. And it didn't change anything as far as I was concerned. But I went off to the service right after high school and my friend went to college. And in college he participated in a form of the ROTC only he became a Marine Corps officer and I became -- in my youth -- a Marine Corps private.

I went overseas for a couple years -- not for a couple of years. I spent a year in Korea. Came home a corporal, I was barely 20 years old and I was released. My friend, after college, went into the Marines as an officer, spent four years there and was discharged honorably as a captain.

We didn't see very much of each other. I -- went away to school, and I spent most of my formative years up in Vermont. And he went to work and I think he was

very close to my sister and my family and so I kept tabs with him. And he has lived an exemplary life, never married, has a partner and as far as I know served his country honorably, and so on.

And we had some reunions and I saw him and he was just another guy. But he would be affected by this legislation and am sure would handle it fine. But I -- I think it's very difficult for me. I have my own -- excuse me.

I will try to stay on the amendment. Well, the amendment defines something and tries to put in so many words an explanation about the physical and background that affects some of our -- our people who are affected by this. But I think, in all, I would be crazy not to simply say that Linda Schofield, the Representative, gave a very, very, I think, clear explanation of how some people are in -- become involved in this situation.

My friend went off to the Marines. He survived four years in that organization. And I'll tell you, I didn't -- didn't have to stay that long with them but I survived, too. And he's a man with a problem, and I think that problem was explained by Linda. I don't think the world will come tumbling down. I think

religious rights, and so on, are protected under the law or under the proposal -- or defined correctly under the proposal.

So I would be remiss if I would single him out for any kind of discrimination or anybody else like that. And I -- I think they have a cross to bear in some ways. They manage. We have all known people who are, for want of a better word, gay and are homosexual and live a very decent life and contribute to our society and don't cause problems. And a lot of their social life is among each other but some of it is joined with us. And it's never been a problem in my life, I don't believe, nor in my friend's life. But I believe he probably took some heat along the way. So I -- I think that the definition helps the cause and, you know, is a good explanation. And as I said, Representative Schofield, I thought, did a very nice job in explaining what may be a terrible burden to carry through life, but some people do it with class. And I think it's possible, as long as we recognize that this situation exists in our society and it hasn't brought us down, I don't think. And people have survived, we have survived. And they have a cross to bear and they bear it, I think, in most cases

bravely and courageously and contribute positively to our society.

So I think to discriminate against them because of this is wrong and that should be removed. And I believe that we'd be doing the right thing. That's my belief. So I wanted to add that -- my two cents to the argument.

Thank you.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you very much, sir.

Will you remark further on the amendment?

Representative O'Neill of the 69th, you have the floor, sir.

REP. O'NEILL (69th):

Yes, thank you, Mr. Speaker.

I have a few questions, if I may, to the Chair of the Judiciary Committee and proponent of the amendment to go through some aspects of the amendment and get some definition of it.

DEPUTY SPEAKER ARESIMOWICZ:

Please proceed, sir.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

I think I'm going to start at the -- at the

bottom of the amendment and work my way backwards through it.

So I would ask in the language that's here it says that the gender identity or expression is not being asserted for an improper purpose. And I'm not sure exactly what that is supposed to mean. And since this is going to probably construed by, at least, the CHRO and possibly by a court at some point, it might be helpful if we identify what would be considered by the proponent of the amendment to be improper purposes for the assertion of a gender identity or expression. So if the Chair of the Judiciary Committee could give me some examples of what he believes improper purposes would be.

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. There was, I believe, testimony during -- or not testimony but discussion during the debate when this item was voted on in the Judiciary Committee, as well as discussion that has taken place throughout the course of this bill whether it be the public hearing or after this bill came out

of the committee, that individuals would -- you'd take advantage of this provision -- or take advantage of this addition to our antidiscrimination law and utilize it somehow for their own personal advantage whether it be -- and it's difficult to think of an example because I don't -- I don't necessarily believe that it should be part of the bill, but it was done more in a way to -- make those who had this concern be somewhat at ease with the -- with the prospect of this being added to our antidiscrimination laws.

I guess -- I guess some of the examples -- if I can recall and maybe the members who proposed those examples can state them but -- something along the lines of somebody claiming to be a different gender for some sort of, whether it be financial advantage, maybe there was -- I think there was a comment regarding -- getting better insurance rates. Perhaps just utilizing this antidiscrimination law as a means to stay they're -- say they're another gender when their -- when they-- that is really not their gender identity.

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

Okay. What I -- derived from that answer is, and I will follow up a little bit but, that the proponent himself does not necessarily believe, can't really come up with any examples that he believes would constitute an improper use of it but relying on a recollection of someone of making an assertion that a person might try to use this statute and the protections afforded it under it to get a better insurance rate.

But -- I guess the question is does the -- does the proponent believe that, in fact, that would be asserting a, under this, a gender expression or identity of, let's assume for the moment, a male asserting to be female on an insurance application because you get a lower rate on either car insurance or perhaps life insurance or something that that would, in fact, be an improper use of -- of their gender identity or expression and that if they were challenged by the insurance company, for example, that -- or told they couldn't make that assertion that would, in fact, be a -- a improper use of this statute? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER ARESIMOWICZ:

Representative O'Neill.

REP. O'NEILL (69th):

Okay. So -- and I thought I also heard that a large part of this language was meant to -- and if I could summarize it to sort of give the opponents of it or those who are uncomfortable and felt uneasy about this legislation that this language is sort of a -- essentially a kind of a comfort to make them feel more comfortable with it that there is some sort of protection. And aside -- but aside from the insurance example that the proponent cannot think of any other examples of an improper use of this assertion of a different gender from their physiological one.

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. If an individual were to say that they identify with a gender that is

different than the one that they are assigned at birth or -- or different than their physiology and they were to use that for any purpose other than that -- that that is their true -- truly how they identify, then it could be an improper purpose. If they were to use it for a financial purpose, if they were to use it to take advantage of a different rate for a different gender, that sort of thing. It would -- it would be the type of thing and the purpose of this entire bill is to protect those who do identify whose -- with a gender that is different than that by which they were assigned.

DEPUTY SPEAKER ARESIMOWICZ:

Representative O'Neill.

REP. O'NEILL (69th):

Okay. I -- I think there are maybe two different issues that are sort of mixing together here. And perhaps it's my fault, perhaps, for starting at the bottom instead of at the top. But -- but assuming that an individual has consistently for a number of years who is biologically a male, dressed and expressed themselves as a female. They've not undergone sexual transformation and transitioned from male to female but they have simply dressed as a

female, called themselves a female, express themselves as a female. And they apply for insurance and it's -- and claimed to be female on the insurance policy. Would that be considered to be an improper purpose? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

If they are doing so -- if they are act -- if they are acting in a way that is consistent with their gender identity that they can do. If they are acting in a way solely to benefit financially and I -- I would assume that that would be an improper purpose.

DEPUTY SPEAKER ARESIMOWICZ:

Representative O'Neill.

REP. O'NEILL (69th):

Okay. So that -- so that under the terms of this and really I don't know the degree to which this had been discussed earlier of whether it is, for example, to have a -- an insurance policy, even though insurance rates are different because males have different medical trajectories and become susceptible to diseases at earlier ages and I guess they get lower life insurance rates, at least when I remember looking

at the tables -- and how much would life insurance is going to cost for a male at a certain age and a female at a certain age that it would be okay for a person who says -- expresses themselves consistently as -- as female even though they are biologically male to make a claim as say that they are female for purposes of obtaining a life insurance. I just want to be clean that's one of the things this bill is going to authorize to be done.

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I don't know that there's a specific reference to life insurance in this -- in the antidiscrimination laws so I -- that -- if it is not a current basis for discrimination then that would not be the intent. So -- through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative O'Neill.

REP. O'NEILL (69th):

Okay. My recollection is that there were some provisions in this bill, and I -- I don't have -- I'm

trying to stick to the amendment. I don't want to drift off into the -- the details of the bill. But since this changes the definition and then sort of opens the door to everything else in the bill. Is -- is there a provision in the bill that requires for -- relates, let's say, to financial matters such as obtaining credit? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I'm not sure if there is. If the Representative is aware of a section I can point to that.

DEPUTY SPEAKER ARESIMOWICZ:

Representative O'Neill.

REP. O'NEILL (69th):

I -- I thought that -- I mean I know that it covers a wide range of things including obtaining electrical service and -- a variety of other activities. There's a long list of changes to discrimination laws and the inclusion of gender identity or expression. But that would seem to me to be another potential area, I suppose, it would be -- and I'll give the gentleman some time maybe while I'm

talking to find one. But he mentioned some kind of financial consideration. I imagine that there are loans, for example, small business programs or something like that that are targeted towards racial minorities and women. And I know I have seen these kinds of programs mentioned in various places where a certain amount of money is -- is set aside. The State in its contracting programs has set aside for minority- and women-owned businesses. So and I think there's language in the bill that relates to the agencies of the State not being able to discriminate based on gender expression or identity.

So is -- is there a provision, for example, there were a person could apply for a loan as a -- who is biologically male -- but apply for a loan (inaudible) checking the box that says "female" saying that they qualify for a loan that's meant for minority- and women-owned businesses and they meet the criteria in terms of they dress as a female, identify themselves as a female, express themselves as female even though they are biologically male to anybody looking at them from a physical standpoint? Would this affect a state program that has a set-aside for male- and minority-owned -- or female- and minority-owned

businesses? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I don't know if the Representative can point to a specific section.

DEPUTY SPEAKER ARESIMOWICZ:

Representative O'Neill.

REP. O'NEILL (69th):

Well, I was kind of hoping that the proponent of the bill might be able to tell me if there are places where this -- I'm trying to figure out where there's this improper language fit into the bill. At what -- what aspects -- what abuse of the potential rights under this bill does not being asserted for an improper purpose cure? What -- what do they -- what does that fix in that might be improperly used in the bill or it might constitute a misuse of the bill? It sounds like there are no -- am I to understand that there are no financial benefits that one can derive by being -- by asserting a gender other than the one that they were assigned at birth? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I don't think that there would be. However, it began with the question as to what was mentioned during committee and that was my recollection that somebody had asked that question. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative O'Neill.

REP. O'NEILL (69th):

I -- I've been given to understand that 32-204, which is covered by the bill and affects those -- that section of our law deals with DECD grants. And so apparently -- and -- and the DECD grants do provide for a -- a benefit for female-owned businesses as I understand it. So that this law -- the bill that's before us and now the amendment that's before us would affect how those grants might be allocated. And I -- so is it the proponent's understanding that that's correct? That does -- the DECD would be affected by the bill and, therefore, the amendment affecting the bill would affect the grants in some way? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. The -- to the extent that it would apply -- and I'm looking for a section where it might, there is certainly antidiscrimination -- I believe that my recollection is that there's antidiscrimination language in a number of places. So I do think the Representative is correct in that. And to the extent that someone has stated that might -- their gender or identity or expression would apply then to that extent, they could not be discriminated against.

DEPUTY SPEAKER ARESIMOWICZ:

Representative O'Neill.

REP. O'NEILL (69th):

All right then. So if the bill is adopted a person could -- it sounds like that a person who is -- has said for a period of time -- and I'm not sure how many years it has to be -- but for whatever period of time is considered an adequate period of time and they've consistently presented themselves, expressed themselves as female. They apply for a DECD loan or get a contract from the State that is part of a set-aside for women-owned businesses. A biological male

asserting themselves and presenting themselves as female would be eligible to get that contract or loan. It would not be an improper action for them to make that assertion. Is -- is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. It would require that their gender identity or expression be -- be that of the gender that they are purporting to be.

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative O'Neill.

REP. O'NEILL (69th):

Okay. Then, so if -- if a person presented themselves as -- as a male, a biological male presented themselves as female to the DECD saying I want to get the woman-owned business contract, set-aside as a (inaudible) done for -- for women. That would be an improper purpose then that they could not be eligible for the loan because they were not biologically female. And is -- is that what would happen that DECD would have to turn them down saying

even though you dress like a woman and identify as a woman because you're not biologically female, you do not get the women-owned business set-aside? Is -- is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I -- I don't know that that is correct. I believe they can -- if -- if the basis for denial is the -- based upon the gender identity or expression of the individual applying then, perhaps, that would be a basis for denial.

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative O'Neill.

REP. O'NEILL (69th):

I -- I guess I'm puzzled. I'm not sure. If -- if a person shows up and they've -- they've met the other criteria in the amendment to meet the definition of what it takes to be, in effect, a sincere expresser of a different identify from their biological assigned-at-birth gender identity and they apply for a loan, are they going to be able to get the loan or the set-aside which is intended for females if it's a male

applying who expresses themselves as a female?

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. When -- that the term "improper purpose" would mean -- the way I would read it -- is if somebody were claiming to have a different gender identity for purposes of getting the loan.

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative O'Neill.

REP. O'NEILL (69th):

Okay. Well, I have a feeling this is something that is going to end up being sorted out but at a different location. I thank the gentleman for his answers.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you very much, sir.

Will you remark further on the amendment before us?

Representative Carter of the 2nd, you have the floor, sir.

REP. CARTER (2nd):

Thank you, Mr. Speaker.

Just two quick questions to the proponent of the bill -- the amendment.

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Please proceed, sir.

REP. CARTER (2nd):

The -- I want to make sure I understand this completely. The way the amendment reads is if somebody is discriminated upon by being transgender, they do require some sort of evidence that shows that they're either in treatment, have a uniform assertion but if they don't have anything like that they can be -- how to say this, they can be discriminated upon? Let me rephrase that, make it easy.

I've got to have proof that I'm transgender? Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. Anybody bringing in an a claim of discrimination would need to have proof.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Carter.

REP. CARTER (2nd):

Thank you, Mr. Speaker.

So -- so here's -- here's one concern I have because I see this amendment as actually being discriminatory. And I'll say why. This amendment or this bill actually claims to protect the freedom of expression for gender. And I would say that if you have a middle aged man, like myself, who is married with children, and is actually leading a double life and is interested in, you know, expressing themselves but they do it on their own time. And they do it somewhere else, in another county, maybe their wife knows about it. If something happens and that person's discriminated upon because of their behavior, they haven't seeked any medical attention, they have no proof, except maybe what their wife has said, and that would be a protection.

So I almost see this as something that is not going to protect somebody under the law the way this amendment is written. And I know the bill seeks to express -- excuse me -- to protect the freedom of expression of someone's gender. But if I don't have proof then I'll say well, you're not going to protect

me.

And -- and I know that sounds like a twisted way to look at it but when I look at the amendment, I think there's -- there's a certain flaw and it points out exactly why this issue is so difficult to legislate.

That's it, Mr. Speaker, thank you very much.

DEPUTY SPEAKER ARESMOWICZ:

Thank you very much, sir.

Will you remark further on the amendment before us? Will you remark further on the amendment? If not, I will try your minds. All those in favor of the amendment, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ARESMOWICZ:

Those opposed, nay.

REPRESENTATIVES:

Nay.

DEPUTY SPEAKER ARESMOWICZ:

The ayes have it. The amendment's adopted.

Will you remark further on the bill is amended?

Representative Rowe of the 123rd, sir, you have the floor.

REP. ROWE (123rd):

Thank you very much, Mr. Speaker.

And I don't remember where we were when we left off but now that -- that we have adopted that amendment and come up with some sort of standard, deficient though it is. Maybe just a few more questions to the proponent.

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESMOWICZ:

Representative Fox, please prepare yourself.

Representative Rowe, please proceed.

REP. ROWE (123rd):

Thank you.

Does -- do the protections of the bill apply to individuals in schools, students in schools and by that I mean whether it's elementary or -- or high school?

Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Rowe -- I mean Representative Fox, I apologize, sir.

REP. FOX (146th):

Thank you, Mr. Speaker, yes.

DEPUTY SPEAKER ARESIMOWICZ:

Now it's Representative Rowe.

REP. ROWE (123rd):

It is. Thank you.

And through you, is there a concern that even with these new guidelines that students of a school -- and we can certainly think of probably many different hypothetical's and I won't go through them all -- but, in general, the difficulty of a boy in school, say a high school boy who is seeking to use this use this broadly written bill as an opportunity to do something he wouldn't be able to do regular -- ordinarily and that would be access the restroom or the locker room of the girls.

And I guess my question is, isn't it true that's a real concern under this bill?

Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. The testimony that we received in support from -- from the Child Advocate, as well as the Connecticut Education Association and others, I believe they did and through their testimony, I do believe they took that into account

and while it is rare, there are individuals, young people, who do fall into a category where they are questioning their gender identity or expression, or they that feel they are assigned a different gender identity. They feel they are different than the gender identity that was assigned to them.

They -- those -- those who are in the schools those who testified did support this bill because they felt it would help them in -- in helping them address the situation as they arise. It's something that is rare. It does happen, but it happens now.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Rowe.

REP. ROWE (123rd):

Thank you. I appreciate that answer.

And, again, to get back to what Representative Cafero and -- and Representative Klarides said. You know the difficulty that I think we're having is that the bill is so broad. It's going to invite those who we don't intend to offer for these protections to the protections.

So, I guess I would -- I would reiterate the issue that when you're talking about schooling -- and it seems to me it's still under the bill there would

be plenty opportunity for boys, perhaps, you know, you can envision a soccer team. Boys are on a soccer team and boys being boys will seize an opportunity to avail themselves of the women's -- of the girls locker room. And I won't go into it further, but I think that's a real issue because this bill isn't narrowly tailored. It's going to sweep them in and give them that opportunity.

Maybe I could ask another question on and this might be my final question, but is there any religious exemption contained in the bill?

Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. There is a section that does deal with those who are asserting their religious convictions.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Rowe.

REP. ROWE (123rd):

Can you tell me where that is?

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. It's towards the end

REP. ROWE (123rd):

Thank you.

REP. FOX (146th):

It's -- and let's see. Here is it, section 37, yes, I believe. Page 32, if you're -- if you're working off of the file copy, lines 1014, 1015. I'm just that's where I see religious corporations, entities.

REP. ROWE (123rd):

I see and --

DEPUTY SPEAKER ARESIMOWICZ:

Representative Rowe.

REP. ROWE (123rd):

Through you, that's new language?

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

It's new language with respect to this -- to this bill. I mean the language, as I understand, it is consistent with the -- with Gay Rights Legislation that was passed, I believe, in 1991.

I think that served as the model for this.

REP. ROWE (123rd):

Okay.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Rowe.

REP. ROWE (123rd):

Thank you.

And I'm certainly appreciative of that. We do have that religious exemption or protection language there.

And, you know, I think a lot of the -- a lot of the objections to the bill are the -- the poor standards and the poor guidelines that will -- that will hamper us in protecting those that we're seeking to protect.

But the other difficulty, I think, is the problem of, you know, restrooms, bathrooms, and opening up what are now, men's rooms and women's rooms to maybe not all comers but to those that would avail themselves of the vagueness of the bill to do bad things.

And I'm not talking about those with gender identity. I'm talking about those that will use the provisions of the bill, whether it's a peeping tom or whether it's a pedophile or whether it's someone who

is going to claim that they're something they're not in order to -- to do things that are otherwise criminal.

So, happily, I have an amendment and if I could ask the Clerk to call LCO Number 6516, and I'd be given leave to summarize.

DEPUTY SPEAKER ARESMOWICZ:

Will the Clerk please call LCO Number 6516, which would be designated as House Amendment Schedule "B."

THE CLERK:

LCO Number 6516 House "B" offered by Representatives Rowe, Klarides and Cafero.

DEPUTY SPEAKER ARESMOWICZ:

The Representative seeks leave of the Chamber to summarize the amendment.

Is there objection to summarization? Is there objection to summarization?

Hearing none, Representative Rowe, you have the floor to continue with summarization, sir.

REP. ROWE (123rd):

Thank you, Mr. Speaker.

And to summarize, this -- this amendment would conform the gender identity or expression and offer the same protected status as we afford people based

upon sex.

In 1994, when this legislature created a protected class for one's sex, in other words, you can't discriminate against one based upon their sex, the Legislature carved out just a couple of exemptions, common sense exemptions. And those exemptions, according to current law are -- are really two: the rental of sleeping accommodations provided by associations on a temporary or permanent basis for the exclusive use of persons of the same sex; or separate bathrooms or locker rooms based on sex.

So the -- when we protected sex as a class, the Legislature exempted those common sense things out and now it was sufficiently narrowly tailored and has worked, I believe. This amendment merely seeks to add those exemptions to gender expression or identity, and I would move adoption.

DEPUTY SPEAKER ARESMOWICZ:

Thank you very much, sir.

Will you remark further on the amendment before us? Will you remark further on the --

A VOICE:

(Inaudible.)

DEPUTY SPEAKER ARESIMOWICZ:

Representative Rowe.

REP. ROWE (123rd):

May I have one minute please? Ten seconds?

DEPUTY SPEAKER ARESIMOWICZ:

The House will stand at ease.

REP. ROWE (123rd):

Forgive me. Thank you, Mr. Speaker.

And just to -- just to, again, reiterate that all this -- all this amendment does is it takes existing language and the two exemptions that were carved out 15 years ago when we did sex as a discriminated class. It takes those two exemptions and it -- it now says that those exemptions also apply to gender identity or expression.

So I think it takes -- it perhaps won't remove all the objections to the bill, but it will remove, I think, a fare share of them. So I'm hopeful that we can pass this common sense amendment, and I would ask please, Mr. Speaker, that when the vote be taken, it be taken by roll.

DEPUTY SPEAKER ARESIMOWICZ:

The question before the Chamber is on a roll call vote.

All those in favor of a roll call vote, please

signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ARESIMOWICZ:

The records at 20 percent has been met and when the vote is taken it will be taken by roll.

Will you remark further on House Amendment Schedule "B." Will you remark?

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker.

I would just urge opposition to this amendment. I know there was some reference to peeping toms and -- and criminal activity. The underlying bill would prevent that and that there's nothing in the underlying bill that would make that legal so I would say the amendment is unnecessary.

DEPUTY SPEAKER ARESIMOWICZ:

Will you remark further on the amendment?

Representative D'Amelio of the 71st, you have the floor, sir.

REP. D'AMELIO (71st):

Thank you, Mr. Speaker.

Ladies and gentlemen of the Chamber, I urge you

to really to look at this amendment in a different way.

You know we all come from a different walk here and life, and it's no secret that I own and operate a restaurant in Waterbury. I have a story to tell about this very issue.

You know, first of all, I'd like to thank Representative Cafero for setting the tone of this debate. And for Representative Schofield for her remarks to really bring out the issues that these individuals face.

I've -- I had a restaurant that had an individual, I'll call him Jason, that was born not too far from my restaurant and he was a -- he was a frequent customer. And he came in with his parents quite often. And as Jason was growing up, he knew that he had a problem. And his problem was, I guess, he was confused. He didn't know his identity. And we accepted Jason, me and my staff, we grew to love him just like every other customer that we know.

But as Jason grew older and he started coming into the restaurant alone, one day I heard a scream come from the hallway of my establishment. My staff immediately came in to the kitchen and notified me

that there was a problem. When I went to -- to figure out what was going on, there was Jason visibly shaken.

Jason entered the ladies bathroom and in the bathroom was Ms. Brown, who at the time, God rest her soul was 80 years old. She was visibly shaken, visibly shaken. I didn't know what to do. I know Jason. He's been in our restaurant so many times. We accept him. There's no problem but when it came to Ms. Brown and others, there was a serious problem. And me, as a restaurant owner, I had to make a determination on what to do.

So I thought it was only fair because I knew Jason, is to ask him, "When you need to use the facility, please let me or the staff know so that we can make sure if you're uncomfortable with using the men's rooms, we'll make sure that we clear the way for you."

I share this story with you because I really think it's incumbent upon this Chamber to realize that there are issues out there when it comes to this very issue we're debating here. It's not just black and white.

We would like to say that, you know, people have a problem and they should be accepted as they are. I

don't think I discriminated against anyone. I -- I earn my living by providing meals for people and it doesn't matter to me who those people are. And we accommodate everyone but these issues arise and you don't know what to do.

Now bigger establishments might have a unisex bathroom where you know men and women can use but when you're looking at little mom and pops, restaurants or stores where there's clearly a men's room and -- and a ladies room these are serious issues, and the public doesn't accept them at all times.

So I ask you to -- if this amendment is adopted, I think this bill could be really manageable and even in the public view. But even if we pass this bill, we're still going to have these issues that are out there and there's going to be many people, like myself, that own businesses that are not going to be sure what to do and this -- when this arises.

It's easy to say, well, he has the right to use any bathroom he wants. When you have a restaurant full of people saying, hey, wait a minute. What about my rights? I don't want to be subjected to that. He's a man. In my eyes, he's still a man even though he wants to use the ladies bathroom.

And then you look at Jason, you say, well, he's a confused individual. I've known him since he was a kid, and I understand that, you know, he's a human being and that you want to respect his rights.

So let -- let's just think about that for a minute before we just go and reject these amendments that are being brought out because these are life instances, like I said, ladies and gentlemen, and they're not cut and dry. We need to really think about it. Your constituents are the same as my constituents.

Mrs. Brown was a lovely lady. She loved everyone but she found it offensive and -- and it -- it rocked her to her very core where she was in tears. She was visibly shaken, and I'll never forget that because of this experience that she had to go through. She didn't go out to dine that day to be subjected to that. And Jason didn't mean any harm by it but, as a restaurant owner, or any owner, you stand there and say what do I do? How do I solve this issue?

And by allowing this amendment to stand, I think it gives everybody the latitude to say, okay, wait a minute, you know, let's be fair here, let's not discriminate, let's come up -- let's come up with a

reasonable approach and that's what this would do for someone like myself. I thought I came up with a reasonable approach because Jason's been in several times after that. And if he has to use the facilities, we accommodate him, but if you pass this then there's no accommodating. It's just going to be a bunch of people that are going to be angry. And if you have people that live in your community, in your area, that frequent your place and if they alienate other people then I'm going to lose other people because of the fair -- fact that I can't accommodate everyone.

So please when you -- when you think of this amendment just think of that story. It's not discrimination. I don't want to discriminate against anyone but it's just common sense like that word been used here so often.

I thank you, Mr. Speaker.

(Deputy Speaker Ryan in the Chair.)

DEPUTY SPEAKER RYAN:

Thank you, sir.

Will you remark further?

Representative Shaban

REP. SHABAN (135th):

Thank you, Mr. Speaker.

I rise in support of the amendment. And if I may, through you, ask the proponent of the bill some questions concerning the amendment.

DEPUTY SPEAKER RYAN:

Please proceed.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

Through you, my question to the proponent not of the amendment of the actual bill. If -- if I may, sir?

DEPUTY SPEAKER RYAN:

We are -- we're actually on the amendment. You have to be discussing the amendment.

REP. SHABAN (135th):

It'll be on the amendment, but it will -- better yet, I'll skip the questions. I'll go right to the point.

The amendment, other than making some common sense obvious sense or -- or being a good thing, actually, solves a problem that was raised during the Judiciary Committee but only -- but only in passing and -- and -- and I raise it for this Chamber because I think it's an important one.

Without the amendment, without the common sense inclusion of the gender expression in Part B of the section that's part of the amendment to allow for private places, sleeping quarters, locker rooms and whatnot, what will end up happening is that women who do -- who for lack of -- well, for lack of the -- or using these terms, women who identify themselves as women who are born a woman and do have any gender expression issues, women will actually, suddenly, have fewer rights and less -- less rights under the law than a man who expresses himself as a woman or woman who expresses himself as a man.

Let me run the hypothetical. It's -- it's a fine point, but it's a real point because what we have here what we're creating is statutorily is the disparate impact situation, which is, believe it or not, discrimination under Title 7 of the 1964 Civil Rights Act. And it's also discrimination under our own state laws, which adopt that act.

If a woman without gender expression issues or -- or identification questions can only go in the ladies room. If she goes in the men's room, she cannot sue for sex discrimination pursuant to this carve-out. However, a man, if this bill passes, who on Tuesday

just decides or believes that he wants to express himself as a woman now can go in either. And with that carries with them a bundle of rights and the force of law by way of fine and -- and even potential civil suit for under a 1984 action that the woman doesn't have.

So what we're doing by not adapting this amendment is actually creating a reverse discrimination of impact on the people we were trying to protect 15 years ago. Now it's a subtle point, but it's a real point.

It's a common sense fix. Our CHRO -- the CHRO -- CHRO decision that was cited by the proponents of this bill already rules. It's already the law in the Connecticut -- in Connecticut that gender expression, transvestites, sexual expression issues, like this, are covered by the sex discrimination laws of our state.

By creating this bill and not including them in the sexual discrimination carve-out, we are giving transgender folks or folks with transgender expression more rights than the folks we protected 15 years ago. That's a mistake. Not only is a mistake on the law. It's a mistake under common sense.

With that I -- this amendment solves 90 percent of the problem. I urge my colleagues all through the Chamber to take a look at it.

Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, sir.

If anyone else would like to comment on the -- Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker.

We had this amendment in the Judiciary Committee when we discussed this bill the first time, and I asked the questions, at that time, why people who supported the underlying bill, which I voted for at that time, didn't support this amendment if it -- if it was just making the gender identity portion that we were debating consistent with the underlying statute based on sex.

So it didn't make a lot of sense to me. It seemed like a common sense amendment at the time but what we heard from our good colleague from Waterbury, is this isn't just words on paper. This isn't -- this isn't just policy. We do make policy. Obviously, that's our job but these are real life issues that

come up based on the legislation we pass and the policy we make.

And because of that we need to change things as we go and come up with different ideas that will help problems, like the Representative from Waterbury had. Not to diminish anyone's right to not be discriminated against. No one, no one should be discriminated against. I don't know one person in this Chamber or anybody we know that believes that, and if they do, they couldn't be any more wrong but the reality is we make legislation in a vacuum sometimes. And examples from Representative D'Amelio show us that amendments like this are needed to help our policy fit into real life and that's what this amendment does.

I urge your support, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you, Mr. Speaker.

I also want to urge my colleagues to really give this amendment some serious consideration.

For many years, I've been a single mom of two sons. And there's been so many times where I've had

to let them go into the locker room at the Y, let them go into the men's room. This was the most frightful -- frightening one, at Bradley Airport by themselves because I didn't have any -- they were too old to bring with me into the women's restroom but yet, honestly, they were too young to be going alone into the men's room. And it's always that tough decision to make.

And I certainly understand -- and for anyone who's a parent or a grandparent and you think of these children, it -- we realize that this is not something that's going to happen often. It is going to happen very, very, very seldom. And I hate to make this bill about this but the opportunity is going to exist. When you allow somebody confused about their gender to go into the same private facility with my children or your children or your grandchildren this is not right.

And I feel very, very uncomfortable with it, but I struggle, like we all do, because we want to make sure that fairness is given to every single person in the State of Connecticut and in this country. I believe in it to my core. I believe in it. I've lived my life with so many opportunities to see discrimination taking place against people, people I

love, and it breaks my heart that I can't do more about it but this is not what we're doing with this bill today. We are not creating a society that is not going to discriminate.

We're passing a bill that may in some small way help give some legal rights to people who deserve them, but we are opening a door to problems and concerns and fears that we have no right doing. This amendment will help me support this underlying bill because what this amendment is going to do, it's going to understand my concerns as a parent for my children. And it's going to help grandparents feel safe letting their child go into that YMCA locker room.

And please don't ever try to say that people who vote against this bill are doing so because they are not understanding the needs for fairness and nondiscrimination because that is just not true.

Mr. Speaker, this is an important bill and it says a lot about how we legislate here in this Chamber. I urge my colleagues to support the amendment.

Thank you.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Is there anyone else who would like speak on the amendment?

Anyone else would like to speak on the amendment?

If not, staff and guests please come to the -- oh, I'm sorry.

Representative Thompson.

REP. THOMPSON (13th):

Mr. Speaker, I have a question I would like to ask Attorney Fox who made the presentation. And I am supporting the long goal of this legislation, but it is my understanding that in most restaurants and public places there are, under the present situation, the determination who uses those rooms is usually as the gentleman friend from Waterbury, I believe, in his restaurant, I think, resolves the situation very nice. What could have been an embarrassing situation and somebody else said that, you know, it's -- that kind of issues is very seldom going to come up.

My thought is if the amendment passes, will that -- that will, I guess, ensure that or at least as a result what the maker said, that will ensure that the kind of action that the restaurant owner took in his situation could be done but still at that same time preserve the gender identity for most other

issues.

We do live a society where, you know, we do separate the sexes when they use the bathroom facilities. Wouldn't that be something that could naturally be accepted and not destroy the -- the overriding intent of the legislation in your opinion?

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker.

I don't know that the underlying bill would prevent our friend from Waterbury from doing what he did. It sounds as if he handled the situation that, as he said, was uncomfortable. People that he cared about and he did his best to handle it in an appropriate manner.

So I don't know that this amendment fixes it or is needed for someone to attempt to address it in that situation.

I -- also, I don't know enough about the -- the individual who was referenced in terms of what his history beyond all of that. I know that -- but it does sound as if the Representative did his best to handle it in an appropriate manner, and I think he

could still attempt to do so without this amendment.

DEPUTY SPEAKER RYAN:

Representative Thompson.

Does that complete you?

REP. THOMPSON (13th):

Well, I used that as a hypothetical but my -- my concern is that we are a society that has separate men's and ladies rooms since forever. And I don't think it would be too far a fetch that that could be carved out for that type of situation. And so I think there are certain proprietary powers that have to be exercised. And I would think that most restaurant owners if they could would have a unisex set up if they could afford it, but most probably couldn't afford it. So I would think that could be done under the building code or whatever restaurant code and without destroying the real intent of the legislation as we see it.

So that's my remarks.

DEPUTY SPEAKER RYAN:

Thank you, Representative Johnson.

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Just to piggyback on Representative Thompson's question. We're offering opinion here, and I know Representative Fox is an attorney, and I'm an attorney and attorneys sort of interpret these things when clients come to you and ask to sue on their behalf or whatever.

And I would argue, Representative Thompson, that without the passage of this amendment, a good and decent man or woman, if you will forgive me, like my friend here, who did what he did because he is a good and decent person would be subject to liability.

Because if it wasn't Jason, it would -- if it was someone else they could say the law that was passed today without this amendment gives me the right to bring suit against you, sir, because you denied me of my right to use that women's room. And a good and decent person would be subject to hiring an attorney, defending him or herself, be subject to a Class A misdemeanor, a good and decent person who was trying to do the right thing. It does not have to be that way.

Pass this amendment.

Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative Cafero.

Any further comments on the amendment?

For the second time, Representative Thompson.

REP. THOMPSON (13th):

I think you made the argument, Representative Cafero, much more eloquently than I did. I was making the argument that if we did pass the amendment, I don't think it would harm the intent of the overall legislation.

It would be part of our social structure, I guess. We use separate bathrooms. I would think if you went into a facility and, you know, a -- a place where gay people gathered, they wouldn't bat an eye -- maybe they would, but I don't think they would have the same concern. They would be probably have unisex or whatever.

So I'm thinking you made an eloquent argument for what I believe might be possible. We could have the amendment and still not destroy the basic message of the underlying legislation.

Thank you.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Any further comments on the amendment? Any

further comments?

Representative Morris.

REP. MORRIS (140th):

Thank you, Mr. Speaker.

I heard a lot of things today. And I'm also thankful for the comments that Representative Schofield gave earlier because they certainly make it clear that we've have a group or class of people through no fault of their own but through birth have what I would prefer to call tonight a speciality, a speciality.

The underlying bill and the way it was brought out today, I think was by Representative Fox, I would like to add my words to those the way that Representative Cafero just in the beginning gave the type of tone that certainly respects his house and it's the tone that we should have.

This is such a delicate subject. I remember in committee as so often began my preface my comments by saying when we think about this issue, the individuals we're talking about are someone's son or daughter. So certainly none of us would want our son or our daughter to be discriminated against, certainly not in unemployment -- in employment matters.

I voted twice for this bill in committee very proudly. Although each time I voted for it, I did voice that there were challenges that I had with the bill and that it hoped that it would get better.

I'd like to echo the comments of Representative Thompson because they're the comments that I've been sharing behind the scenes with many people hoping that this bill would get better.

For most people, the challenge of what happens in a bathroom or a locker room has been a challenging piece of this bill. I don't think anyone, anyone, at all thinks that a person transgendered should be discriminated against in employment. The locker room situation has nothing to do with employment.

I said I want to talk about this group as a speciality because there's something different about this group that many of us are challenged with what happens in a locker room when you're male or you're female and it's one sex and someone else comes in that has a speciality, something that is different?

We have ADA compliance laws that we do for people that have specialities. We recognize we must accommodate them. This amendment, Mr. Speaker, this amendment, I believe allows us to at least remove this

piece that has to with bathrooms or locker rooms or something like that and deal with it in an appropriate manner. In a manner that certainly could -- we can consider in a separate bill some way or something to provide the respect and dignity for those who are transgendered in a locker room situation, bathroom situation, and at the same time provide that same type of respect and dignity for those who are not.

Those are my comments, Mr. Speaker, and I would hope that somehow we could make this a better bill. And, as Representative Thompson said, honor and respect the underlying bill, which I believe 151 people in this House want to support.

Thank you.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Are there any further comments on the amendment? Any further comments on the amendment?

Representative Mikutel.

REP. MIKUTEL (45th):

Yes, thank you, Mr. Speaker, for recognizing me.

I think we're going down a slippery slope here. And I want to just clarify something so I have a question for the proponent of the amendment.

DEPUTY SPEAKER RYAN:

Please proceed, sir.

Representative Rowe, be -- okay.

REP. MIKUTEL (45th):

Yes. The example given here tonight was the problem of in a restaurant -- public restaurant using the bathrooms, but the situation, would it not, Representative Rowe, apply also to the public bathrooms in the school system?

DEPUTY SPEAKER RYAN:

Representative Rowe.

REP. ROWE (123rd):

Through you, yes, it would.

DEPUTY SPEAKER RYAN:

Representative Mikutél.

REP. MIKUTEL (45th):

Okay. So then we could have a situation, I'm thinking about the real craziness that can happen in a school system if we have a cross-dresser, a transvestite who -- a man who wants to use the women's bathroom in the school system. Now, I think that's going to create a little conversation in my community if that gets out but would not be the same situation apply to a student? A high school student who, a

young man who thinks he's a woman, could he under this bill go in the girl's room and would not this amendment, like, prevent that?

DEPUTY SPEAKER RYAN:

Representative Rowe.

REP. ROWE (123rd):

Through you, that is one of the intents of the amendment to -- to ensure that that situation doesn't come up, whether it's into a girl's bathroom or a girl's locker room, yes.

DEPUTY SPEAKER RYAN:

Representative Mikutel.

REP. MIKUTEL (45th):

Well, thank you.

I intend to vote for this amendment. Again, I said before my constituents put me here to use my best judgment and common sense and protect their best interest. And I think this amendment does that. I will be voting for the amendment.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Any other comments on the amendment?

If there are no other comments, will staff and guests please come to the well of the House. Will the

members please take your seats and the machine will be opened.

THE CLERK:

The House of Representatives is voting by roll call, members to the Chamber. The House is voting, House Amendment Schedule "B" by roll call, members to the Chamber.

DEPUTY SPEAKER RYAN:

Have all members voted? Have all members voted?

Will the members please check the board to determine if your vote is properly cast. If all members have voted, the machine will be locked and the Clerk will take the tally.

The Clerk will announce the tally.

THE CLERK:

On House Amendment Schedule "B."

Total number voting	129
Necessary for adoption	65
Those voting Yea	62
Those voting Nay	67
Those absent and not voting	22

DEPUTY SPEAKER RYAN:

The amendment fails.

Will you remark further on the bill as amended?

Will you remark further on the bill as amended?

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker.

I -- I rise to oppose the bill. And in -- I would preface any further remarks by saying that I particularly appreciate the gracious and sensitive way that Representative Fox, chairman of the Judiciary Committee, has handled this, and it's no less than I would have expected. It is consistent with the way he handles the committee generally.

There are several points I think that are worth making. One may ask what is changed by this legislation? And we could go through this by the interrogatory process but I think that be need not be done.

What is changed by this legislation and confirmed by the recent vote on an amendment is that we eliminate the exception presently in the law for private spaces, which I would include bathrooms and locker rooms.

So that is really what we're are accomplishing by this bill because the fact that discrimination is not only abhorrent but is illegal now by the basis -- on the

basis of the CHRO rulings and other legal interpretations. Transgender people cannot be discriminated against in employment, in housing, and so forth. And were it not for -- were it not for the impact of this bill in removing the exception for private spaces, which was previously existing, which exists now in the law, I think you could probably pass this bill on consent because no one, no one wants to discriminate against the people in employment, in housing and enjoying life on the basis of any personal either preferences or hereditary qualities.

So this bill we must understand turns on just that, it turns on the question of private spaces. Why is that important? I mean why -- why -- why what do we accomplish going through all this to take out the exception existing now in the law for bathrooms and locker rooms? I prefer to refer to them as private spaces but that's what this has seems to come down to, and that's been confirmed by the amendment recently rejected.

I very much appreciate the information that Representative Schofield provided. I thought that was very informative about the physical conditions that result in ambiguity of sexual identification. And it

seems to me if it were just about that, even, it could be resolved on a common sense basis because, as we learn more through medicine, we learn what people seem to be designed to be but it is the other part of it and that is the subjective aspect of this, which is not addressed by the quality of physical anatomy and that is the part that really sets this protected class off. What we are doing is creating a class of persons who are able to define themselves and that maybe understandable but understand also that is a new -- a new territory we are entering. For most discrimination laws address matters which are objectively determined, but this is a case where we are adding a class apart from those physical conditions that are subjectively determined, that is, I feel -- sort of a I feel, therefore I am. And that is going another step.

And that is very difficult to verify because even with the amendment that was placed on -- on this proposal by Representative Fox, which is a good amendment, a good amendment. It is not clear who has the burden of proof, who must establish -- are these -- are these requirements of proof of evidence of past experience? Are they -- are they a defense or

are they something to be used in the assertion of a claim?

And, again, common sense, in what context -- in what context in everyday life are people going to be able to say, well, yes, I see I have a long history here of undergoing treatment and psychological counseling and all. No, it's not. It is interesting, but I think impractical and largely irrelevant.

I think that we ought to look upon this as how it will apply in ordinary life. What we are doing here is we are giving the right, the legally recognized and enforceable right to go into spaces hereto for thought to be private: bathrooms, locker rooms, and so forth. The legal right to be there and that is a right that maybe consistent with one's psychological dispositions or it may be a right that is abused, that is abused for nefarious and abusive purposes. We don't know that. We don't know who may take advantage of this but that right is there.

I have heard the discussion of children and, again, I -- I very much was interested in what Representative Schofield had to say about this. And I -- I asked about this actually when it was in the Judiciary committee and said, Well, what about this

sex identification? Well, there seems to be one school of thought that everybody is born to play with dolls or machine guns or everybody becomes ambiguous, ambivalent sexually through a number of formative years. And then -- and then becomes firmly identified with one gender or the other.

I don't know what the right answer is, and I think it's poorly understood. Certainly, one of the questions I asked in Judiciary convinced me it's poorly understood, and I don't know what kind of impact we're going to have on children. With the attitude that you are what you feel because I -- it may well produce more confusion, anxiety and long-term problems. I don't know, but apart from that let's go back to the fact that what we are doing here is providing a right. That's what this law does. Understand it. Understand it. That's what this does is provide a right to be in private spaces that was not otherwise there and that was considered a right essential to any other anti-discrimination provisions we have.

Now, I think the arguments against antidiscrimination laws are largely irrational. I don't think that a rational argument can be made for

discriminating against anyone on the basis of race, sex, religion, the whole, you know, the list. The things that we've condemned for a long, long time, but this is a little different because we don't know quite who fits into this class but we know we're providing a right. We know we're providing a right and a right that didn't exist before. Even in the case of these other protected classes, it wasn't there.

In fact, it was a right that maybe should have been associated with these other protective classes because you're not going create white and black bathrooms or locker rooms. So it was wrong there but, nevertheless, we carved out these exceptions, this exception. Here we do away with this exception. Why do we feel necessary to do that? To do away with the exception for private spaces.

And, you know, as a -- as a conservative, I have to say I think of myself as a political conservative, but, as a conservative, I believe we ought to be against all forms of discrimination. Because a conservative -- a conservative doesn't care really what you do, as long as you don't hurt anybody else. So is the most conservative position possible to say don't discriminate against anybody that's wrong.

That's wrong. Let people be whatever they want to be as long as it doesn't hurt me or a neighbor.

I have to come back in the end to saying that this does come down to a law that will remove an exception for private spaces. And, in doing that, we remove an exception that bears on the rights of others, that bears on the rights of others. There are many cultures. There are religions. There are people who do not want who feel uncomfortable, whose sensitivities are offended by being in private spaces with someone of the opposite sex.

Now you may think that's valid or not valid, but we don't judge everybody sensibilities. And the fact of the matter is women have said to me, I don't like this. I want to be able to have for me and my child a place that is relegated to one sex.

And, you know, the -- they have rights, too. They have rights, too. They have rights to be respected. Women who like the idea of having a women's room have always enjoyed that have always had that -- that -- that opportunity. Have an opportunity to have their daughters in dressing rooms, locker rooms in school, value that. And why do we think that right is not to be respected?

You know, all rights, all rights are a matter of balancing. All rights are a matter of balancing. You know the First Amendment says you have the freedom of speech but as Oliver Wendell Holmes said years ago said, but that doesn't mean you can yell fire in a crowded theater. You may believe in the Second Amendment doesn't mean you can walk in here with a loaded shotgun, though, it might cut the session short but it -- the fact is that all rights are subject to a balancing. The Fourth Amendment prohibits unreasonable search and seizure but the police can get a search warrant. This, too, is subject to balancing. Balancing that ought to be exercised with common sense and sensitivity to everybody's concerns who are involved.

If Representative Rowe's amendment had been passed, I believe we could virtually put this on consent but for some reason we've decided to change the law -- to change the law. To take out of the law these exceptions -- this exception for private spaces and thereby we've undertake to offend -- to offend the sensibilities of many people.

We don't balance, we now unbalance and we -- we preserve the right -- or we assert the rights of a few

against the legitimate claims of many. And I think that that is wrong.

I am sorry that this has turned out the way it has. I could support this bill had Representative Rowe's amendment been adopted, but we chose not to do that. So we are changing the law, we're changing the law in a way that is hurtful, insensitive to many; and, therefore, I'm going to oppose this bill.

Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Representative Sampson of the 80th, you have the floor, sir.

REP. SAMPSON (80th):

Thank you, Mr. Speaker, and good evening.

DEPUTY SPEAKER RYAN:

Good evening.

REP. SAMPSON (80th):

As I understand it, the purpose of this bill is to add another classification of a protected class for the purpose of combating discrimination. And I guess my main question that I want to purport to the proponent of the bill has to do with the definition that we have ascribed to gender identity or

expression.

We've had an amendment that changes the definition that we had in the original bill and, yet, the changed definition I have the same problem with that I had with the original definition and that is it uses the same words in the definition as the words we are defining.

You wouldn't say to someone who asked you what an apple is that it is an apple. You would describe it as a fruit. Yet, we're going to describe gender identity or expression as gender-related identity or expression.

So I want to go straight to the heart of the matter. And through you, Mr. Speaker, if I can ask the proponent of the bill to define for me "gender identity."

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Thank you.

And through you, Mr. Speaker. As I understand it gender identity is one's internal sense of maleness, femaleness or of being a man or a woman.

REP. SAMPSON (80th):

Thank you for that answer.

And through you, Mr. Speaker. So if I could just follow up, Chairman Fox. If it's the internal feeling of a being a male or female or rather a masculine or feminine, I would take from that that it has nothing to do whatsoever with the external appearance of someone. It's the gender identity refers to the inside feelings; is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker.

And perhaps I should add and I don't know if I stated this earlier but the definition that was part of that was proposed in the original bill, which is still part of the amended bill, is the -- the gender identity or expression definition that was utilized in the Hate Crimes Legislation that this General Assembly passed back -- back in 2004.

So that's -- that's -- that's where it came from essentially. And appearance is one of the factors as it states in the bill that can identify someone's gender identity.

DEPUTY SPEAKER RYAN:

Representative Sampson.

REP. SAMPSON (80th):

Thank you for that answer.

And, again, through you, Mr. Speaker. So I take that to mean -- well, the way I read it is it says, "gender identity or expression is defined." So we're defining essentially gender identity or expression at the same time rather than defining gender identity or gender expression. So that's what I'm trying to grasp.

Let me just before I ask the question let me just state that -- that we both sit on the Judiciary Committee and we were both privy to the entire public hearing and committee meeting where a lot of this was covered. And my understanding from the public hearing testimony is that gender identity refers to the inside feeling someone might have. Whereas gender expression has to do with their outside appearance.

And because the bill defines this being gender identity or expression, it seems to me that the bill would cover both what someone feels inside and what they appear outside but necessarily at the same time. And I'd like to clarify whether or not gender identity

and expression is intended or it is as the bill reads in both definitions, including the amended one, gender identity or expression?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker.

I'm not -- there's a several questions there. If the Representative would just try to repeat it for me that would be helpful.

DEPUTY SPEAKER RYAN:

Representative Sampson, could you clarify your questions please.

REP. SAMPSON (80th):

Yes, Mr. Speaker, and thank you.

Forgive me if I'm trying to not take up so much time to get to the heart of the matter.

I'd like to just get a clear definition for gender identity and also for gender expression. And I would like to know if these are, as far as the bill is concerned, mutually required under the definition that's given? Can you have one without the other and the bill still apply to you, is the question.

Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. The term that was -- that currently exists in our statutes is gender identity or expression. That is the term that is currently defined. So that's the way that I -- I look at it. I don't necessarily believe that the statutes look at them just separately so much as the term that's currently defined under our -- our hate crime law.

DEPUTY SPEAKER RYAN:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

Again, I don't mean to press this issue any further. I'm just -- I guess my whole issue with this -- this definition is same as it has been since the very first public hearing and that is that it's confusing. It's hard to know what is meant by "gender identity or expression." And even the amended definition does nothing to say what it is. It uses the same words to describe it. And I cannot seem to

find someone who's willing to give me an answer that you must have an appearance a certain way or a feeling a certain way, but they could be -- I suppose I could use an example if necessary but what I'm wondering is -- I'll use an example.

We mentioned transvestites earlier -- and I don't want to get on that topic too much -- but a transvestite is defined by Merriam Webster, which I know we like to refer to here all the time, is a person and especially male who adopts the dress and often the behavior typical of the opposite sex, especially for the purposes of emotional or sexual gratification.

So to me that is someone who is -- would be covered under gender expression. And I'd like to know if that person, under that definition, is someone who would be covered under this definition in this proposed bill?

Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I believe the answer would have to be it depends. And it would depend upon

on whether that individual identified with that different gender as opposed to simply just dressing in that different gender.

DEPUTY SPEAKER RYAN:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

Representative Fox, thank you for clearing that up.

So am I right to say then that maybe the term "gender identity or expression" is misleading. And it should be "gender identity and expression" because from your answer it appears that you've got to have both to be covered under this bill?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker.

As I stated, it is the existing definition now that we use when dealing with our laws, our hate crimes laws. The laws based on bigotry or biased -- bias. And it seems to have worked since 2004 so I would think that the definition as -- as it stands

seems to have worked.

The other thing that I would add is that the amendment did not necessarily change the definition. It's simply was intended to provide some guidance as to the type of evidence. And it actually uses the word "evidence" that would be considered sufficient or -- or the type of evidence that one would need in order to validate a claim that they were discriminated against based upon their gender identity or expression.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Sampson.

REP. SAMPSON (80th):

Pardon me. I dropped that copy of the amendment.

Through you, Mr. Speaker. Representative Fox, the revised or the amended bill still begins "gender identity or expression" and it starts by saying "means," which to me means that it's intended to define what those words mean, gender identity or expression. And I understand completely that the words that are were used in the original bill still remain and there's some information added but nonetheless, I still don't have a clear answer as to

whether or not a transvestite would be someone that is protected under this bill. Other than you saying that you doubt it because they would not be having the inner feelings that gender identity requires.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Thank you.

And through you, Mr. Speaker. I did not say I doubt it. I said it depends. It would depend upon the evidence that was submitted if that individual is making a claim based upon their gender identity or expression. And what that means is that the criteria that the Representative set out certainly would leads -- provides some evidence towards that individual's feeling that they are, in fact, consistent with a different gender identity or expression, but there would perhaps need to others as well, such as the consistency with which that individual would express themselves in that way, that is one criteria.

Also was there some medical evaluations or -- or treatments or some kind of additional evidence that

could be provided.

So when the question is does a transvestite, based upon the definition, which I do appreciate that being provided, does a transvestite meet this definition? The answer has to be it depends based upon other -- other criteria that could be provided.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Representative Sampson.

REP. SAMPSON (80th):

Thank you.

And through you, Mr. Speaker. Again, I don't want to go all night on the same topic. And forgive me if it seems like I'm -- I'm beating it up really badly. I really do not intend to. Let me just add to my description that we are referring to a transvestite. Exactly, per the Merriam Webster definition that I gave you that has no, none, zero gender identity confusion. They have the same gender identity as their God given body parts.

So under those criteria, through you, Mr. Speaker, would that person be covered under this bill?

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. If an individual is a man and identified as a man, yet sought protection for discrimination based upon a gender identity or expression as a woman then they would not prevail because they do not identify in that category.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you.

Representative Sampson.

REP. SAMPSON (80th):

Through you, Mr. Speaker. I -- I know we have rules against reading in the Chamber but the definition that is given in the original bill and the amended bill says completely otherwise. Can I -- can I read the bill?

DEPUTY SPEAKER RYAN:

You can refer to the bill, yes, sir.

REP. SAMPSON (80th):

Gender identity or expression means a person's gender-related identity, appearance or behavior. Again, the word "or," whether or not that gender related identity, appearance, or behavior is different

from that of the traditionally associated with person's physiology or assigned sex at birth.

The way I read it, it says it can be either your gender identity or your expression or to put it differently it can be what you feel inside or what you appear outside, regardless of what either has to with the other.

Through you, Mr. Speaker. Am I correct?

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I -- the Representative read the bill. If there was a question, I'll be happy to answer it. I'm not sure if there was.

DEPUTY SPEAKER RYAN:

Representative Sampson, can you restate your question please.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

I'm going to do it just one last time. Is someone who has only the gender expression, not the gender identity being different from their God given sex -- for lack of a better word -- covered under this

bill? And the reason why I'm asking for clarification is because we've said it depends a couple of times, and I don't believe that the wording that is contained within the amended bill says anything about "it depends." It says that it can be either or.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. If it's simply the -- the evidence of putting on the other gender's clothing or wearing the other gender's clothing, if that's the only thing than I would say then, no, that individual would not be protected under this bill.

DEPUTY SPEAKER RYAN:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

And I thank the Chairman for his answers.

I'm just going to move on briefly. I did have quite a few questions, but I think I've made my point that the amended bill still is quite unclear as to the definition of gender identity or expression. And as is often the case that I found in this Chamber, we

have a tendency to sometimes play doctor and decide that we're going to give a medical diagnosis or a prognosis to someone despite the fact that only a few of us have any medical training.

So, Mr. Speaker, the Clerk has an amendment, it's LCO Number 6533. Would you please ask the Clerk to call it, and I be allowed to summarize?

DEPUTY SPEAKER RYAN:

Yes, I will.

Will the Clerk please call LCO 6533, which will be designated House Amendment "C."

THE CLERK:

LCO 6533, House "C" offered by Representative Sampson.

DEPUTY SPEAKER RYAN:

The Representative seeks leave of the Chamber to summarize the amendment.

Is there objection to summarization? Is there objection?

Hearing none, Representative Sampson, you may summarize your amendment.

REP. SAMPSON (80th):

Mr. Speaker, this replaces the definition "gender identity or expression" with the following text:

"gender identity or expression means the gender identity or expression of a person who has been diagnosed by a healthcare professional as having a gender identity disorder as defined in the most recent addition of the American Psychiatric Associations Diagnostic and Statistical Manual of Mental Disorders."

Speaker, I move adoption of the amendment, and I would also like that when we do vote, I'd like a roll call.

DEPUTY SPEAKER RYAN:

The question before the Chamber is adoption of House Amendment Schedule "C." The Representative has asked for a roll call. All those in favor of a roll call signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER RYAN:

I believe the required 20 percent has been met.

Will you remark further on the amendment, Representative Sampson?

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

The purpose of this amendment is, I think, to

ultimately and unequivocally clarify exactly what the gender identity or expression definition would be by giving it to a larger authority, somebody who is actually trained in these matters, by that, I mean the American Psychiatric Association. We refer to this same exact diagnostic and statistical manual of mental disorders several times in our statutes. And I think this is an ideal place to include that language, and I urge adoption.

Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Will you remark further on the amendment?

And, again, so we don't have to clear the board could people do, as Representative Klarides is doing, is just get my attention.

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of this amendment. I guess what -- where I get lost in this whole debate is the fact that I know whether it's this issue or many of the other issues we have our main job as legislators and policy makers is to make laws and

policy that protect the people of this state, give them the best quality of life we can, allow people to live a life that they see fit within reason. And I guess this bill -- and now we've been doing this for many years now, I don't remember for how many but it's got to be five years at least now that we've had in the Judiciary Committee, if not more.

I guess where I get lost is in the hours and hours of debates and all the examples that we've heard on this floor and in the Judiciary Committee of the things that could possibly happen and the people that could possibly be part of this group that may not be intended to be and vice versa. I guess it comes down to me is there is a group of people that we are discussing and that is articulated in this bill that needs protection from discrimination. I completely agree with that. That group of people needs our protection as a state from discrimination.

My problem is I don't exactly know who those people are because I'll -- I'll say I have never had any experience, as far as I know, with people that fall into this group. And because of all the examples we had today and years in the past as to what if it's this kind of person, what if it's somebody that goes

into a bathroom, what if it's somebody that goes into a restaurant, what if it's somebody that goes to a school. And every example that we've had, I guess, to me, our job is first and foremost to protect this group of people but we have to figure out who this group of people is.

And this amendment, in my estimation, defines that as clearly as possible. Does that mean it's a 100 percent, no. Does that mean we may come back next year and say you know what, there's some other people who may not fall into this but the underlying bill -- the definition of the group we want to protect in the underlying bill has what I like to call, fuzzy borders. It is not as black and white as we need it to be. And I think we can all agree that we want to protect the people we need to protect, but we don't want anybody else who shouldn't be protected, who shouldn't be part of the group that is being discriminated against unwittingly falling into that group.

So this amendment just says this situation that we're contemplating today people that fall into this group can be medically diagnosed. This is in a medical -- I don't know even know what it's called,

DSM. I'm not a doctor. Sorry. Everybody in here always prefaces it with I'm not a lawyer so I can honestly say I'm not a doctor.

The American Psychiatric Association Diagnostic Statistical Manual of something or other but what I do know is that is a medical diagnosis.

And to me, Mr. Speaker, our job is to as narrowly define the people we want to protect as possible. Do we want to leave anybody out? Absolutely not, but what we don't want to do is allow people who aren't suppose to be protected in that group for that reason to be protected. And this makes it as black and white as can be.

I urge support of the Chamber, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Representative Candelora, you also wanted to speak on this?

REP. CANDELORA (86th):

Thank you, Mr. Speaker.

I also rise in support of the amendment. One of the concerns that I have with the underlying bill is that we're relying on a definition that's currently contained in our penal code. And when that is used,

we have police officers and we have judges and prosecutors that are interpreting what that language means before they're prosecuting on a criminal level. And I think we're flawed here today in taking that very definition and trying to make it work for our civil code.

What we're trying to do here today is to define a code of conduct for not just a group of individuals but -- but for all of our residents of Connecticut. And the law that we're potentially passing here today brings no certainty to the process.

We've heard in the dialogue just for the past few hours trying to pin down what we're talking about when we say "gender identity or expression." Some people have referred to this as a transgender bill, but I'm not sure that definition just includes transgender. I'm not sure what this definition includes. It seems to really include any -- every individual no matter how regardless of -- of how they may be identify themselves but maybe how they identify themselves at any given day. There's no defined scope. There's no limit to this.

And the concern is that if we look at the underlying bill, we're referencing all these different

statutes, it's like 20 different statutes. And many of us may not have looked them up but when you go and you start looking through them they have real life implications for every facet of government, of private sector, of social life. And I don't think it's fair to the residents of the State of Connecticut to subject them to a definition that we can't even pin down here today.

And I think this amendment, at least properly, is trying to define it, to give certainty to this process because undoubtedly we're going to see a heck of a lot of litigation as a result of this bill if we pass it into law.

Looking at it, as an employer, I'm not sure how an employer is going to be able to comply with this piece of legislation if it goes into law. And I think that's the rub certainly that we're hearing tonight. This isn't an issue about fear mongering or about denying somebody some protections, a class individuals that need protection. I think no one would disagree with that, but I think we need to define what class of individuals we're offering protection to and this amendment is certainly a great attempt at doing that, and I would urge adoption.

DEPUTY SPEAKER RYAN:

Thank you, representative.

Would anyone else like to speak on the amendment before us?

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker.

And, briefly, I would rise in opposition to the amendment. I do want to thank Representative Klarides for sharing this with me this morning. What we did -- I recognize that the amendment that we did earlier did not meet, at least, this proposed amendment but the amendment that we did do earlier was an attempt to at least recognize that evidence of medical care or treatment would be something that could be evidence in a situation where someone is making a claim of discrimination.

So while I rise in opposition to the amendment, I we did make an effort earlier to incorporate into the amendment that did pass.

Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, sir.

Will remark further on the amendment? Will you

remark further on the amendment?

If not will staff and guest please come to the well of the House. Will the members please take their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call, members to the Chamber. The House is voting House Amendment Schedule "C" by roll call, members to the Chamber.

DEPUTY SPEAKER RYAN:

Have all members voted? Have all members voted?

Will the members please check the board to determine if the vote is properly cast. If the members have all voted, the machine will be locked and the Clerk will announce or take a tally -- excuse me.

The Clerk will please announce the tally.

THE CLERK:

House Amendment Schedule "C."

Total number voting	135
Necessary for adoption	68
Those voting Yea	48
Those voting Nay	87
Those absent and not voting	16

DEPUTY SPEAKER RYAN:

The amendment fails.

Will you remark further on the bill as amended?

Representative Mushinsky, the Dean of the House.

REP. MUSHINSKY (85th):

Thank you, Mr. Speaker.

I hope my colleagues were paying close attention to Representative Linda Schofield and her medical lesson. In most people, gender identity conforms to external sex. I think like a female and I have female genitalia and guys have their own. In a very few cases there's a mismatch. In a very few cases, it doesn't conform. This bill corrects a wrong. It prohibits discrimination on these few people who have a gender identity problem.

This characteristic, discordant gender identity is found not only in humans but also in other mammals and even birds. And I have some examples on the computer, if any of you are interested. But the brain is oriented to a different gender than the individual's external sexual identity. And as Representative Schofield has noted, this is not always clear cut.

And in some cases years ago -- this isn't done now -- but in some cases decades ago, doctors would decide to

surgically alter an infant and assign a sex to them in a well-meaning but misguided attempt to help the child. And as the child grew, they would reinforce that surgical decision by giving the child hormones in hopes of controlling their gender. And the child would struggle throughout their adulthood to figure this all out. You can imagine how difficult that would be and deal with the fallout among their family, their school friends and their relationships with their own doctors and coworkers.

The cause is unclear but because we find it in nature we know that the underlying reason is biological. And imagine yourself in that situation, your brain is thinking one way and your body is the other sex. It will certainly make your life more difficult. And for these small number of people in this situation, they're statistically at greater risk of suicide for obvious reasons. They are twice as likely to be unemployed. They're more likely to be bullied at school or at the workplace. They're more likely to be evicted from their home or apartment and more likely a victim of physical assault.

In one national study, 26 percent of transgender people lost their jobs due to their gender identity.

If you're a lucky person, your family will accept you and you will have a source of strength in your family, but you still have to deal with the outside world with the prejudices of your fellow citizens, whether they be employers, renters or bankers.

In some period of history, like other minorities, you might even have found yourself singled out for government sanctioned persecution. Just as in past history people with other biological differences were not allowed in a classroom or college or the workplace because their presence offended the majority. But because these folks are fortunate to live in Connecticut in 2011 in the United States of America, I hope that discrimination like this will become a thing of the past and it will become illegal if we take action today and pass this bill, and I hope you will.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Representative Gibbons of the 150th.

REP. GIBBONS (150th):

Thank you, Mr. Speaker. Good evening.

DEPUTY SPEAKER RYAN:

Good evening.

REP. GIBBONS (150th):

When I first heard of this bill, it was brought to my attention by a couple of constituents who called it the Bathroom Bill. I was not aware of it. I went home, promptly looked it up, read through it. And well, I may not understand -- gender identity issues, I certainly recognize there are people who have this expression and they should be protected against discrimination. I certainly have no part -- no problem with that part of the bill.

But I don't believe that's the real issue that we are debating here tonight. The real issue and the one that I am concerned with is that someone could use this bill as a shield to use private spaces, as the good Representative from New Canaan call them, for improper activity.

The constituents who contacted me who are both male were concerned about allowing their young daughters to go into public bathrooms when their mothers weren't there. Was somebody lurking around the corner either to scare them or to harm them in some nefarious way? Probably not. But in this day there are certainly sufficient people out there with abhorrent behavior so that there is real concern when you let your children go off to other places where you

cannot keep an eye on them at all the time.

The amendment offered by Representative Rowe would have exempted these private spaces from the protection of this bill. From lock -- school locker rooms to public bathrooms, I thought that was a very good amendment. However, it was narrowly defeated, and I suspect that the final vote on this bill is going to mirror what would happen in the amendment. I worry that the passage of this bill, while it serves to protect the class of people who certainly deserve our protection, it also opens the door to allow the wrong people into the wrong places. I think we should think about that as we press our button on this bill.

Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Representative Shaban of the 135th.

REP. SHABAN (135th):

Thank you, Mr. Chair -- Mr. Speaker.

A couple of comments and then a question or two for the proponent of the bill.

I -- I think it's a shame that the amendment that we pushed forward before Representative Rowe that didn't pass, I think that probably would have gotten

the bill over the hump, frankly, but so be it. I think we've already heard about whether or not the bill was presently written if passed and how that could affect people's entry into a girls dorm or a YMCA locker room where I'm not going to -- I'm not going -- go back over that.

Two questions to the proponent of the bill, if I may?

DEPUTY SPEAKER RYAN:

Representative Fox, prepare yourself.

Representative Shaban, proceed.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

And through you to the proponent. Under the bill as presently structured, am I correct in my reading that if a high school boy, a sophomore or a junior, wanted to express themselves or felt, honestly, that their internal gender expression was female that they could now not be presented from playing on the girls basketball team?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

Could I just ask the Chamber to lower the noise

level so we can hear the discussion between the Chairman of the Judiciary Committee and Representative Shaban. Thank you.

REP. FOX (146th):

Through you and thank you, Mr. Speaker.

I'm sorry. I heard part of the question, if Representative Shaban would please repeat it.

DEPUTY SPEAKER RYAN:

Okay. I'm sorry. I didn't ask that the Chamber to be quieter earlier.

Representative Shaban, could you repeat your question?

REP. SHABAN (135th):

Gladly. Through you, Mr. Speaker.

Through you to the proponent, am I correct that under the present structure of the bill, as presently written, that if a high school boy who honestly wanted to express himself as a female wanted to play on the girls basketball team that based on that internal subjective gender expression that he would now be allowed to or forbid -- forbidden from being prevented from playing on the girls basketball team?

Through you.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker.

I am aware of certain NCAA rules dealing with that issue. I believe, in fact, I saw a story either it was today or yesterday regarding a transgender basket -- a female basketball player who had announced that she identified as a man but continued to play on the female basketball team, and then I think the story that I saw is that the -- the member of that team had -- had left the team just after the season or however that worked out.

The -- the question, as I understand it, it would be somebody who would have to meet that definition in terms of continuously and repeatedly -- continuously acting in a manner and feeling in a manner, that was consistent with -- with this -- with the gender that they identify with. So that -- if that were the case, then they would -- could be treated as that gender for purposes of the question.

Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, sir.

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

And -- and I'm not -- I'm not -- I want to make sure I understood the gentleman's answer because my question was more focused on high schools and specifically section 8 of the bill which strikes -- the congents that 10-15 C and adds gender identity or expression to the list of what can't be discriminated against when offering school programs, courses of study or any activities. So and -- and if I -- if you answered the question, I apologize because maybe I missed it.

In a high school setting, am I correct then, that a sophomore or a 15-year-old male who identifies as a female, could now not be prevented from playing for the girls basketball team?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker.

If -- if something was -- a step was taken towards becoming that gender, then I believe that individual be permitted to play on that team, but just

alone as a biological male then I believe the answer would be, no.

DEPUTY SPEAKER RYAN:

Representative Shaban.

REP. SHABAN (135th):

Thank you.

Well, then for -- I guess that's really goes back to the issue we're having with expression, gender identity or expression. Is it -- is it the, through you, Mr. Speaker, is it the intent of the bill at least in this context to only apply to that male who identifies as a female only in the event that that male has actually taken affirmative physical changes?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

I believe with respect to this question the answer would be, yes.

DEPUTY SPEAKER RYAN:

Representative Shaban.

REP. SHABAN (135th):

Through you, Mr. Speaker.

Is that -- is that contained in the bill or -- or

perhaps that was part of Amendment "A"?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

I did ask the question from some of the opponents earlier as to how that would work, and as I understand it that is the way it would be practiced today, and I don't know if there's anything in this bill that would change that.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

Well, respectfully to the gentleman, I don't think it's in the bill of the amendment, but I'll -- I'll move on because I think the points made.

One -- one additional question, I notice that in the bill, as presently worded, there are a -- great care was made to identify different areas where errors of discrimination have been identified throughout our statutes, but one of the areas I did not see was voter registration. So, through you, Mr. Speaker, if a male

goes into register at their town registrar and that male identifies and expresses themselves and to all outward appearance is female but the drivers license says male and that registrar says, I can't register you because Title 9 says you have to have a proper identification. Under this law if passed -- or under this bill, if passed, would that potential registrant then have a civil action against the town and/or would the -- would that registrant be -- or the registrar be subject to criminal prosecution?

Through you.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker.

The sections of the bill were identified by LCO as they have done so in the past dealing with our discrimination laws. I'm not off the top of my head familiar with the election laws and how -- our discriminate --- if we have discrimination statutes that would deal with the registration of a voter. If it was excluded, then perhaps the reason it was excluded is that the individual is not being denied the right to vote and the -- so the right that they

would be claiming discrimination is not one that they would lose so perhaps that's the reason.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

I guess that -- if that -- it's kind of another area of concern because, frankly -- and it's really is my hypothetical that the registrar said, no, I will not register you because you are not the person identified in your driver's license. That's the hypothetical but, again, I think -- I think the point has been made. And it raises another point of concern because based on someone's subjective internal feelings, honest ones, and based on that person's subjective decision to have a certain expression for that particular day that person could, in fact, be -- or could, in fact, be tripping up some of their own most basic civil rights, i.e., the right to register to vote, by causing troubles with the folks who are there to help them. And -- and, again, this is just another example of how fuzzy definitions could cause some problems.

Last question, for the proponent of the bill, if I may.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Well, I was going to ask the questions first -- through you -- through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

I'm sorry, sir. I was distracted as I so often am.

If you'd repeat it please?

REP. FOX (146th):

Thank you.

Through you, Mr. Speaker.

If -- in a dorm room situation, an all-girls dorm, if a male gets admitted to a college -- and that's the interesting thing about this bill, unlike certain legislation, federal or otherwise, it really talks about government action. This applies to private industry, private people, private practice. So, in a dorm room situation, whether it's a public university or private, if a male who expresses himself and believes internally that he is, in fact, female,

is denied access to living in a girls dormitory, would that college, whether it be UConn or otherwise, be subject to either civil suit or criminal prosecution by refusing to accommodate that male who expresses himself as a female?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker.

If the -- if the individual that's being described had identified as a gender that was different their assigned gender and if that -- there was evidence that would prove that and if they had been denied housing then they could potentially bring a claim based upon this bill.

DEPUTY SPEAKER RYAN:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

And I thank the gentleman for his answers and his -- and his perseverance and endurance for this debate, especially with the time it started. Those hypotheticals are just additional ones that

demonstrate the -- A, the need for the amendment, which we voted down and, B, the problems that I think the folks who have problems with the bill are focused on, and I thank the gentleman for his time.

Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, sir.

Representative Sawyer of the 55th. You have the floor, ma'am.

REP. SAWYER (55th):

I thank you, Mr. Speaker.

I've listen to the debate very carefully as most of have, and I guess when I looked back at the comments made here they're made in sincere, earnest, and I believe in most cases on the floor they were heartfelt. I'm sad to know that some people felt that they had to twitter some negative things about this particular debate. But let me tell you that in this particular debate, I find that when I'm listening very carefully the most distressing thing I hear over and over again is about discrimination because it's wrong and it's not something that this State has supported and certainly not this Chamber that I have been a member of for 19 years. We have not supported

discrimination.

But it's also troubling that this Chamber did not support the amendment that would have clarified and made the whole issue about the locker rooms and the bathrooms clear and understandable. So, I guess, Mr. Speaker, I'm going to have to side on the side of the little old ladies in the bathroom, about a young teenage girl who's 13 years old who might be traumatized and there be no way even in the courts to go back and say that what happened was wrong because we didn't clarify it with that amendment.

I think when we go to make laws, we are doing it for usually subjective reasons because there's someone we know, someone who has had an experience. And we go forward each time when we make these laws hoping that we're going to make our world a little bit better, but if we don't do it clearly, if we do it so there's still people who are going to be concerned, people who are going to be unhappy or traumatized because we didn't do it clearly. I think we're going in the wrong direction.

I'm sorry that people had to say so many negative things because I don't think in our hearts in this Chamber people meant to be anything but true to their

district and true to their personal beliefs.

Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Representative Candelora of the 86th.

REP. CANDELORA (86th):

Thank you, Mr. Speaker.

If I may, just a couple of questions to the proponent of the amendment -- or the bill.

DEPUTY SPEAKER RYAN:

Please proceed, sir.

REP. CANDELORA (86th):

Thank you, Mr. Speaker.

I think as we've heard tonight and one -- and one of the issues that I certainly struggle with is this definition. And -- and I think that, you know, we -- we've heard discussions of whether it can be -- somebody could fall under this definition who may on a particular day wake up and say, you know, I want to wear a dress, and so then I could be afforded the protections under this statute for the day.

Is the intent of this definition to include individuals that have a particular state of mind that last longer than a day that is something that's --

that's more long term?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox -- excuse me.

REP. FOX (146th):

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER RYAN:

Representative Candelora.

REP. CANDELORA (86th):

And what we've heard, you know, traditionally are the terms, you know, transgender or transvestite, but we don't see that particular language contained in this definition. And -- and I'm wondering why we -- we didn't just necessarily use those words because I think traditionally there's an understanding of -- of what a transgender person is and what a transvestite is. And was there a reason why we -- we have a more broad definition?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I believe the intent would have been to use the already established

definition that was -- that currently exists in our hate crimes law, that -- that was the reason, as I understand it, for the existing definition.

DEPUTY SPEAKER RYAN:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker.

And I -- I -- I guess that maybe where there is some ambiguity here, and the way -- the way when I look at our hate crime laws, the way I envision it is that there is an act that's associated with that hate crime that's very clearly a criminal act so somebody would have to commit an assault so there's already an underlying crime being committed and that our -- the definition that's -- that's contained in our hate crime law doesn't necessarily get invoked until there's an underlying crime that's committed. Am I correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker.

That is correct, but I would also say that this

doesn't necessarily get invoked until an act of discrimination is at least claimed this underlying bill.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker.

I appreciate that answer. And I guess that's -- that is one of my concerns because I think in our criminal statutes, you know, I vaguely remember in criminal law that in order for our criminal law to be constitutional, you know, we're looking at somebody's intent. I mean, clearly, we know when we're crossing that line into committing an act or an offense on another individual that might have some repercussions. And I guess, you know, once we, you know, commit that act certainly there's a criminal process that -- that takes place and there's again prosecutors and police and judges to go through that process and make sure that all of our constitutional rights are protected.

You know, typically there is somebody reviewing a warrant in some cases before our rights are being taken away.

My concern here is with this definition that we're lifting out of our criminal statutes is there's no such process before it's invoked. So that an employer, who may in good faith, hire an individual regardless of knowing whether or not they're transgender, transvestite, heterosexual, homosexual, can have this individual within their employment and that individual may commit some sort of offense that the employer determines -- and that offense could be they -- they fail to fill out the right paperwork and the cash drawer was off for three nights in a row, and the employer would deem that to be a terminable offense and would just terminate the person because we have at-will employment and we don't even need to give a reason.

How -- in that situation, would the employee be able to file a CHRO complaint for discrimination under this statute?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker.

And then I do appreciate the question and perhaps

I should have stressed this more earlier. If the individual is not doing their job, then they can be fired.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker.

And, you know, I was recently -- I received a phone call from an employer a couple weeks ago who owns a hair salon, and he hires many homosexuals in -- in his employ. He had one individual who happened to be homosexual who was working at the reception desk. And certainly our current laws prohibit discrimination against that person. And that individual worked for him for a number of months, and I guess, you know, about a month ago the person started leaving the desk unmanned, began going outside and taking cigarette breaks, and there was some -- the employer believed that the individual may have been smoking marijuana on the job and then began to just be rude to customers so that employer terminated the employee on those grounds. A week later the employer receives a CHRO complaint for sexual discrimination. And that case he

now needs to defend and CHR has recently said to him that he could settle the case for $7,000, and he now has to hire an attorney. He's pretty outraged. All the -- his employees were outraged. They -- they called me and, ironically, a lot of the individuals there that work there are also homosexual. And clearly he's saying that's not the issue, that's not why I fired this individual.

And I guess, you know, it made sense to pass that law. My concern today is, how would an employer know, whether or not -- I mean clearly in that circumstance the individual has openly communicated. In this circumstance, how would an employer know that a person is exhibiting the characteristics for enough of a period of time that they would fall under the definition of this statutes and that he may be subject to a discrimination claim under this statute? How would we know?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker.

And I do appreciate that question because I think

the majority of instances where this bill would come into effect would be in an employment situations. And the question is, how would the employer know whether his or her employee has reached the level of gender identity or expression that was subject to that -- the employer to a claim. And the -- the answer I believe is that it would not matter, and the only way it would ever really matter is if the employer made a decision to terminate that employee or somehow hinder that employee in the course of employment based upon that gender identity or expression. So provided that the employee is doing their job and provided that the employer does not take action against the individual, it's solely based upon gender identity or expression, then the employer would not have to be concerned about whether or not they would be subject to a discrimination claim.

DEPUTY SPEAKER RYAN:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker.

So in employment situations, if an individual is asserting a discrimination claim and they want to fall under the definition of this section, would the burden

of proof then be on the employee to first prove that they -- they fall under this definition of gender identity or expression?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

The first, Mr. Speaker, the burden is on the employee in these types of actions. And the burden would be on the employee to show that they were discriminated against because just like individuals bringing discrimination claims based upon race, based upon gender, based upon religion, sexual orientation, as in the example given earlier, and in those cases it's always the burden of the employee who is bringing the claim so that would be the case here as well.

DEPUTY SPEAKER RYAN:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker.

And I believe under -- under current law, an employer would have an opportunity to defend a case by showing reasons why, maybe in a termination case, reasons why an individual may have been terminated.

And as the bill is currently amended, I guess I have the amendment which was lines 11 through 12, there was some reference here to identity -- excuse me -- a person's core identity or not being asserted for an improper purpose. Is that language attempting to allow for an employer to be able to show that an individual may be sort of as, you know, we're suggesting here, faking gender identity, you know, faking the status of being a transgender for the purposes of bringing a discrimination claim?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker.

And I believe that could be a defense to a discrimination claim.

DEPUTY SPEAKER RYAN:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker.

And then I guess, finally, there was some discussion about there being criminal exposure or a Class A misdemeanor for a potential violation, and --

and I was wondering -- I tried looking through the statutes but couldn't find it -- if the Representative could tell me, at what point in time would an employer be subject to possible criminal sanctions for discrimination?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker.

I did ask that question the other day of one of our LCO attorneys, and the answer that I was given is there is a misdemeanor section that applies to many of our discrimination -- antidiscrimination provisions and that would be how it would apply here. For example -- but -- and then also as I -- it was explained to me is that it's rarely used, and especially in employment situation. The overwhelming majority of these types of cases are for damages and brought in the civil context; but, first, in order to even consider it, you would have to discriminate against somebody based upon their gender identity or expression that would be -- have to be the basis for whatever the employer's action was.

DEPUTY SPEAKER RYAN:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker.

I -- I don't have any further questions, and I appreciate those answers. And -- and I appreciate, I guess, trying to further define this because I think there's very significant ramifications for this particular piece of legislation, not for what it's trying to do, but for all the unintended consequences that are going to be potentially caused by it. And I'm truly disappointed that I can't vote for this legislation -- out of the gate because Representative Rowe's amendment was not adopted here today because every time we legislate and we confer rights on individuals, there's a balancing act.

And, I mean, certainly in some cases we're potentially taking rights away. And I think that the current exemptions that exist under law, dealing with private places, with bathrooms and locker rooms and things of that nature, attempted to -- to balance that. And what we're doing here today is not just enhancing our discrimination laws to apply to an additional protected class, and, I guess, I could say,

transgender and transvestites, but I fear that this definition is a lot murkier than that, but I think that is the intent here. We're going a lot further because we're taking away individual's rights to privacy in bathrooms. And for me as a parent, I certainly have faced a situation of having my daughter come out with me and being in a situation of sending her in -- into the woman's bathroom. And she's at that age, she 6 years old, and I'm not comfortable with bringing her into -- in the men's room.

And my wife and I certainly have -- have -- we have 11-year-old and we started to have that discussion of when do you start talking about the birds and the bees to your children. And I understand that children can adapt to a lot of different things. They're -- they're -- they're amazing what they absorb. They're amazing what they can be subject to. But, for me, as a parent, I don't think emotionally my 6-year-old is prepared to be seeing things in bathrooms, you know, seeing male genitalia in a bathroom, which if we pass this bill today that's what my daughter will be exposed to when we go out to a restaurant and she needs to use the bathroom and I can't go in there with her. The law right now

protects that, and I -- I truly don't understand why we're not leaving that protection on the books because I think it is the right -- just as it is the right to transgenders or transvestites to not be discriminated against, it's the right of me as a parent and my daughter to not be subjected to things unnecessarily.

And certainly, with my 11-year old, you know, the time has come that I need to face and have those discussions with him about the birds and the bees. And it is certainly on my terms, and our laws have helped protect against that -- or for that opportunity. I had somebody come up to me and said to me, you know, you're really lucky your child is -- is very sheltered and well adjusted and happy. I don't know how you did that. And, you know, part of the way I've had to do it is I've had to turn off the TV set and never have the news on while they're in the room, certainly never have really any channels on except for things, like Nickelodeon. And even then now I'm starting to notice that those TV -- those shows are starting to creep into areas that I'm not comfortable to let my children viewing, and I have an opportunity to turn the TV set off. But not allowing the exemption to continue for bathrooms and locker rooms

have now put me in the position of, am I going to be bringing my children out to restaurants and out to public places.

And the odds of my daughter walking in on somebody who is a transgender and seeing something that I don't want to have to explain is rare, but if it happens once, I need to then have that conversation with her. And as a six-year-old and me as a parent, I'm not ready to have that conversation. And I don't think it's unreasonable for us, as the legislature, to protect our residents from those kind of circumstances.

I'm not saying, let's continue discrimination. I agree with that underlying premise of this bill. But I don't understand why we're not going to continue to allow this exemption for private places. You know, and I had a discussion with my -- my wife last night, and I'm going to get a little graphic but my daughter knew about menstrual cycles. She six years old. And she made a comment to me, and I said to my wife, well, how the heck did she understand about women having eggs? And she said, well, Vince, she walked in on the bath -- bathroom and saw me, and I had to explain something to her. And my wife had that explanation,

you know, gave her that explanation. Wasn't a -- wasn't a fun conversation to have, but we're certainly now exposing these individuals to -- now all sorts of other conversations that we may not want to be having.

I'm also concerned with the impact that this is going to have for employers, not because I want to sit here and allow them to continue to discriminate, if that's what they do, that's not what I'm concerned about -- but every time we pass legislation, again, there's unintended consequences.

In my example about the hairdresser, you know, he had said to me, Vin, if I discriminate against homosexuals I'd be out of the business because the reality is there are a lot of hairdressers in my industry that are homosexuals and that is the community I embrace. And for me to have to defend against that type of a claim is -- is morally offensive to him, and I can understand that.

We're giving individuals -- and I'm not sure what class of individuals that is because this definition really isn't clear to me -- but we're giving everybody in the state of Connecticut as I read this an opportunity litigate. And I think that in this economy, again, and the fact that Connecticut is

viewed as being the most unfriendly business state in the country -- and I don't like saying that, but that's the reality. This bill doesn't help that because we're going to put this definition on the laps of the employers to litigate. And they're going to be the ones that are going to be at CHRO, hiring their attorneys to fight this.

The good Representative acknowledged that a lot of this stuff is going to be dealt with in the employment arena and I agree. And the reality is that CHRO complaints can be brought without spending a dime an employee can bring the claim. We have no fee to entry, so it's very convenient just to file that application. And when I hear from employers what they say to me is, you know, that agency I don't feel like they're really a state agency, I feel like they're just in bed with the employee helping the employee, and I have to go and hire an attorney to figure out the process. And I think that is the reality.

So what we're doing here today is we're giving them a very murky definition to allow the private sector to go litigate. And I think, in some circumstances, we may be doing good where an employer would receive some kind of sanction, but I think we're

doing a lot more harm because any individual could take up this language and litigate under it, especially if they're holding a grudge. And they could be fired -- they're always fired for a good reasons at times. That's what the employer thinks -- and the employee thinks they're never fired for good reasons. So you know that they're going to end up here. And I think it's our obligation to at least try to come up with a better definition, a better balance for everybody.

And I don't think we've accomplished that today, and I don't understand why we couldn't get there, why there couldn't be more discussion. But to rely on a definition that's in our criminal statutes that in order for that criminal statute to be invoked, a police officer reviews it, a warrant is filed, a prosecutor is the one that files that warrant and reviews it, a judge would sign off on it to make sure there are sufficient facts before that process is invoked and before that individual's rights are affected.

And what we're doing here today is, yeah, we're creating a -- a right -- giving a discrimination right to an individual, but we're taking some private sector

rights away and subjecting them to lawsuits without any protections, without any good definitions, and it's frustrating. And I just wish we could have a clearer definition, a clearer example because it's a shame that we're leaving this up to the courts. And I think that's where the Connecticut Legislature gets that rap of being so bad to the private sector and to the residence of Connecticut.

Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, sir.

Representative Coutu of the 47th District.

REP. COUTU (47th):

Thank you, Mr. Speaker.

Mr. Speaker, when we talk about issues of discrimination, they always try to think how can we all live in harmony and peace and do sometimes having a extended debate on the House floor four or five hours, up to 10 hours on an issue similar to this, does it, sort of, have a negative effect and make people stereotype the issue in the negative way, but hopefully it doesn't.

I have a few questions, through you to the proponent of the bill, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Please proceed, sir.

REP. COUTU (47th):

Thank you, Mr. Speaker.

Mr. Speaker, I was curious if there are any other states that have similar legislation? It may have been mentioned, and if it was I'm sorry I didn't hear you.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker.

The answer is yes.

DEPUTY SPEAKER RYAN:

Representative Coutu.

REP. COUTU (47th):

Through you, Mr. Speaker.

Is it one state? Is it 10 states? Do we know?

REP. FOX (146th):

Through you, Mr. Speaker.

I -- I'd originally thought it was 13. It's -- I've been corrected to hear that it's 16 states.

DEPUTY SPEAKER RYAN:

Representative Coutu.

REP. COUTU (47th):

And within our state, do we have an idea of how many people it would fit under this category or categories who could potentially be discriminated against?

DEPUTY SPEAKER RYAN:

Representative Fox, do you care to answer this again?

REP. FOX (146th):

Through you, Mr. Speaker. I'd be happy to.

The answer that I gave earlier was that it's -- it's a very small percentage. I did not have a definitive number, but it is a small group.

DEPUTY SPEAKER RYAN:

Representative Coutu.

REP. COUTU (47th):

A group is somewhere between zero and a hundred or a percentage, 1 percent would be 30 -- what's that, 35,000 people in the state? That's 1 percent. I'm just curious. Could you be a little bit more focused on that answer, please?

Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I'd be guessing and I'm just going by experience in that -- and for most of us, we probably do not know too many individuals who would fall into this category.

DEPUTY SPEAKER RYAN:

Representative Coutu.

REP. COUTU (47th):

Mr. Speaker, I've talked to many of my colleagues and many of them didn't get an e-mail in support. Some people had a few e-mails questioning the details of this, and I'm sure some of that's just not knowing exactly what's in the piece of legislation so I tend to believe it could be -- I shouldn't even guess, but I know it's probably .05 percent of the total population, a very small portion of the population.

And I always question when the Legislature tries to establish laws based on a very, very, very small number of our population. I don't think there's anything wrong with trying to protect people within our population, but we do have hate crime laws. We do have other laws associated with protecting all of our citizens on any situation that could be deemed discrimination or assault or anything else that would

be harmful to any of our citizens, even deformation and there's other laws. It's just -- the big question typically comes down to enforcement. Can you enforce the laws?

And I keep on finding myself going back to being a young father. This scenario if I'm outside the bathroom and my five-year-old daughter goes into the bathroom and then somebody enters in the bathroom rather quickly. I vaguely get a glimpse of who they are, and I -- I question that really just not knowing who just went in the bathroom immediately after my daughter, three minutes go by, you might be getting a little bit nervous just because I really don't know. Was that somebody who just had a few too many drinks, went to the wrong bathroom? What could or could not be happening? And that's a fear that every parent in this state who has a child is going to have.

And that's probably the biggest concern that everybody in this building has heard over the past month relating to this bill. And that's why I'm -- I was extremely confused that unfortunately the amendment didn't pass in private places because I just think it would have clarified the perimeters of where -- majority of our citizens have the greatest concern

relating to this piece of legislation. And the question would be, what would happen if -- and I asked one of the leaders of what I would consider of this legislation -- somebody who strongly supports it -- what would happen if a pedophile, a predator, which we don't know as a pedophile or predator but they are -- they may be haven't been convicted -- goes in that bathroom, could be dressed up, could not be -- and just random real quick and so I'm confused -- does something to my daughter, touches her in an inappropriate way or anything else? The fact is they'd be arrested, of course. It's already law. So you really don't have to worry too much about that, but then the question could be, well, what is the purpose of having new legislation for, maybe, a couple hundred people in the whole state or potentially there would be discrimination really rare occurrence? Because I can tell you many years ago when I was in high school we had someone, a administration, who was basically a cross-dresser and there was no problems. In fact, I seen them going in the bathroom, and I don't think anybody ever had a question. There was no worries because you know what? We all understand that this individual was not a threat. They never acted

inappropriately so they went on their way.

So one would question, do we need legislation to protect that?

A VOICE:

(Inaudible.)

REP. COUTU (47th):

Okay.

So that would be a question.

And through you, Mr. Speaker, I have a question to the proponent of the bill.

DEPUTY SPEAKER RYAN:

Please proceed, Representative Coutu.

REP. COUTU (47th):

Thank you, Mr. Speaker.

Mr. Speaker, I have a question is -- has there been an incident that lead to us attempting to pass this legislation?

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. According to the OFA analysis, there have been approximately 15 cases filed in the Superior Court that would fall under this law.

The testimony that we received during the course

of our public hearing from -- there are many individuals who testified how they had felt discriminated against based upon their gender identity, either -- usually through an employment situation, but sometimes it could be a housing situation or even eating in a restaurant.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Coutu.

REP. COUTU (47th):

And that begs me to ask, was there any convictions or -- because typically -- and I'm not an attorney, I did take a business law class twice -- but was there any convictions? Because I think that's important, or was there any results of those 15 cases?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker.

Convictions for what?

DEPUTY SPEAKER RYAN:

Representative Coutu.

REP. COUTU (47th):

If there was any progress in those cases to the point where somebody received a fine, if it's discrimination, if it was an assault, it could be put in prison. So I guess I'm just trying to figure out just because it was 15 cases filed.

In the military, we have EEO. There's across America, hundreds or thousands of cases with our federal population of federal government employees, there's a lot of cases filed. Probably the rate where they say the individual did discrimination or something else related to equal opportunity, could be any ratio between 20 and 50 percent.

So my question is, if there was a total of 15 cases or 15 claims of being discriminated against, did any of them result in and how many resulted in more than just a claim?

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker.

There are decisions. There are decisions that recognize that -- that discrimination based upon gender identity or expression is actionable. So there are claims -- cases that have been brought currently.

With respect to the number of convictions, I would consider that to be a different category. That would be criminal offenses, and, for example, assault, as was referenced by the Representative, and I do not have number on that. I -- and I would presume that cases that were brought pursuant to that we would then look towards our -- our hate crime statute to see if gender identity or expression was a basis for the assault that was committed, but on that issue I have no number.

Through you, Mr. Speaker.

REP. COUTU (47th):

Thank you.

DEPUTY SPEAKER RYAN:

Representative Coutu.

REP. COUTU (47th):

Thank you for those answers.

I guess all I'm trying to say is that there's probably out of the 15 -- we'll just guess -- seven, eight that had some basis. It might have been somebody said a slang, something rude to who knows, something where there could have been a physical assault. So we potentially are going to have legislation that addresses less than 10 potentially

claims where there was something mean said or discriminatory or up to probably something minor similar to an assault. That's an interesting reason for -- well, that I just find that interesting but so be it. It's important we pass and when we talk about this important legislation.

I guess another part of where I'm concerned is just the enforcement process. If we have -- an individual goes into the bathroom -- and once again I'm not sure who that individual was, if it was somebody who had a few too many drinks and it's a male who's going into the female's bathroom with my daughter in there, or if, in other case, most of the time in my experiences, the men's bathroom most men are pretty lenient and you just do your thing and you go out, but it's usually the male who's more concerned about their wife or the daughter. And if the individual went in there, what would happen if I then went on, through you, Mr. Speaker, and I told the policeman that I have a concern with who just one in the bathroom, and I sort of made a few comments that weren't appropriate because I start fearing after three or four minutes that some things could be going wrong and there could be a problem, would there --

would this be part of a discrimination claim? Could that parent potentially get in trouble for doing that type of action, getting the policeman to bother that individual in question who or what they are?

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, no.

DEPUTY SPEAKER RYAN:

Representative Coutu.

REP. COUTU (47th):

Thank you for that answer.

And then if every time -- because now there's people going into a bathroom -- and we're going to bring awareness to this situation. We question their IDs. When does it become discrimination? Is it more the owner of the restaurant has to say you can't use that bathroom or can one of the patrons, if they get into it and they sort of block them from going to the bathroom, when would that be potentially where that person could get in trouble legally with this legislation?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. The example that was given was a -- a young girl using a bathroom being followed by a shady looking man. I don't think that that would ever be something that someone would claim discrimination for if there -- if that was investigated.

DEPUTY SPEAKER RYAN:

Representative Coutu.

REP. COUTU (47th):

It could be criminal, I agree. The question would be there's a fine line if somebody for a long period of time questions their identity and then they are dressed in some other decor or they -- they're dressing with a dress, maybe in a -- it is a male, and you know that, and they've had a lot to drink, and they really could be a predator or somebody else who, at the end of the day, does have bad intentions ---- and that's kind of where I'm going with that -- and then when I approach that person because something is not right, when does it become where it's really discrimination?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker.

Based upon the example that is given -- that was given and the Representative approached an individual, I don't believe he would be the subject of a discrimination claim.

DEPUTY SPEAKER RYAN:

Thank you, sir.

Representative Coutu.

REP. COUTU (47th):

Thank you.

And I kind of just want to go a little bit further. If you don't believe this is -- there's a fine line between I don't believe and what could be the situation -- and I'm just trying to figure out what would require discrimination. Would it be that I go and get the owner of the restaurant or the ball field, the manager and say, Listen, I don't want that person going there with my daughter because I don't think something's right because obviously, they've had liquor, and I'm concerned about the safety of my child or my wife, or would you actually have to verbally,

sort of, confront that person, say a few words or would you have to actually get in a physical altercation for that to be considered -- I'm just trying to figure out the perimeters of when this piece of legislation would be enforced. I know you've given some examples, but I'm trying to say with this specific scenario that me -- and I -- of the majority of the people that I've talked to are really concerned about.

So, through you, Mr. Speaker, at what case would it take? Would it take the owner of that -- or the manager of that facility not to allow that person to use the bathroom? Would it take a verbal slander or would it take physical altercation? Or all three?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker.

Based upon the Representative's examples, it -- I believe the question is, when would he be the subject of a discrimination claim? And based upon all of those examples, I don't see how he, individually, would be the subject of a discrimination claim.

REP. COUTU (47th):

Okay. We'll just move on, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Coutu.

REP. COUTU (47th):

Thank you, Mr. Speaker.

And then finally, I got two more points and then I'm done. One would be I'm questioning if this could enable or embolden a predator. And we know there's less than a dozen cases potentially that have been questioned with EEO so we're passing this legislation potentially, but, do you agree, through you, Mr. Speaker, that this could enable or embolden a predator or somebody to go in the bathroom, 1 out of 10,000 times -- there could be that rare occurrence where somebody feels emboldened by this legislation to push the envelope and get away with something potentially that we wouldn't think is appropriate.

Through you.

DEPUTY SPEAKER RYAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker.

Base upon, you know, with respect to this

legislation enabling predators, I don't believe there would be any change then anything that currently exists.

DEPUTY SPEAKER RYAN:

Representative Coutu.

REP. COUTU (47th):

And I also threw in there embolden because I think that's an important word that it puts into people's minds.

I mean when we look at this, Mr. Speaker, we all know, how do predators go after children now? And I'm not saying for those who really have -- are transgender or transsexual, somebody who really has -- feels like a woman or feels like a man who is in a different body.

What I'm talking about is on the Internet through a media of a -- a computer is a predator. This -- they're not within 50 miles of your child. You see it on Dateline. You see it on all these channels. Somebody who wants to get around the law, it takes very little for them to feel emboldened, empowered. They know what they can get away with on the Internet. And here we're taking a step further where potentially -- we've had eight to 10 cases where there was a claim

and we really don't know the facts behind them, which one was to what degree of discrimination, but we're going to pass legislation to try to cure this potential problem, and I think it could emboldened, and for the one time that this could embolden somebody, it's very hard for me to support this legislation, and I hope that it doesn't embolden anybody. I hope it doesn't happen, but if it does, that's a sad and scary thought. And when you look at the Internet, it happens every day. So I hope my colleagues think about this when they're voting.

And finally, Mr. Speaker, relating to informing the public, this is a piece of legislation that really could have an impact in restaurants, could have an impact in public places.

Through you, Mr. Speaker.

Does -- I know it's not in the legislation -- but does the proponent of the bill believe that this is something we should have a PR campaign on to explain to people the potential -- this law and the impact of this law?

DEPUTY SPEAKER RYAN:

Representative Coutu, questions as to solicit facts, not to solicit opinions, especially since

you've already stated it's not within the bill, I think we should move on.

REP. COUTU (47th):

Okay. Thank you, Mr. Speaker.

Mr. Speaker, I think many times when we have less than 10 incidences on something similar to this already claimed, there's a point of common sense. And I think my colleague, Mr. D'Amelio, he made it very clear. There's a lot of situations and a lot of examples with a lot of variables when somebody goes in the bathroom, but there's common sense.

And I think a lot of times we can cure a lot of these problems with common sense and it may not require legislation. And, once again, we all want to live in harmony and, hopefully, people will do that, but I question without the amendment of private places if this is -- had -- could have potential, unintended -- boy, I'm getting a little tire here -- unintended consequences and that could be disastrous.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you very much, sir.

Representative Roy of the 119th, sir, you have the floor.

REP. ROY (119th):

Thank you, Mr. Speaker.

Mr. Speaker, I've been -- I -- agonizing most of the evening over what I'm going to do on -- with this issue. It's taken a personal turn for me this past year. I have a cousin in Arizona. Her name is Louise. Last year at this time, it was Louis. So it's a Victor/Victoria situation. All Louise has asked of us is to -- just to respect who she is and what she is and to treat her as we always had treated her.

A simple Christmas card that I sent from my wife and I made me realize just how sensitive the issue is. We sent it addressed to Ms. Louise. In the past, it had always been Mr. Louis. A couple of weeks later we got a note saying, thank you for not treating me with scorn, not laughing, but being serious and treating me as the individual that I am. A thank you note just because I said, Ms. Louise without laughing.

I think that if I can do that in private sitting in my kitchen at the table and writing that out that if I were to turn around tonight and vote to scorn and laugh at Louise that I would a hypocrite of the worst type.

So, Mr. Speaker, I'm going to support this legislation. I'm going to support it with the hope that we all move forward from tonight and treat all of our fellow human beings with a little respect, with no scorn, and perhaps we can even find some love.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you very much, sir.

Representative Miner of the 66th, you have the floor, sir.

REP. MINER (66th):

Thank you, Mr. Speaker.

If I might, a few questions to the proponent of the bill as amended.

DEPUTY SPEAKER ARESIMOWICZ:

Please proceed, sir.

REP. MINER (66th):

Thank you, Mr. Speaker.

Mr. Speaker, embedded in the amendment were the words "consistent in uniform assertion" as a means by which someone might be able to make a claim that they qualify for gender or expression identity. If the gentleman could help me how one makes that assertion, is there a threshold limit to that?

Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker.

That -- the purpose of that -- that term was intended to address some of the concerns that individuals raise that people may attempt to either flip flop on their gender so that -- you know, change it at whim and the -- the thought and the objective behind that was to show it's -- it's more than just today you wake up and decide you're a different gender or you have -- you identify with a different gender. The objective was to say that, you know, this has to be something that you -- you really feel and that you're consistent with.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker.

And so in the case where an individual would have applied for employment as a man and not made his potential employer aware of this internal conversation, at some point if that individual went to

their employer and said, you know, I've made decision, I'm not who I expressed to you I was, I am this. At that point if the employer made the determination that in that form and fashion he no longer wanted to employ that individual, is that an actionable offense?

Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. If the -- if the change was -- if it did not impair with that individual's job and the basis for the termination was the -- was based upon the individual's gender identity or expression, then, yes, that could be actionable. But -- but part of the reason, too, was -- and the reason for the continuous or the consistent and uniform assertion is that the next step that that employee would make if they believe that would be to then bring a claim about discrimination, and if the individual, you know, changed back the next day after they were fired and said, I'm back to being a man, for example, then it would not appear that that would have been an appropriate basis for the claim.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker.

And so absent that change back, so to speak, a claim could be made against the employer for dismissing that employee for that reason.

Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. If that was the basis for the -- for the termination.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker.

And so let me say that there have been occasions in my professional career where I have done business with individuals who on one occasion appeared as one gender and on another occasion appeared as another. And as an adult, somehow I've -- I've been able to wrap my mind around that and continue to maintain that business relationship.

I think tonight we've heard that there are

certain circumstances where this may be in a setting where they're not an adult. And so if I could -- if I -- I apologize -- if I could with the gentleman --

so in the case of -- of an individual who, in the teaching setting, upon hiring was hired as Mr. Johnson and somehow during the course of the second year decided that it -- he wasn't going to be a he. He was going to be female. If the parents of that -- of the students in that class decided that they were so uncomfortable with their children being in that class that they wanted them moved, is the action then against the individual parents or would there have to be a change of employment? Is it a change of employment status that triggers the discrimination or would it be the simple removal of children from a classroom?

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker.

While there may be other facts involved in that hypothetical, I believe it will be the change in employment status.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Miner.

REP. MINER (66th):

So the fact that some number of parents chose to take their students out of the classroom the teacher would have no claim against the parents for discrimination under this bill.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker.

I don't believe so.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Miner.

REP. MINER (66th):

And -- and in the case where a sufficient number of parents made that decision and the school felt that they were in a position where they had no opportunity for that person to be employed, at what point does it become actionable against -- is it the school, the town, whoever took the action?

Through you.

Just -- I mean, because, frankly, when the bill becomes law, each of us will be called upon to

describe how this affects our constituent and our municipalities and the employees that it attempts to protect so that's the reason for my question.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker.

First, the -- this situation -- the question has arisen on -- on this -- with respect to this type of employment and I believe the testimony at the public hearing was that there have not been any real examples or maybe one or -- one example, I don't want to say none. The -- first, I believe the action -- if there were an action taken against an employee, the action would against the employer. If the basis for the action were one of the protected categories that we identify in our discrimination statutes, the action would be against the employer is my understanding of how it would work. And if this were to happen, though, I do believe the schools would use their best efforts to try to -- to work through this.

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker.

And I -- I thank the gentleman for answering the question. I think that's part of the problem is the end of the answer which was, "we'll work through this."

And tonight we heard from Representative D'Amelio express a circumstance, which I think everyone agreed, he handled as well as probably it could be handled. I don't -- I don't know under this bill whether there was an action. I'm -- I'm guessing that there must have been action that could have been brought against someone in that case, otherwise the amendment offer would -- would have passed. Right? Because if the owner of the business who said we'll make other arrangements, would have then had an action brought against him.

I guess under the bill, as it currently exists, if I could, through you, if an -- if a -- if a business owner needs to intercede in a situation where two of his or her customers are in a situation where they're uncomfortable, as was expressed in the restaurant case, is there an action brought against the business owner in this case?

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Please proceed.

Representative Fox.

REP. FOX (146th):

Thank you. I got the question. Thank you, Mr. Speaker.

The claim would be against the employer, not against the customer if there were a claim. However, just based upon the description that I -- that that was outlined earlier, absent additional facts, as we all know, these are -- are fact driven, I would agree that the action taken was an attempt to make the best of a situation.

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker.

And -- but, as I understood it, the action was really in an effort to resolve a matter between two patrons of the restaurant, not an employee and a patron. And so in the case where there are two patrons of the restaurant who have a disagreement over

should be using the bathroom or who should do what, what action is brought against whom in that case, if I could?

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker.

And I'm sorry. For some reason I thought the individual was an employee of the restaurant, but if a patron were denied access and that patron -- if that patron's gender identity or expression was consistent then potentially the action could be against the employer --

DEPUTY SPEAKER ARESIMOWICZ:

Representative Miner.

REP. FOX (146th):

-- the owner.

REP. MINER (66th):

So -- so in the case of a business person who has no idea who -- I mean, certainly an individual couldn't -- could -- could a business person discriminate an individual on the basis of gender identity in terms of limiting access into the

business?

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker.

If that is the reason for not allowing access to the business, then, potentially, yes.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Miner.

REP. MINER (66th):

Maybe I misunderstood that. My question I thought was could a business person restrict access to a business on the basis of gender identity or expression?

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker.

And I'm -- I'm presuming we're talking about a place of public accommodations where everybody else would be allowed in other than the individual who is being denied access based upon gender identity or expression. So if that were the case, then, yes,

potentially that individual could bring a claim.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Miner.

REP. MINER (66th):

So -- so the answer is, no, if this law were to become -- if this law were to be passed and become law, a business owner would be held responsible for not allowing access based on this discrimination claim. And in the case where the business owner allowed everyone in and something were to arise between two patrons, the business owner in an effort to resolve a problem could have a claim brought against him or her by trying to resolve it. Is that not correct?

Through you, Mr. --

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I do believe more details would be required. But, essentially, just with respect to the -- the bill itself, if it's a place that's open to the public and you want to deny someone access, simply because of their identity or expression that would be something you cannot do. And

that I should add is something that current law may also say you cannot do, but what this would do is simply incorporate into our discrimination statute.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Miner.

REP. MINER (66th):

Well, thank you, Mr. Speaker.

What I'm trying to point out here is that I think there are business people that know they shouldn't discriminate about access. I think what's been describe here is a circumstance where a business person on behalf of two patrons had to get involved in a situation and then became liable under this law. I think that's what the gentleman has said is that there is a liability under this law that could inure to the owner of the business by interjecting himself in -- in a situation where he was trying to resolve a disagreement between two patrons over a bathroom.

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker.

I think it would depend upon how he would

interjected himself and the resolution that they came about.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Miner.

REP. MINER (66th):

Fair enough.

So I'm gathering that if -- if he interjected himself and the -- and the male person who felt he was identifying himself as a female restricted his access to the ladies' room, he would then fall victim to this -- a claim under this bill.

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. Potentially.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Miner.

REP. MINER (66th):

Thank you.

And -- and the last one, I -- I have received some e-mails, most of them have been focused more on access to bathrooms, but I -- in a case where an individual may make a private decision to have

children cared for in their own home, if an individual in that case were hired and at some point after that process of being hired, made that same circumstance known that they were choosing to make it clear that they were no longer a male, they -- they were a female, if the employer in that setting were to choose no longer to have that person their employee, they, too, would fall under this statute and could be cited?

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker.

I don't know if there is a section of this bill that -- that would fall under our discrimination statutes. I'm -- I'm not sure if that would apply.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Miner.

REP. MINER (66th):

Well, I mean I -- maybe I better rephrase that. Is -- is the gentleman aware of employment opportunities in the state of Connecticut where someone could -- could knowingly discriminate on the basis of gender identity or expression other than

those specifically identified here or is -- is it his understanding that these are generally a blanket exclusion on that?

Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker.

I don't know of situations outside of here where -- where that would apply outside of the bill itself.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker.

Mr. Speaker, as I said in the onset, I've been able to manage to continue business relationships over periods of time. I've -- I've employed individuals who have surprised me at times with certain revelations. I think there are some circumstances in life that we need to pay particular attention to, and I think we could probably find a way to do that without adversely impacting someone. I think there are ways that we can make changes, both in a -- in an employment setting and otherwise.

But I -- I do think the way this bill reads, Mr. Speaker, it certainly would take some explaining to employers, some explaining to parents. I'm concerned about the implications of the bill, and I understand that it's intended to provide a certain number of people protections and for that I, you know, I kind of applaud the people for what they're attempting to do, but I do think it establishes many, many problems in the process of trying to do good. And for that reason, I think I'll probably oppose the bill. Thank you.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

The gentlewoman from Fairfield, Representative Fawcett.

REP. FAWCETT (133rd):

Thank you, Mr. Speaker.

Mr. Speaker, I rise this evening as a fairly unique voice in support of the proposed bill before us. It's because I have a unique voice that I felt it was important that I share my perspective with the members of this Chamber, as friends and colleagues, but also with my constituents back at home.

It's not a secret that I live a very active

faith-based life. I'm a Christian. I belong to a thriving church in Fairfield, and I've established myself I suppose as a social moderate, although to many of you in the Chamber I suppose my views are more socially conservative than your own.

It's because my faith is so important to me that I stand before you tonight and declare my support for this legislation. You see there are some advocacy groups in this building in the Capitol that have slandered the intent of the proposal that's before us, and they've worked very hard to stir up fear through misinformation.

Through the works these organizations have done, they've not stood up for the same God or the same faith that I hold so dear. Instead, I feel they've embarrassed my faith and really drawn criticism for their work -- through their work -- for the perception that -- and -- and said the perception that Christians are full of judgment and hate.

My faith, my God and maybe yours, too, it's not about these things. The legislation that's before us tonight, it's about preventing discrimination. It's not about violent offenders targeting young girls in bathrooms or hurting or endangering children in any

way through whatever faith you practice. And because we are all citizens of this country, we must set a very high bar against discrimination.

In the past, we've -- we've expanded discrimination statutes time and again to recognize and protect various minority groups. We've expanded the definition of minority groups to include persons of race, color, religion, creed, age, marital status, natural -- national origin, ancestry, sex, even mental retardation, mental disability and physical disability. Tonight we are adding the term "gender identity and expression" to that list to the existing statute.

This statute -- it's critical to assuring that all residents in Connecticut can maintain employment; that they can sell and rent a home. They can receive credit through a bank. They can attend school or use public facilities. Really, what we're trying to accomplish tonight is to assure that all people, even if they're different from us or if we don't understand their lifestyle choices or if we disagree with them, we need to make sure that all people are treated equally under the law.

We have a saying in my faith, WWJD. It means,

what would Jesus do? So we use this saying to apply a circumstance where you might be facing a difficult or a challenging life situation or a question. So the intent of using WWJD would be to use it as a litmus test or a guide to help you, direct you, in getting the answer to your question so it is the fairest or must -- most just answer. So the question I would ask myself tonight, and maybe you, is would my God discriminate against any person because of gender identity? Would he condone the idea of treating this minority group differently?

If you live in Connecticut or if you have a place in this Chamber this evening that allows you to vote on this measure and you've heard the outrageous accusations being made by groups who are working to defeat the bill, I urge you to step outside your comfort zone and take a look at the proposed legislation that's before you with a different set of eyes to see this as a continuation of the journey, the American journey, to combat discrimination and even --

REP. CAFERO (142nd):

Mr. Speaker.

REP. FAWCETT (133rd):

-- more important as --

REP. CAFERO (142nd):

Mr. Speaker ---

DEPUTY SPEAKER GODFREY:

If the lady will suspend.

For what purpose do you rise, Representative Cafero?

REP. CAFERO (142nd):

Mr. Speaker, I rise for a point of order --

DEPUTY SPEAKER GODFREY:

Please state your point of order.

REP. CAFERO (142nd):

-- indicating it is according to our rules that we would not ascribe motives to anyone in opposition or in favor of any bill. I believe the speaker, with due respect, is doing just that and would ask for a ruling from the Chamber.

DEPUTY SPEAKER GODFREY:

House will stand at ease.

(Chamber at ease.)

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Yes, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

You have the floor, sir. You have raised the point of order. You have --

REP. CAFERO (142nd):

I did raise the point of order, Mr. Speaker. I would just ask and I will withdraw the point of order so long as the Speaker, please, remind the Chamber that ascribing motives either for or against a bill that is pending before this Chamber is not allowed by our rules.

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you.

The point of order is withdrawn.

The Chair will remind the Chamber that our rules do prohibit specifically ascribing motivation to any position, both, of members and nonmembers.

Thank you.

Representative Fawcett, you still have the floor.

REP. FAWCETT (133rd):

Thank you, Mr. Speaker.

And, in conclusion, I would just urge the members of -- of the Chamber here this -- this evening to join me as we continue together on the American journey to combat discrimination, and I think even more important

to combat discrimination, regardless of our faith, but how your individual faith may command you tonight.

Thank you.

DEPUTY SPEAKER GODFREY:

Thank you, madam.

For the second time, Representative Coutu. Do you want to speak?

REP. COUTU (47th):

I'm good.

DEPUTY SPEAKER GODFREY:

Will you remark further on the bill as amended?

Representative Sharkey.

REP. SHARKEY (88th):

Thank you, Mr. Speaker.

Mr. Speaker, we've been here for several hours, and I think we've heard some very poignant and eloquent expressions, frankly, on both sides of this issue.

I was personally was particularly moved by the story that was told by Representative Roy earlier about his family member and the way that experience changed his perception of this issue. I was also very impressed by Representative Schofield's description of some of the factual realities of what those in our

community who are facing gender issues, gender identity issues, deal with on a regular basis on a physical and, perhaps, in some cases emotional level but also in a -- in a sense of the legal and civil rights perspective.

I -- I -- Representative Fox lead his discussion, I think with a description of the fact that this is something that we've been discussing and talking about for many years. It's an issue that has been before us before. We spent a lot of time discussing this, and I think that one of the great things about a deliberative body, such as ours, is that through that discussion and through that debate we become better educated. We become more knowledgeable about the subject matter. We -- through that education and through that knowledge, we try to come up with the best possible answers and sometimes we do, perhaps, act too quickly on items that we may not fully understand. But I think one of the benefits of this issue, as with so many other social issues that we have faced over the years, is that it's typically not something that we do right off the bat. It's typically not something that we enact into law the first time out.

Normally, what we do is we take some time to think about it and it may take years, but in that process we become much more educated, much more understanding of what the issue is that we're really trying to deal with. And I think from that and from that debate over the years, we have been able to dispel a number of the misconceptions and misperceptions that have followed the transgender community for many years. They're not unlike many of the misperceptions and misunderstandings that we would have ascribed to the -- to others who are not potentially in the majority in our communities.

And one of the things that I think we've learned over this time is that this is not a whim. A transgender identity is not held by someone on a Monday and then changes on a Tuesday. This is something that is very wrenching for the person who deals with these issues on a day-to-day basis, on a year-to-year basis. They don't -- folks with this gender -- with gender identity issues don't just wake up on the on the wrong side of the bed one day and decide that, well, today is the day that I'm going to be one gender and maybe tomorrow I'll be something different.

I think that is -- it may be understandable that we might have these misunderstandings because let's be honest, I think for most of us, with some exceptions, are not all that familiar with this condition and with this issue because it doesn't affect us in the same way as it perhaps would if there was a larger percentage of our population facing this kind of a crisis. But the reality is that it is a reality and that there are members of our community who face this crisis in their own lives. And all we're doing tonight is saying that it's not our place as a society to discriminate against those people. It's not our place to, as a majority of the population, to decide that they are not entitled to the same rights and privileges that the rest of us enjoy.

I think that some of the objections and concerns that have been raised, again, I can understand them. I can understand why they would be raised because it's not something we're all that familiar with. But I think we have reached a point right now as a body and as a society where this particular issues is not something that needs to be treated out of either fear or ignorance or misunderstanding. I think we understand now. And once we understand that I think

we can only reach the conclusion that folks in our community who are transgender deserve to have the same civil rights as the rest of us. And for that reason, I urge my colleagues to support this bill.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you.

Will the staff and guests please come to the well of the House. Members take their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call, members to the Chamber. The House is voting by roll call, members to the Chamber please.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Please check the roll call board and make sure your vote has been properly cast. If all the members have voted, the machine will be locked. The Clerk will please take a tally.

Clerk please announce the tally.

THE CLERK:

House Bill 6599 as amended by House "A."

Total Number voting 139

Necessary for passage	70
Those voting Yea	77
Those voting Nay	62
Those absent and not voting	12

SPEAKER DONOVAN:

The bill as amended is passed.

Are there any announcements or introductions?

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. Good evening, Mr. Speaker.

SPEAKER DONOVAN:

Good evening, sir.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. For a journal notation, please.

SPEAKER DONOVAN:

Please proceed.

REP. NOUJAIM (74th):

Representative Adinolfi missed votes due to illness. Representative Smith missed votes to being out of state on family business. Representative Wood missed votes to business in the district. Representative Davis also missed votes to business in

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We would ask you to do your best to keep your testimony to three minutes. There will be a bell that will go off, and the first name that we have on our list is from the Governor's office is Andrew McDonald.

Good morning, Attorney McDonald.

ANDREW MCDONALD: Good morning, Representative Fox.

REP. FOX: That's what you guys look like up there, huh?

ANDREW MCDONALD: Good morning Representative Fox, Senator Kissel, Representative Holder-Winfield, and all of the members of the Judiciary Committee.

My name is Andrew McDonald, and it is my pleasure to be here before you today testifying for my first time as General Counsel to Governor Malloy.

Governor Malloy has asked me to share with you his strong support of House Bill 6599, AN ACT CONCERNING DISCRIMINATION. The Governor has been a longstanding supporter of this legislation, and he very much looks forward to signing it. In fact, that personal privilege for him is the only good reason this legislation hasn't passed in prior years. That's my own way of saying that this legislation is long overdue.

Legislation adding gender identity and expression to the list of protected classes in our anti-discrimination statutes has come before this committee many times before, and every time it has been raised, the Governor, then the Mayor of Stamford, submitted testimony expressing his heartfelt support, and urging members of this committee to vote in favor of this important legislation.

As Mayor of the City of Stamford, Governor Malloy had the opportunity to witness how little effect an individual's transition in his or her gender expression need have on the workplace. Rachel Goldberg, who you will hear from later today, was an attorney for the City of Stamford when she transitioned. She had been identified as a man all of her life, while struggling with her own identity as a woman. I remember all too clearly the day Rachel, then known as Bruce, came into my office to tell me she was transitioning. At the time, I was serving as the Corporation Counsel for the City of Stamford, and I knew Bruce to be a good, smart, and hardworking lawyer who was dedicated to his job. We were talking about some legal matters, and when we finished, he told me he needed to tell me something else.

Before his did so, I saw something change in his eyes. His eyes went from a bold, confident, and businesslike look, to an unsure, nervous, and even fearful stare. I knew he was scared. The trepidation he had in telling me was even more significant because I considered him not only a colleague, but a personal friend. And he was still scared about what this would mean for him and his career. Imagine what it would take to tell someone in a position of authority over you, who wasn't a friend, but perhaps might even be hostile towards you.

After he told me his very personal story, and I assured him that it changed nothing about our personal and -- or professional relationship, he asked how then Mayor Malloy would react to the news. I'm sure Rachel will tell you that story herself, but suffice it to say, she remains a very valuable asset to the City of Stamford as an attorney, and she remains a personal friend of both the Governor and mine. In fact, she has helped both of us grow in our understanding,

outlook, and appreciation for what it takes to transition.

She and the other transgendered individuals the Governor and I have come to meet in our personal, professional, and political lives, are brave and courageous individuals, and to them, Mr. Chairman, I would say, they are going to have to hear perhaps some unbelievable testimony. I would just suggest that that same sense of bravery and courage that Rachel has shown over time, each of them shows by being here today. And I thank them for being here and supporting this legislation. It is what civil rights is all about.

You're going to hear testimony from individuals who face fear and discrimination every day from employers, neighbors, medical providers, landlords, and others, solely due to the fact that the way that they present themselves does not conform to what some people expect. And you will hear statistics about how this affects their personal safety, emotional welfare, and social and economic security.

To avoid giving you information you are sure to hear from others, I offer you my perspective as former chair of this committee, and how close we have come to providing a protection that 13 states, over 130 municipalities, the District of Columbia, and over 400 of the Fortune 1000 companies have already provided.

As many of you will recall, and some of you will hear for the first time, this legislation has historically enjoyed overwhelming bipartisan support in this committee. Of the three votes taken, it passed by margins of 28 to eight in 2006, 29 to four in 2007, and 37 to six in 2008. And in large measure, I would be remiss if I did

not acknowledge the leadership of Senator Kissel in many of those votes.

I urge you to continue that legacy and support our state's strong tradition of safeguarding an individual's right to be free from discrimination. This legislation has previously made it through the Committees on Judiciary, Government, Administration and Elections, Higher Education, and Education. On the one occasion it was -- called to the floor, it passed the Senate by an extraordinary 30 to four votes before lengthy debate in the final days of the session stalled it on the House floor. As Judiciary Committee members, you have the opportunity to hear impassioned testimony of individuals who need the protections, need the protections, that this legislation offers.

Unfortunately, this subject is one that your fellow legislators outside of this committee know less about, and they will understandably have questions. I would respectfully suggest it is your obligation to educate the fellow -- your fellow members of the Legislature, about this legislation and to relay to them the testimony that you will hear today. Through education comes understanding.

Equal treatment of -- individuals under the laws of our state has been an issue of continuing importance to the Governor and to me through -- our careers in public service, and I sincerely thank you for the opportunity to speak to you -- before you on this issue today.

REP. FOX: Thank you, Attorney McDonald.

And -- Senator Kissel, you have a question?

SENATOR KISSEL: I just want to say thank you. I -- I still feel compelled to say Senator McDonald, but Attorney McDonald.

A VOICE: I caught myself.

SENATOR KISSEL: It's great to have you before our committee, and I want to thank you personally for those kind words you mentioned about myself. And I believe I had the opportunity -- a few years back to work with Ms. Goldberg on a -- on a study -- regarding eminent domain, if my recollection is -- is correct. But I'm more than happy to do whatever I can, and I think your testimony speaks very well, not only for yourself, but for Governor Malloy as well, so hopefully this is the year.

Thank you, Mr. Chair.

REP. FOX: Thank you, Senator Kissel.

Are there any other questions for Attorney McDonald?

Thank you very much.

ANDREW MCDONALD: Thank you very much.

REP. FOX: Good to see you.

Next is Tim Slocum, the Mayor of Cheshire.

TIM SLOCUM: Thank you, and good morning.

REP. FOX: Good morning.

TIM SLOCUM: Honorable committee members, thank you for allowing me to address you. My name is Tim Slocum. I am the Mayor of Cheshire, and Chairman of the Cheshire Town Council. HB6606

implemented. To just continue a course of treatment begun in the community without assessing the patient's current needs or circumstances, would be dangerous medical practice.

I want to thank you for your -- for the opportunity to express the Department's views on the bill, and I would be happy to answer any questions that you have.

REP. FOX: Thank you very much for your testimony.

Are there any questions?

Seeing none, thank you very much.

LEO ARNONE: Thank you.

REP. FOX: Next is Jill Milstein -- or Jeanne, I'm sorry.

Good morning.

JEANNE MILSTEIN: Good morning, Senator Coleman, Representative Fox, and members of the Judiciary Committee. My name is Jeanne Milstein, I am the Child Advocate for the State of Connecticut, and I thank you for the opportunity to testify in support of Raised Bill 6599, AN ACT CONCERNING DISCRIMINATION.

This proposal simply adds gender identity or expression to Connecticut's Non-Discrimination Law. This is another important part of the safety net for our children, particularly those who are most vulnerable. It will help ensure their safety and well being. It is also a matter of fairness and equality. We don't want children harmed for who they are.

Today, I ask you to think for a moment, if your child, niece, nephew, grandchild, was subjected to relentless harassment, bullying, and discrimination because of who they are, or who they are perceived to be. Certainly, you would not want them to be a victim of bullying, harassment, and discrimination. You want your child to have all the opportunities to achieve his or her full promise and potential. You want them to grow and thrive and to have all of the necessary ingredients to become successful on life's journey.

What I've come to know in my years as Connecticut's Child Advocate, is that children need love, support, acceptance, understanding, and a sense of safety and well being. They also need laws as an essential aspect to help protect them. Again, this proposal assures the same fairness and protections for children who express their gender identity differently.

Connecticut General Statute 46a-51, already sets the foundation for assurances that provide protection of the law from discriminatory practices for the protected and vulnerable members of our communities, including children. These same protections should hold true for discrimination based on perception of gender identity or gender expression. It would be devastating and unacceptable. And I think that all of us can agree that any form of discrimination is simply not acceptable for our children.

Issues of fair treatment have been at the forefront of my efforts on behalf of children. These children are at greater risk of bullying, name calling, suicide, and murder. The more gender nonconforming an individual is, the more extreme the sanctions in the form of everything from name calling to murder.

For youth, the gender difference is connected to harassment, abuse at home, and at school. As Chairperson of the Child Fatality Review Panel, I have seen the tragic consequences of bullying for children who may be perceived as different and not conforming to the norm. Adolescence, which we know at best is a difficult time for children, can be devastating for children who stand out, whether they dress differently, are too short, too tall, et cetera. Adolescence is a time when conformity and acceptance are the norm. For children who are questioning gender identity or expression, adolescence can be unbearable.

Let me remind you of the tragic suicide of Joseph Daniel S, an 11-year-old boy who committed suicide several years ago because he was so devastated as a victim of bullying. The loss of promise hits home here on Connecticut. We are currently investigating two recent deaths of children to determine if bullying and harassment were contributing factors to their suicides. Please, we can try and prevent these tragedies.

In addition to our child fatality work, over the years the Office of the Child Advocate has been contacted regarding several children who were experiencing significant discrimination based on their gender identity. Let me share with you the story of Jordan.

Jordan is a wonderfully talented, compassionate, and insightful individual. Jordan needs the advocacy support of my office to help with some issues associated with gender identity. We worked with community partners to ensure that Jordan was included in relevant school activities, was treated fairly, and got the supports necessary to face many complicated life choices. The road for Jordan was not easy, nor the advocacy path, because no law fully protected

Jordan from the significant discrimination encountered along the way.

Jordan has said that having the right people in her corner was key, but also having the law to support her would have made her life much difficult -- less difficult. When one of our staff told Jordan that I was going to testify today and use her story as an example, she asked Jordan if she would like me to tell you anything. She wanted me to know -- Jordan wanted you to know that there were dark times when she thought that no one would accept her, and that people just need to accept each other for who they are.

I urge you to pass this bill. It will offer important -- an important safeguard to -- all children and adults. Please ensure the continued promise and potential of our vulnerable citizens. I believe that by supporting this measure, you will be affirming and acknowledging that discrimination based on gender identity or expression will not be tolerated in Connecticut. Thank you.

REP. FOX: Thank you, Jeanne.

Are there any questions?

Senator Bye.

SENATOR BYE: Thank you, Mr. Chairman.

Still good morning, how are you?

So -- we're going to have a -- I'm sure we're going to have a long hearing today, and as a child advocate, you're here telling us that this bill's important for children.

Why do you think it's important for children?

JEANNE MILSTEIN: It's important for children because, first of all, children are very vulnerable, particularly adolescents as we know. And that they deserve the same rights as all other vulnerable populations in the state of Connecticut.

SENATOR BYE: So I'm guessing that today -- and I've been on the floor of the House when we have debates about this. The people are going to say, we can't protect teachers because that would be bad for children. It wouldn't be good for children to have a teacher transitioning while working for them.

What's your reaction to that?

JEANNE MILSTEIN: Children deal with change and transition of teachers all the time, whether it's marriage, divorce, whether it's having an operation, cancer. Children adapt really well. The most important aspect for teachers, that the teacher be a quality teacher.

SENATOR BYE: Okay, thank you very much.

REP. FOX: Are there any other questions?

Thank you very much.

Next is the Honorable Barbara Quinn.

Good morning, Judge Quinn.

THE HONORABLE BARBARA QUINN: Good morning. How are you?

Good morning, Senator Coleman, Representative Fox, let's see, Senator Kissel, and distinguished members of the committee. HB6605 SB1159 SB1183

facility that morning at about 11:00 a.m., was there from 11:00 till 11:30, then took a lunch break, and then left the premises at 1:00 p.m. for vacation. The Claimant's accident took place at approximately 1:00 p.m.

Based upon the foregoing, we believe that the decision of the Claims Commissioner to deny the Claimant permission to sue the State in court was unjust and is contrary to the facts that were adduced at the hearing. The Claimant clearly made out a prima facie case of negligence, and should be allowed to have his day in full court. Wherefore, we respectfully request that the Claimant be granted permission to sue the State in Superior Court, or in the alternative, that he be awarded a minimal judgment of $7,500. Thank you very much.

REP. FOX: Thank you for your testimony. And welcome to the Legislative office building from Stamford.

TOBY SCHAFFER: Thank you. I've never been here before.

REP. FOX: Are -- are there any questions of Attorney Schaffer?

Thank you very much.

TOBY SCHAFFER: Thank you for your time.

REP. FOX: Next is Ann Faith Beon.

ANN FAITH BEON: Thank you for the opportunity to come here before you today.

My name is Ann Faith Beon. I am here to ask for the passage of H.B. 6599, AN ACT CONCERNING DISCRIMINATION.

I am one of many transsexuals who live in your districts. We live and work like everyone else, but unlike the rest, we have little protection under the present law against discrimination.

I personally have lost my last two jobs because of individuals who were uncomfortable with the subject. I spent last week in Washington with leaders of our trans community. We were briefed by the Justice Department on the amount of cases of discrimination, hate crimes, and even murders of those like us throughout the United States.

Now is the time for Connecticut to join the 12 other states and 100 major cities to enact similar legislation, to give us the same protection that the rest of you enjoy. Once we hid behind closed doors, living in shame, not understanding why we were as we are. Today, modern medical research has given us both the answers to why we were born this way, and a path living a life true to ourselves. It is a hard, expensive, and often dangerous path, but it is ours.

What we need from our representatives is the legal protection given all other Connecticut residents. Times have changed radically for us. We are living out and proud of who we are. There are many more of us than you may think. We exist in all cultures and throughout human history. Today in our United States, we have transgender support groups in high schools, transgender children in grammar schools, and now preschools for non-gender-conforming children. We're here for them. We're here for the hundreds, if not thousands, of young Connecticut residents who face bullying, physical abuse, and discrimination for no fault of their own.

I ask you in your name to extend this protection. I'd be happy to answer any questions, or give any

explanation may -- you may require. Again, thank you for this opportunity.

Also I would like to add that recently I basically adopted a young trans woman who was ejected from her family home after abuse because of this. Thank you.

REP. FOX: Well, thank you very much for being here today, and for your testimony.

Are there any questions?

Senator Bye.

SENATOR BYE: Thank you, Mr. Chairman.

Good morning, Annie. How are you today?

ANN FAITH BEON: Good morning. I'm good.

SENATOR BYE: Good.

I had the pleasure of meeting you on a panel at my church in West Hartford about this issue, and it was really enlightening for everyone at our church to listen to, you know, what you went through.

But at the very end, there was a 13-year-old boy. You might remember, his name's Jonathan from our church, and he asked you, what -- what would have happened if you hadn't transitioned? Where do you think your life would be right now if you hadn't transitioned? And I wanted you to let people know how you answered it.

ANN FAITH BEON: Just before I transitioned -- well, first of all, I lived for 58 years as a male. And just before I transitioned, I attempted suicide for the last time. And after that, after

surviving that, I realized that I had to give life a chance, and I'm very happy that I did.

SENATOR BYE: Yeah, that was quite a moment for -- I think there were 50 people or so that came to listen to try to -- gain understanding. And I think to have a 13-year-old ask that kind of question, I think virtually every panelist answered in the same way, that it really is a matter of life or death in many ways for you, so I appreciate that answer.

ANN FAITH BEON: Well, in this -- in this situation, I think we have to let the children lead, because the younger kids today are coming out earlier, and they understand the physical, social, and psychological issues a lot better than most of the adults I've met. Thank you.

REP. FOX: Thank you.

Are there any other questions?

Thank you for your testimony.

ANN FAITH BEON: You're welcome.

REP. FOX: Next is Doctor Susan Pease.

And if any of the public officials make it back into the room, I know there's a number of committee meetings going on. If you could just try to notify us somehow.

Good morning.

SUSAN PEASE: Good morning. Good morning Senator Coleman and Representative Fox and members of the committee.

My name is Susan Pease. I'm am Professor of Criminology and Dean of Arts and Sciences at

DALE HO: But I can't remember if they used actual or registered voters. It may have been registered, but I honestly can't tell you off the top of my head, Representative O'Neill.

REP. O'NEILL: Okay. Hopefully that's the last of my follow-up questions. But you may still be here in an hour, so thank you.

REP. FOX: Are there any other questions?

Representative Hewitt.

REP. HEWITT: For the second time, I just want to clear up something that one of my distinguished colleagues said a few minutes ago. Says -- he alluded to the fact that a lot of these towns produced criminals, and I'm looking at my dictionary right here, and produce means to manufacture. I don't think New London manufactured any criminals, and I know the other -- other 169 towns didn't manufacture any either, so I just wanted to clear that up for the record. Thank you.

REP. FOX: Thank you.

Are there any other questions?

Thank you very much for your testimony.

REP. STALLWORTH: Thank you.

DALE HO: Thank you.

REP. FOX: Next is Peter Wolfgang.

PETER WOLFGANG: Good afternoon, members of the Judiciary Committee. My name is Peter Wolfgang. I'm the President of Family Institute of Connecticut Action, and I am here today to oppose SB 599

Bill 6599, AN ACT CONCERNING DISCRIMINATION, or as it is known to us, the bathroom bill.

You have my written testimony. I'm going to depart from it, and just emphasize a few points. I want to start with something Andrew McDonald, Chief Legal Counsel for the Governor, said in his testimony. He talked about the history of this bill, and he talked about how in '06 you had so many votes, in '07, and '08, that there was an increase in support for this bill. But he stopped at 2008 for a reason.

In 2009, for the first time, this bill died in committee. Senator -- former Senator McDonald singled out Senator Kissel for praise for supporting the bill, but I know that Senator Kissel, too, opposed this bill in 2009. In 2010, for the first time, this bill did not get a public hearing. So, I mean the truth is, this bill actually crested at some point and then receded, and what I'm here today to ask you is that you continue this positive trend away from this bill.

Now regarding my reference to it as the bathroom bill, proprietors of any public accommodation are prohibited from discriminating against persons of any sex or sexual orientation in the full enjoyment of accommodations offered to the general public. The current law has exceptions for single-sex sleeping accommodations, bathrooms, and locker rooms. H.B. 6599 would circumvent all of those exceptions, which would still apply to sex, but would not apply to gender identity or expression.

So in other words, this bill would allow men to enter women's public restrooms. That is a main reason for our opposition to this bill. If a father and his young daughter went to a public accommodation, and the young girl needed to use

the ladies' room, her own father could not go in with her, but a man who says he is trans -- gendered could.

This bill is a radical assault on the right to privacy and safety of all women and children on behalf of one of the smallest special interest groups. Nothing would prevent a sexual predator from -- pretending that he is confused about his sex to gain access to vulnerable women and children in what should be safe spaces for their accommodation and health.

These are some of our reasons for opposing the bill. You have more in my written testimony. But at the end of the day, what concerns us is that this is a bathroom bill. This is a bill that would allow men to enter into women's restrooms, and we ask that you not support this bill. Thank you.

REP. FOX: Are there any questions from members of the committee?

Representative Holder-Winfield.

REP. HOLDER-WINFIELD: Good afternoon, Mr. Wolfgang.

PETER WOLFGANG: Good afternoon.

REP. HOLDER-WINFIELD: You said if this bill passed, nothing would prevent the sexual predators from taking the actions that you suggest might happen. What prevents them from doing that now?

PETER WOLFGANG: Well -- they'd -- they'd certainly have more of a reason to do it, and men, in general, should not be allowed into women's bathrooms. At issue is the fact that you have an exception for sex, but not for gender identity and expression if this bill passes, and men can enter women's bathrooms.

REP. HOLDER-WINFIELD: But my question to you is, what prevents them from doing it now? Your answer, while a response, doesn't actually indicate what does that.

PETER WOLFGANG: Well, I mean there are, you know, there are laws that prevent crimes, obviously, from taking place in bathrooms in general. But I mean, why give -- why give sexual predators a pretext? Why give them an excuse to say, look, I'm -- I'm transgendered and that's why I went into the women's bathroom. Obviously it's -- you know, there -- there are laws for registered sex offenders.

REP. HOLDER-WINFIELD: And so those laws would actually exist if the crime was committed after entering the bathroom, even if this law passed? If -- this bill passed. Is that not correct?

PETER WOLFGANG: Well -- well laws exist to prosecute those who commit crimes, or crimes -- the sort of crimes that we're talking about. H.B. 6599 puts women and children at substantial additional risk of assault because men as a group cannot be questioned before hand, or curtailed from entering women's restrooms. You'll have more of it. It will be harder to track. This bill should not pass for that reason.

REP. HOLDER-WINFIELD: Mr. Wolfgang, I -- I recognize what your supposition is. I'm asking you, would the laws still be in existence?

PETER WOLFGANG: Yes, the laws would still be in existence.

REP. HOLDER-WINFIELD: Thank you.

REP. FOX: Senator Bye?

SENATOR BYE: Thank you, Mr. Chairman.

So, just a couple questions. Currently, do you have any examples of transgender men or women entering into the -- the gender bathroom that they identify as and committing any sexual assaults?

PETER WOLFGANG: No, I have no examples.

SENATOR BYE: Do you believe there are any --

PETER WOLFGANG: Understand, I'm -- I'm not saying that transgender people themselves are sexual predators. I'm saying that it opens up the door for that. And even apart from sexual predators, in general, you should not have a law that allows men to enter into women's bathrooms.

SENATOR BYE: Do -- do you have any examples -- and maybe I can ask this of other people today, too. Do you have examples of folks who are transgender, perhaps they're male, but they identify as a woman, and they go into a men's room of being assaulted or harassed in any way?

PETER WOLFGANG: No.

SENATOR BYE: Do you think that that's possible?

PETER WOLFGANG: I'm sorry, you -- you --

SENATOR BYE: Do you think it's possible that if a man dressed as a woman went into a men's room to use the bathroom, that other men might harass them in any way?

PETER WOLFGANG: I don't know. I suppose anything's possible.

SENATOR BYE: Well, it'd be -- be my guess that it would be very difficult, and perhaps there would

be -- and perhaps other people who testify today to hear this question can address it.

PETER WOLFGANG: I --

SENATOR BYE: I --

PETER WOLFGANG: -- I would argue that there ought to be some other way to accommodate them that doesn't involve passing a law that lets men go into women's rest rooms.

SENATOR BYE: Yeah, well as I listened to the testimony so far today, very moving about people who -- who are living this every day, it seems like they've been harassed in many situations, and I imagine that -- that bathrooms would just be another place where that could happen.

And I think Representative Holder-Winfield's question gets to the fact that right now, people generally go into the bathroom of the gender that they identify as today, and there's nothing stopping them right now, is there, from walking in, if their gender expression was a female, from walking into the male -- to the female bathroom? Is that correct?

PETER WOLFGANG: Our point is that -- yeah. That's correct. Our point is that if you pass this bill, it opens up the possibility for much more of that. I mean right now, we're -- we're talking about a small minority. Of course, we don't want to see anyone harassed, but there ought to be a way to accommodate that small minority that doesn't just open up -- open wide the doors for a law that allows men to go into women's restrooms.

Right now we have discriminations in our law for the purposes that -- we have protections in our law that people not be discriminated because of

sex, and those laws specifically include exceptions for bathrooms.

SENATOR BYE: Okay, well, thank you. I appreciate your answers. I would just argue that this is going on today, everyday, as people who identify differently than their -- a woman, a man who's gender expression is female, is going into restrooms right now and -- you said you don't know of any incidents of harassment. So I just -- I just want to get that -- get that out there.

Thank you, Mr. Chairman.

REP. FOX: Any other questions from members of the committee?

Representative O'Neill.

REP. O'NEILL: If I can get your -- because you're focusing on -- on this (inaudible) the bathroom bill, and -- and somehow that's, in my mind anyway, seems to on one hand sort of trivialize it, and on the other hand makes it seem perhaps -- more sensational in some ways than -- than the bill at least in many respects appears to be, or at least what its mission's all about.

But I'd like to suggest a different scenario and get your reaction to it that doesn't involve bathrooms. A -- someone who's obviously a male, someone who looks like me, let's say, shows up in a bridal shop wanting to try on wedding dresses, and seeks to have a female consultant, which is the only kind that this bridal shop, or most bridal shops have, are women who help other women choose fittings for wedding dresses, choose the size and colors.

Based on what you -- you've studied this area, you've been involved with it. At the present time, is there anything that prohibits that

individual from doing that sort of thing? I mean in terms of statute. I don't mean going and getting a restraining order. And let's say this person comes back every week, never actually buys a dress, but just goes through this process. Goes into the women's -- the fitting room which is almost all for women, and comes back out, tried it on, asks for adjustments, tries a different one on, spends an hour or two there, comes back a week or a month later, does the same thing.

Is there anything in our current legal structure that would stop that from happening? I'll start with that question --

PETER WOLFGANG: I --

REP. O'NEILL: -- as far as you understand -- somebody -- it seems to me that's a -- an -- where someone who's expressing a different form of gender identification is doing so in a very clear-cut way.

PETER WOLFGANG: Well, I -- I think, Representative O'Neill, that possibly typical public nuisance laws might apply if -- if someone's trying to run a business and there's -- and there's a man that repeatedly shows up at a -- at a women's bridal -- shop wanting to try on dresses.

If he's -- if he's disrupting the business, if he's -- if he's causing the customer base to decline, the sales to decline, then -- then they may have recourse through the public nuisance-type laws.

But if this -- if this bill were to pass, then they wouldn't because then that would be -- it would be discrimination not to allow them to come in and hurt your business.

REP. O'NEILL: Okay, so -- so right now, as far as you know, this -- you can -- for example, you see signs in restaurants and other places, no shirt, no shoes, no service, that sort of thing.

PETER WOLFGANG: Right.

REP. O'NEILL: Right now if somebody shows up, if I show up at a bridal shop wanting to try on wedding dresses, there's nothing that says that I -- that they are prohibited from saying, please leave. Or is there?

PETER WOLFGANG: There -- there --

REP. O'NEILL: Your impression --

PETER WOLFGANG: -- there's not a law specifically on point with that. I think it would -- what would happen is more like public nuisance-type laws would set in.

But there -- I'm not aware of any law specifically because it's -- it's not -- I think it's something that most people don't contemplate happening, so I don't think the laws has touched on it. But I -- I think there are other laws that would apply that aren't specific to this -- this sort of gender-specific issue. But if this law, 6599, passed then -- then what would happen is that would be a protected behavior, even if it hurt that person's business.

REP. O'NEILL: Okay. What about the -- because I think that what this legislation's always been -- depicted to me as, and maybe I'm misremembering, at -- that it's really codifying the CHRO decision from -- the year 2000 or so.

In effect, what I'm told is that in effect this is already the law for the most part. So as far as you understand then, under the application of

the CHRO decision, that treated transgendered people and discrimination against them as a form of sexual discrimination --

PETER WOLFGANG: Well it --

REP. O'NEILL: -- which is already prohibited by our law.

PETER WOLFGANG: -- if -- if CHRO has a -- has a guideline that --

REP. O'NEILL: It's not guideline. It's -- I'm sorry. It's a declaratory rule.

PETER WOLFGANG: Yes.

REP. O'NEILL: I mean I don't remember the name of the case, but I was just reading it a couple months ago.

PETER WOLFGANG: Well, if -- if it's something that would allow the sort of things that I mention in my written testimony, then we would -- we would oppose the CH -- RO rule as well, and we would ask you not to codify it.

REP. O'NEILL: Okay. But -- but -- okay.

Thank you, Mr. Chairman.

REP. FOX: Representative Holder-Winfield, for the second time.

REP. HOLDER-WINFIELD: Thank you.

Mr. Wolfgang, in response to Representative O'Neill about the bridal situation.

PETER WOLFGANG: Uh-huh.

REP. HOLDER-WINFIELD: You said most people don't contemplate it happening. And you had a response which talked about, because it doesn't happen that often. I think that's accurate. And so I ask you this question. You know, you say that if this bill passes, it would allow for the potential to -- harm a business. What happens if a woman does the exact same thing right now?

PETER WOLFGANG: If a woman goes into a bridal shop and wants to try on dresses?

REP. HOLDER-WINFIELD: And continuously does it. What happens?

PETER WOLFGANG: If she's being disruptive to the business, I imagine those -- same sort of general public nuisance laws would apply.

REP. HOLDER-WINFIELD: So if this bill passed, that would apply, and so there would be no difference, right?

PETER WOLFGANG: I think most people would understand that it -- it would be potentially more disruptive.

REP. HOLDER-WINFIELD: The same laws would apply, correct?

PETER WOLFGANG: Yes, the same laws would apply.

REP. HOLDER-WINFIELD: Thank you.

REP. FOX: Any other questions?

Thank you very much.

PETER WOLFGANG: Thank you.

REP. FOX: Next is David Sant.

Good afternoon.

DAVID SANT: Good afternoon.

Honorable Chairs, members of the Judiciary Committee, my name is David Sant, and I'm a master's student at the University of Connecticut school of Social Work, and I'm here to speak in support of House Bill 6599, AN ACT CONCERNING DISCRIMINATION.

I recently relocated to Connecticut from the state of Idaho because I was so impressed by the great legislative record here regarding human rights. However, I was surprised to learn that Connecticut was not one of the states that included gender identity and expression in their nondiscrimination policies.

This piece of legislation is vital to the continued progress of this state. It goes beyond putting in writing nondiscrimination laws, but deeply impacts Connecticut residents in a profound way. It is a statement to every person in this state that they are allowed to feel safe and comfortable in their own skin. I say every person in this state, because every person, including those in this room, has a gender identity and expression. This law protects not just the transgender and gender-nonconformist community, although it does do that, but all individuals and families who reside in Connecticut.

It is also important to note that gender rights, especially the protection of transgendered rights, are different and separate from gay rights. Gender identity and expression, and sexual orientation, while they are parts that make up the whole of a person, are distinct in their definitions, and are not synonymous as many people think.

I will close by stating that back home, the progressive community has a saying, Idaho is too great for hate. Well, ladies and gentlemen, Connecticut is too great for hate also. Thank you for your time.

SENATOR COLEMAN: Thank you very much.

Are there questions for Mr. Sant?

Seeing none, thank you very much, David.

DAVID SANT: Thank you.

SENATOR COLEMAN: Next is Jennifer Levi.

JENNIFER LEVI: Thank you.

My name is Jennifer Levi. I am the Director of the Transgender Rights Project of Gay and Lesbian Advocates and Defenders. I'm also a Professor of Law at Western New England College. I'm here to speak in support of House Bill 6599 that would add the phrase gender and identity expression -- gender identity and expression to Connecticut's nondiscrimination laws.

As Representative O'Neill explained, this law would codify what's has -- has been in existence based on a declaratory ruling by the Connecticut Human Rights and Opportunities Commission now for over 10 years. It would draw from the language that -- currently exists in the safe hate crimes law to ensure that no individuals face discrimination on their gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth.

The language is -- is -- tracks the language that has been adopted now in 13 other states, plus the District of Columbia, and would address the kind of discrimination which you'll hear much about today. There are individuals today who will testify about the fact of having lost jobs, having children who were harassed and bullied at school, having been turned away from public accommodations, and been denied access to public facilities because of the fact that they're transgender, and because of the pervasive discrimination and bias that exists in our society. This law would put into clear terms the fact of Connecticut's position against discrimination on those bases.

I want to talk specifically in response to the framing of this bill as bathroom bill, and to say that that framing of the bill is deeply offensive. This is a civil rights bill which is intended to ensure that discrimination doesn't exist. And I want to specifically address some of the arguments that were raised.

And first is to say that transgender people, of course, use bathrooms and need to use restroom facilities, and the reality is that individuals throughout the state of Connecticut currently do that, and this bill would simply ensure that while you can have facilities that remain segregated by sex, indeed as was testified to earlier, that you couldn't prohibit someone from using the restroom that's consistent with their gender identity.

The -- it's the same law that has been consistently applied now in 13 other states, plus the District of Columbia, about any of the problems that have been suggested exist. Criminal laws certainly exist and continue apply to everybody. And so if anyone is using a restroom for impermissible purposes, they'll be

prohibited from access to that facility regardless of the adoption of this law.

And I do also want to speak to the suggestion that you can't ask someone about whether or not they're a man or a woman if this law were passed, and of course, that's not true. The state of Maine, in enforcing precisely the same law, interpret it to mean specifically that you couldn't allow a man to go into the women's room. But of course you'd have to allow a transgender woman to go into the restroom, just as you would have to allow a transgender man to go into the men's restroom.

And I also want to point out that you'll hear from people who will testify today, about the fact that they -- that any other law would create a problem. So for example, if you have someone who is living as a man, right? Bald -- bald, facial hair, completely looks to the world as a man, having that person go into the women's room is going to create far more problems than what this law would do, which is basically to redress the existing discrimination, and ensure that transgendered people can live their lives in safety and with dignity throughout the state of Connecticut.

And I'd be happy to answer any questions, specifically about how, in particular how the bill would be interpreted, applied, and enforced, to the extent there are any.

SENATOR COLEMAN: Senator Kissel, and then Representative O'Neill.

SENATOR KISSEL: I just want to thank you for having the patience to stay and testify. It's -- it's a rare time where a professor from my alma mater comes to testify before this committee. A lot of times Western New England College School of Law

looks to Massachusetts, and I -- sometime I feel like it doesn't look down here as much.

But I very much appreciate you coming. I received a wonderful education there and -- came on board way after I graduated, but thank you for coming to testify.

JENNIFER LEVI: You're welcome. You're welcome. Thank you. And we -- we're very happy to look to Connecticut as well, in terms of the scope of both our education and sending our graduates. So thank you.

REP. FOX: Thank you.

Are there any other questions?

Representative O'Neill.

REP. O'NEILL: I'd like to get your reaction to the scenario -- I outlined. I don't know if you heard it or not. Let me just briefly restate it. And it doesn't have to be a bridal shop. It could be Victoria's Secret or something.

Someone who is obviously a male, looking, mustache, beard, that sort of thing, shows up and wants to try on the clothing that is being sold. So person shows up, tries clothes on, goes into the dressing rooms where the clothes, you know, you change from the street clothes to the clothes that are being sold there. If the -- first we'll stop at that. Does the shop owner, under the CHRO decision, in your opinion, have the right to say, no, you can't come in here and do this? We'll start with that.

JENNIFER LEVI: Connecticut law currently allows for sex-segregated restrooms --

REP. O'NEILL: Uh-huh.

JENNIFER LEVI: -- and changing facilities. So to the extent that there is a women's only changing facility, someone who has a female gender identity would have to be given permission to try on clothing, use that facility, and that would be -- that would be true now, and -- and this law would continue to ensure that that could happen.

There's nothing currently in the law today that would prohibit -- that would allow a shop, for example, to exclusively serve women, or a shop to exclusively serve men. That would be prohibited under existing nondiscrimination law.

REP. O'NEILL: Well, okay, but when you --

JENNIFER LEVI: And -- and --

REP. O'NEILL: -- say it's exclusively serve -- we're going back to my bridal shop example. The -- the, you know -- one might think, or at least I think that most people, off the top of their head, would say that a bridal shop selling bridal dresses is exclusively serving women. Do you think that that's not the thrust of their business model?

JENNIFER LEVI: I -- I am certain it is the thrust of their business model, yes. But I'm just saying that currently, under existing law, you can't open up your business exclusively to serve one sex or the other. That would be currently prohibited under existing law.

REP. O'NEILL: Okay, so you can't say, no men allowed in the bridal shop.

JENNIFER LEVI: That's right.

REP. O'NEILL: You can't (inaudible). But you can say no -- no shoes, no service, that sort of thing --

JENNIFER LEVI: Right. That's right.

REP. O'NEILL: -- but you can't say, no men.

JENNIFER LEVI: That's right.

REP. O'NEILL: Okay.

JENNIFER LEVI: That's right, although in current law though also permits having changing facilities exclusively for men or for women.

REP. O'NEILL: Okay. And if a person who looked to the bridal shop owner to be a male, in terms of -- and -- and I don't know if my mustache represents gender expression precisely. Maybe it would be, and you'd say, well your expression is inconsistent with your claim that you want to try on bridal dresses because you claim that you're really female in your -- in your self-image.

But would the -- would -- under that circumstance, would the bridal shop owner be able to say, you're not really expressing yourself as a female, you're wearing a mustache?

JENNIFER LEVI: Right. So if I may address what I think is an underlying misperception about transgendered people, and that is that what someone with a female gender identity wants to show to the world is that female gender identity. And it's true that not everybody in the context of their transition can do that to the same degree as others, in part because of our perceptions and stereotypes that we have about men and women.

And so if someone -- and gender identity, which is defined as a person's deeply internalized sense as who they are, or man -- as male or female, is what determines whether or not someone

lives as a transgender woman of as a transgender man. And so if someone who is a transgender woman is seeking access to any kind of business to access for example, you know, female bridal clothing, then what it would turn on is that person's assertion, and that individualized sense of who they are as female. And so they would have to be granted the same access as a non-transgender woman to that facility.

REP. O'NEILL: Okay, so -- but -- if the -- if someone wearing a mustache, a man wearing a mustache, shows up at the bridal shop, does the -- does that -- the mustache represent enough of a conflicted, inconsistent gender expression -- because it's easy to get rid of the mustache. You just, you know, razor, in two seconds it's gone. And it's certainly inconsistent with most people's perception of the way most women look. So it certainly is -- I'm going to have to use aggregates of some kind to -- to figure out what things mean, what words mean to people.

So does a shop owner have the right to stop someone who looks like me and says I want to try on bridal dresses from doing so? And -- and assume that the shop owner is well acquainted with both the -- the CHRO case, and if this law becomes law it will be the law, no, you can't be, you're not really expressing yourself as a woman, you're expressing yourself as a man because you've got the mustache.

JENNIFER LEVI: I think the answer is probably -- similar to other contexts where there may be a question about the basis for discrimination. So for example, in the context of religious-based discrimination, courts have developed a test for determining whether or not a person's religious beliefs are sincerely held.

REP. O'NEILL: Uh-huh.

JENNIFER LEVI: And so if someone faces discrimination because of their religious-based beliefs, there is certainly the possibility that someone may have asserted that falsely, for example, in which case the facility -- or the employer, say, in that context is -- is permitted to request some confirmation of the legitimacy of the statement of those religious beliefs. Can't look further into those, for example, to determine whether or not somebody is in good standing with their religious organization or -- or something.

But I would say that the answer is going to be comparable in that context to say that the owner of that shop can ask for some confirmation of the person's asserted gender identity. That is the spoken, the stated gender identity, to confirm that it's at least sincerely held. And I think for any transgender person, it's not going to be problematic to be able to put forward some statement that is going to confirm the assertion of the gender identity, whether it's because of the way in which it's manifested throughout the rest of their lives, or whether it's about facts relating to their transition, whether it's from a health care provider, or someone else to confirm that identity. So it's not the case that that person has to be given, for example then, free access, that there's another social or cultural norm that would otherwise exclude someone from that facility.

REP. O'NEILL: Okay, well, maybe my -- maybe I'm misunderstanding the -- use of the term transgender. I've assumed that transgendered meant people who express themselves, not necessarily that they're being surgically or chemically altered in some way to be more of one -- of the other gender that they're -- they're feeling that they are, as opposed to what they are biologically assigned.

So are we using -- am I -- misusing -- misunderstanding what this bill's thrust is, that it's -- it's meant to include those folks, as well as those who are going through a -- a medical procedure?

JENNIFER LEVI: The bill would -- the bill is -- is broad enough to include both individuals who are transsexual, that is to say that they undergo medical transition from one gender to the other, as well as for those who live their lives consistent with that internalized sense of who they are as male or female, notwithstanding not having -- undergone any medical transition.

But I guess what I'm suggesting is, I think there's a misperception behind your question, which is that there's -- that there are people out there who are expressing one gender and living their life in another way. And the reality is, it just doesn't reflect what -- the composition of the community.

And so it's hard to answer the question because I understand it's a hypothetical and, you know, I -- I'm -- I'm very interested, and want to make sure that I engage an answer to your hypothetical question, but -- it simply -- it's not an example that I can even conger up that exists within the -- the community. That is, that somebody -- I think what you're asking is the person who lives their life as a man, but asserts that they're a woman, and it's simply the case that -- that -- I don't know that person who exists within the community.

I think it's absolutely the case that there are some people for whom it is harder to present to the world that internalized sense of who they are as male or female, and that can oftentimes be -- because, for example, someone transitions later

in life, right? If you've had hair loss, the fact of taking female hormones doesn't -- isn't going to increase the male-pattern baldness. And so people can have a very hard time presenting to the world what their internalized sense of who they are as male or female.

And quite candidly, it's those individuals who oftentimes face the most discrimination within the community, and it's the reason why it's essential that this bill not incorporate a particular medical litmus test, or some particular presentation to the world about how one appears, because it's just those individuals who can't pass who really need the protections of this bill

REP. O'NEILL: Well, I -- I understand that, and we've had this discussion and -- but it -- if -- if you're running a -- let's say a bridal shop. I keep coming back to that because that's -- in my mind it's so obviously, you know, it will come -- it will either look like a slapstick comedy routine of some guy with a handlebar mustache comes out wearing a -- a bride's dress. It's going to look, at least I think, for most people it's going to look completely out of place. Probably silly, maybe funny, but in any event, it's not going to be consistent with someone who is trying to present themselves to the world as a -- as a woman if they are wearing a handlebar mustache.

So -- I guess I'm -- and I'm thinking, that's got -- is -- is -- if the storeowner can't at that point say, hey, get out of here, then I'm trying to figure out what -- at what point or -- you know, somebody clean-shaven, and someone wearing long hair, and has their eyebrows threaded, and stuff like that, who's obviously a male, who's doing all those things to try to look more female, because that's how they feel, is

certainly going to have a better shot at walking into a bridal shop at walking into a bridal shop and trying on a bridal dress and not having people get -- you know, shocked and upset and worried and -- and disconcerted that there's some guy in -- in where all the women are trying on their bridal dresses who shouldn't really be there in the dressing room.

So -- and if -- if the mustache guy can't be stopped, then who could be? And -- and what you're saying is -- sounds like you're saying the mustache guy cannot necessarily be stopped.

JENNIFER LEVI: No, I'm sorry. To clarify, I haven't said that he can't be stopped, right? I think that --

REP. O'NEILL: Okay.

JENNIFER LEVI: -- what I've said is that there is a threshold for determination of both the legitimacy of the assertion of the gender identity, the sincerely held -- the belief of the sincerity of the expression of that stated gender identity.

So it's not the person can't be stopped. There can be a determination and -- that can be made about the legitimacy of that person's assertion of their gender identity. So I want to be clear --

REP. O'NEILL: Okay.

JENNIFER LEVI: -- that I am saying -- and -- and that's consistent with the bill, it's consistent with the way in which nondiscrimination laws have been enforced for many years.

To the second point, about the stereotypes, I do want to speak to that from a somewhat personal

perspective, as someone who was assigned the sex of female at birth, and who walks through the world with facial hair, okay? This is facial hair that the -- that the -- has been given to me, right? This is how I live my life.

I have been stopped, and I have had security called on me for using women's changing areas. And -- and my entry into women's bathrooms makes other women exceedingly uncomfortable, and I've had that experience for my entire life. That doesn't go away with the passage of this law, but what it does do, is ensure that others like me who have that experience on a daily basis, have a basis for asserting that gender expression, which is sincerely held and legitimately asserted, and not have -- and not get arrested for using the only appropriate facility that's available to us.

And so I understand the -- I understand the origins of the question, and I guess what I want to say is that it really reflects the fundamental misunderstandings about the transgender community. The suggestion that there is someone who is a man who is going to walk around with facial hair and assert having a female gender identity is simply not the experience, although I've acknowledged that I think being able to pass in the world consistent with the stereotypes that are imposed on us is absolutely an experience that many of us have, including within the transgender community, as well as in the non-transgender community.

But again, I want to make clear, that there are bases that the courts have developed for ensuring -- enforcement of these laws so that the cases where somebody is doing it for impermissible reasons and impermissible purposes are -- are not creating specious cases going forward.

And again, I think the -- examples in the areas of religious discrimination are very powerful, comparable set of prohibitions from which we can draw, and from which the courts I think will draw in interpreting the laws. And that person who is -- who owns the shop and runs the shop and has somebody come in who think -- who they think shouldn't be there, absolutely can ask and determine the legitimacy of the assertion of the gender expression. It's just that when that person who then presents, oftentimes government issues identification, but also could be, as I was saying, a letter from a medical provider, or other kind of evidence to the fact of the legitimacy of that identity, then yes, that person has to be granted access to that facility.

And also -- and I guess on a more human level what I want to say is that a person -- that it's true, other people may be made uncomfortable by that individual's expression, and that transgender person's presence, and the like, but it's just -- it's just that kind of discomfort -- that I would say nondiscrimination laws are intended to address, and will diminish over time as transgender people just gain more visibility, more presence, and more protections in our laws, and that's the way -- I mean that's, you know, what I think happens with the adoption of civil rights laws.

REP. O'NEILL: Okay, and -- and just so -- what you're saying is then the storeowner could say, I need something, I need more proof that you in fact are transgendered, that you are a transgendered person, and not just a guy playing a prank, or a college kid trying to get into a fraternity or something.

JENNIFER LEVI: Well, you know, it's a hard hypothetical because I want to be clear that the

law doesn't currently allow for some store to exclusively serve either men or women, right?

REP. O'NEILL: Uh-huh.

JENNIFER LEVI: So I'm just setting that out at the outset as a premise. I -- I don't think that the hypothetical could even come up that a storeowner would be able to turn away a man who wanted to -- to, you know, take a look at clothing and -- and separating aside whether it's a transgender person or not. But the law currently prohibits that under existing sex discrimination laws. But assuming, for purposes of the hypothetical, that there -- there was a basis that somebody could say, no, I'm only going to provide services to -- to women, then -- then if -- if somebody were to ask for some confirming information to allow access, that wouldn't violate the law. But I mean there's a number of steps in the hypothetical that you're asking me to engage that don't exist as a legal basis, so.

REP. O'NEILL: Okay, so you're saying that even if it was a couple of guys from a college who show up, mustaches on their faces, saying we want to try on bridal dresses, the storeowner has no basis under current law to say, get out of here?

JENNIFER LEVI: There's not. No, there's not.

REP. O'NEILL: Okay.

Thank you, Mr. Chairman.

REP. FOX: Senator Gomes.

SENATOR GOMES: I just want to maybe seek a clarification that is sometimes been alluded to, you know. Transgender person, which I don't believe it -- it is true, a -- a transgender person, in order to be recognized, has to be

physically altered, sexually -- be a transition -- a transgender person. That's not true, is it?

JENNIFER LEVI: No, there's no requirement under the law that that person undergo a specific course of medical transition in order to be recognized as the gender identity that that individual asserts that they are. And there's an important reason for that, and that's because to the extent that someone is transsexual, that is that they're taking medical steps to conform their body consistent with their internalized sense of who they are as male or female.

There's not one individual protocol for ensuring or establishing that medical transition, so there'd be no way to incorporate that particular standard into a law, and it would artificially exclude some individuals -- who absolutely should be recognized consistent with that gender identity.

So no, there's no requirement of a specific medical protocol for being recognized as transgender.

SENATOR GOMES: And I try to recognize some of the questions that Senate -- I mean Representative O'Neill has asked, in order to be recognized somebody, physically recognize somebody, look in somebody's face and say you're transgender or you're not transgender. Using the opposite, a woman could -- put on a shirt and tie and a suit like I got, and walk into a men's place, and has no facial hair or anything like -- like a lot of men don't have any facial hair, therefore that would be a problem trying to recognize that. But could -- you could not exclude them from using the facility.

JENNIFER LEVI: If -- if their deep, internalized sense of who they are is a man, then -- then

that's correct, that that person would be granted access to the men's restroom.

SENATOR GOMES: And the basis of a person, individually recognizing themselves as transgender -- transgendered, comes from themselves -- it comes from their self.

JENNIFER LEVI: Yeah, I mean -- and I want to be clear that what this draws from is the well-established fact that everyone has a gender identity. For people who are not transgender, you don't typically think about it because you move through the -- the world showing to the rest of the world your internalized sense of who you are as a man or a woman.

That's not true for transgender people who, by very -- by the very definition that's also been incorporated into the law, have a gender identity that's inconsistent with their physiology, or with their assigned sex at birth, and so you would have to take some steps to either conform that identity through medical steps, or through expression which is the way in which we carry ourselves and we present to the world -- the rest of the world our sense of who we are as -- as male or female.

So everybody has a gender identity, and what the bill would do is ensure that for transgender people for whom that gender identity may not be apparent to the rest of the world, that -- that those individuals can live their lives in the same way that non-transgender people do --

SENATOR GOMES: In other words --

JENNIFER LEVI: -- having that identity recognized.

SENATOR GOMES: -- in other words, as you go through life, there are inconsistencies anyway, whether

you be a man or a woman, and some of the things that we dealt with when we were dealing with the gay marriage bill, some of the problems came up and -- questions as to how this person acted, or how this person was (inaudible) and so forth.

But when it comes down to it, it's really, what a person thinks of themselves, and wants the -- world to recognize what I think of myself.

JENNIFER LEVI: That's right. You're -- that's right, and that's true for transgender and non-transgender people as well --

SENATOR GOMES: Thank you.

JENNIFER LEVI: -- as you've explained. Yes.

REP. FOX: Representative Adinolfi.

REP. ADINOLFI: Thank you, Mr. Chairman.

Welcome.

JENNIFER LEVI: Thank you.

REP. ADINOLFI: A few years ago, this type of legislation came up -- and I understand where you're coming from. But somebody got up and testified, like you're testifying here, and -- let me just back up a second.

There are some transgenders, you can't tell what they are. They look exactly male, or they look exactly female, whatever they were, and there's no question. But there are some, say a female, of course a transgender, that looks physically male, no question about it. And the person that testified here was -- was highly insulted and upset that when she -- when she went into the ladies' room that all the women at the -- at the -- where you wash your hands, and a counter, and

a mirror, you know, getting made up, ran out screaming.

Now, that's going to happen again. How do -- how do we handle a situation with the disruption like that? Some cases is -- there's be no problem, where there are some cases (inaudible) this happened at an airport restroom, and that's where my concern is. Say, God forbid, there's some physical encounters which I wouldn't want to see.

JENNIFER LEVI: No.

REP. ADINOLFI: So that's one of my concerns about limiting the amount of access.

JENNIFER LEVI: So I appreciate the question. And -- as I've acknowledged, that there -- there are -- there are individuals and I -- I would also say for whom it can be more difficult to present their gender identity to the world. And I -- I have two responses to that.

And one is that it is the purpose of passing nondiscrimination laws, which is to ensure that other people's discomfort isn't the basis for excluding individuals who are transgender, or whatever the other protected classes, from fully participating in our society. And if we look historically at other civil rights movements, including the civil rights movement for racial justice and gender-based justice, it has often been the site of discomfort for people that is the sharing of restrooms, or sometimes it has been, you know, water fountains, that has -- has been kind of the flashpoint for opposing nondiscrimination laws.

And -- and I think that what we've seen is -- it's of course, not perfect, but the erosion of those kinds of expressed prejudices be -- because of the adoption of nondiscrimination laws. And

it's the reason why it's so important to get this law finally passed, notwithstanding it effectively being in place for over 10 years, is because when people read nondiscrimination statements and -- equal employment opportunity statements, they don't have those words "gender identity or expression" and so they don't understand that they can't discriminate against other people based on the ways in which they read their gender.

And so I would say that what we've seen in other states where the law has been passed, is that that kind of, you know, visceral reaction and -- and discomfort, does erode over time, and it's because of the Legislature being out in front and making a statement about discrimination being wrong, and, you know, I think that it's just the evolution and the cycle of the passage of nondiscrimination laws.

REP. ADINOLFI: Thank you.

REP. FOX: Senator Bye?

SENATOR BYE: Thank you.

I just want to follow up on Representative Adinolfi's question. He talked about women who look more male --

JENNIFER LEVI: Uh-huh.

SENATOR BYE: -- and referred to them as transgender. Are there women who look more male but are not transgender?

JENNIFER LEVI: Yeah, it -- absolutely. And it was -- the reason why I was, you know, personally testifying about that earlier, although I do identify as transgender as well. But I want to be clear that there are many masculine-appearing

women who have that daily experience of walking into a restroom and being indeed accosted by other individuals who are offended by their presence, and it can be a very aggressive experience in terms of being turned away, or told that they're in the wrong place, or being made fun of, or having security called on them, and it's -- it's wrong.

And this legislation would hopefully address that as well, but no amount of legislation is going to necessarily ensure that there are no gender-based stereotypes that people have to face every day, and certainly there are many masculine-appearing women that -- that deal with that on a daily basis.

SENATOR BYE: Yeah, and I think that Representative Adinolfi's question helped me see it's even more complex than I thought because I never thought about that class of people being protected because they don't identify as transgender.

I think sometimes there's a lot of confusion around gender, gender identity, and gender expression. Would you mind, just very quickly, running through so -- for members of the committee and the public that might be listening at home --

JENNIFER LEVI: Sure.

SENATOR BYE: -- what those three categories and --

JENNIFER LEVI: Sure, so the -- the language that's currently incorporated into our law, which is sex, typically refers to whether or not someone is male or female, and that is typically determined by how a baby looks at birth. It's a physiological determination of -- of -- of a person's sex.

And gender has come to be understood as the social ways in which we consider how people express themselves as male or female.

The term gender identity, which is the one that is incorporated within the law, is that deeply held sense of what -- of a person's sense of who they are as male or female. And again, that's where I would invite everyone to think about what that is, right? And imagine if the rest of the world didn't see you as either the man or the woman that you believe yourself to be. And the literature -- the scientific literature reflects that that sense of who somebody is as male or female is set very early in life. It's impervious to external influences, and it's not something that's changeable over time.

And for -- transgender people, very often the opportunity to know what that internalized sense of who someone is as male or female just isn't experienced until later in life because there's such social stereotypes and discrimination and cultural prejudices that are out there.

The term gender expression, is about the ways in which we as individuals manifest who we are as male or female, and again, just looking around at members of the committee, it probably isn't that hard to -- for the rest of the world to read who you are as -- as male or female, and that includes because of the ways in which you present yourself to the world, and transgender people also have gender expression which is for the purpose of manifesting to the rest of the world who we are as males or females. And it can absolutely include what you dress, and how you wear, and how you style your hair. It can also include expressing, you know, particular ways of looking to the rest of the world that are typically understood as associated with that gender as male or female.

SENATOR BYE: Okay, so it's possible for someone to identify as female, not be transgender, but their gender expression is male? Is that --

JENNIFER LEVI: Yeah. Yeah. I mean there's absolutely women who --

SENATOR BYE: (Inaudible).

JENNIFER LEVI: -- well there's women who appear masculine, and I would say that that's because of the way the rest of the world reads what that person looks like, and frankly probably the extent to which they depart from stereotypes of what women should look like.

SENATOR BYE: Okay, great.

Now, there's some individuals who are born with physiological features of both genders. Is that accurate?

JENNIFER LEVI: That is accurate, yes.

SENATOR BYE: And so even that is not always completely set in stone?

JENNIFER LEVI: Yeah, it's -- it's absolutely correct. I had a client recently who was born with ambiguous genitalia, and it -- it took six months for the doctors to determine what the -- what that infant's characteristics were. So -- but -- and -- and it was mostly to give information to the parents about how to respect that child's gendered self.

SENATOR BYE: So how would that child be identified, on a birth certificate for example?

JENNIFER LEVI: Well, typically what happens is that there is a determination that's -- that's made

based on a constellation of factors including for example chromosomes and internal gendered characteristics, as well as external gendered characteristics. And the doctors make a judgment about what that child's gender is.

But I -- but the more emergent medical protocol is that even though that determination needs to be made very early on, there needs to be a recognition that what determines ultimately that child's gender, is what the child says when the child's old enough to -- to assert it, and express it, and not simply to, you know, force child into whatever the determination that was made at birth.

SENATOR BYE: So parents are encouraged to pick one gender or the other it sounds like in these cases.

JENNIFER LEVI: They typically are, yes.

SENATOR BYE: Okay, I just think that that's an important thing to keep in mind, because in my mind as -- as we're talking, you know, I think as a culture we think of gender as black and white. But I love listening to someone with language like you have because every time you describe a situation, or someone's gender expression, or identity, or actual physical characteristics, it's clear that this isn't a black or a white identity, as much as our culture tries to assign male or female. Would you say that's accurate?

JENNIFER LEVI: Yeah, I mean it certainly -- the -- I mean it's certainly the case that -- in part because of the history of sex discrimination, there's been a great effort, including within our laws, to diminish the gender-based stereotypes that are imposed on -- on individuals, both male and female, because of the ways in which they restrict opportunities. And there's a rich body

of case law under our sex discrimination laws that reflect the ways in which women's advancement in the professions has been -- has been diminished because of the expectation about the ways we, you know -- to the extent that historically women were denied entry in certain professions, many professions, because of the presumption that women simply couldn't work, for example, right? Or we're too frail to do certain jobs, and so those laws eroded over time and then along with it were the expect -- also what eroded was the stereotype they were associated with women.

And so women were recognized to be able to do those kinds of jobs, and even though it would have been surprising, you know, if you scroll back 100 or 150 years, not just surprising, but alarming and criminal for women to be lawyers and -- and doctors and in other professions that by the change in our laws we've then changed what other people's understandings are about women's ability in the workplace. And it's certainly been true about presentation, and appearance, and other social stereotypes.

And it's one -- again, to point out what I was saying earlier, it's one of the very important reasons why we have to pass these laws, is so that when people are surprised or respond negatively when they see the full range of gendered characteristics that individual's had, but they understand that -- those prejudices and those internal misunderstandings about other people's experiences, shouldn't limit another person's opportunity.

SENATOR BYE: Okay. One last question, sort of to put this in historical context, because that's what you are is a historian. Is that accurate, or?

JENNIFER LEVI: I'm a lawyer.

SENATOR BYE: You're a lawyer --

JENNIFER LEVI: And a law professor.

SENATOR BYE: -- but you seem to know a lot about -- about the history here.

When you think about gay rights, which is around sexual orientation, and how that movement has gone in the past 20 years in terms of starting with workplace protection, and then moving up through marriage. And you look at where we are now with transgender discrimination, and look at the other states. Is -- does -- does the transgender discrimination law usually follow a gay rights law? Or is it all over the place? Or --

JENNIFER LEVI: Yeah.

SENATOR BYE: -- you know, would we expect that if we pass such a law, then the cultural acceptance would move as it has with gay rights? I mean I think last week it's 53 percent of Americans now --

JENNIFER LEVI: Right.

SENATOR BYE: -- approve of gay marriage. You know, so we've seen an evolution since gay rights, you know, starting with workplace discrimination. So I'm just wondering if -- if this is similar, or if it's just really following a different path?

JENNIFER LEVI: It's a great question. And before I specifically speak to the states and how that may have gone, I do want to say that I think it's probably the case that, you know, there's ways in which just the understanding and the visibility of transgender people is -- hasn't advanced to the same state of understanding and presence of -

- of gay and lesbian and bisexual people, and it's one of the reasons why I think there's been a lag in the adoption of gender identity and expression, nondiscrimination laws, even -- behind sexual orientation laws. And I think that the kind of bias, just the degree of -- of discrimination that transgender people face, is much -- very much like what gay and lesbian and bisexual people faced, you know, 20 -- 20 years ago in terms of just the open refusal to hire someone, or fire someone, that they -- when they learn that they're transgender, much like the kind of discrimination that gay and lesbian people faced.

And certainly, again, you know, the adoption of the sexual orientation nondiscrimination and -- law in Connecticut has been essential to the inclusion of gay and lesbian and -- bisexual people in Connecticut's daily life, separating the (inaudible) the marriage issue, which I think has -- has taken just the common presence, visibility of gay, lesbian, bisexual people to another level and that's been very important.

But just to let you -- just to say the states that do have gender identity and expression nondiscrimination laws, which I think include some of, maybe the obvious states, where there's been more education around nondiscrimination, but there's also many -- where I think you couldn't fairly characterize them in the same way. So those states are California, Colorado, Hawaii, Illinois, Iowa, Maine, Minnesota, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, Washington, and the District of Columbia.

So you see, some of those certainly where there's been that kind of education and advancement around nondiscrimination -- around nondiscrimination for gay, lesbian and bisexual

people, but, you know, others where there's not the same development.

SENATOR BYE: Okay. Thank you very much.

JENNIFER LEVI: Yeah.

SENATOR BYE: Thank you, Mr. Chairman.

REP. FOX: Representative Baram.

REP. BARAM: Thank you, Mr. Chairman.

Thank you for coming today. A question I have that might possibly clarify some of the questions that were asked. Does a transgendered person usually or typically change their name so that their driver's license or identification might have a name that is consistent with the gender they're trying to express? Which might clarify and -- and alleviate some of the concerns that have been expressed about somebody trying to go to a bridal shop, and just for the fun of it, play a game with the proprietor. Whereas if they asked for some identification, it might augment the -- expression that they're -- they're trying to portray.

JENNIFER LEVI: It is certainly, I would say, among the more common experiences that somebody would change their name and try to get government-issued documentation that reflects the person's gender identity. Not everyone can do that, in part because of the different standards for changing documentation in other states as well.

And so, you know, it's the reason why it's not -- it's -- it can't be the -- the exclusive way to determine access, but it is certainly a common experience and -- and many people would seek to do that to ensure consistency across the -- the recognition of their gender identity.

REP. BARAM: And I'm going to anticipate your answer as a fellow attorney, but if somebody went to a store -- we'll use the bridal shop comparison -- and they were asked to give an I -- ID before the person would show the, you know, the dresses and -- and materials, do you think that would be a violation of constitutional rights?

JENNIFER LEVI: If -- if -- yeah. I mean in term -- well, I guess, again, I mean because it's impermissible to exclude one, you know, one sex from any store, then it would -- it would certainly be, I mean -- it's in a private context so it's harder to give the technical answer around the constitutional rights. But it certainly would be a violation of -- and it would certainly be discriminatory and impermissible under the State laws, yeah.

REP. BARAM: I'll just add that, you know, while we're looking at some of these hypothetical examples, I had a client many years ago who was transgender, and the most difficult part of the whole process was their job because, you know, while they were known as being, you know, one gender in the transition, it became an issue, if you will, for fellow workers and the employer who weren't sure how to handle that, because it was a change that sort of was unsettling to people who were around them, and I think that that probably, for a person undergoing that transition is -- is the biggest challenge of -- of any.

JENNIFER LEVI: Yeah. And -- and just to be clear, that there are a number of major employers in Connecticut, including Aetna, The Hartford, Pitney Bowes, Xerox, UBS, who have in place nondiscrimination policies, and are addressing this issue right now because there are valuable employees that they want to retain, notwithstanding the lack of information of

coworkers, for example, and it is the ability of that employer to set the policy and to enforce the policy that really sets the tone within the employment context.

And it's absolutely doable, and it's that much more important to have the -- the language of gender identity and expression included within the laws so that employers who are subject to those responsibilities, who already subject to those responsibilities given the CHRO decision, have a way of educating other coworkers when they need to in the context of workplace transition as you've raised.

REP. FOX: Any other questions?

Representative Gonzalez.

REP. GONZALEZ: Thank you.

I'm going to ask you a question. We have a group of -- of people that -- that have their -- own way how to think, you know, about the gay marriage. And we have people that been raised, you know, by certain, you know, by -- I'd say by their beliefs, the family beliefs, and they have an opinion about what is, you know, the definition of a family.

And right now, if they express their opinion about being against about different things -- of different things, the first thing is that people will say, well, you're violating the gay and lesbian rights. That's what they are saying. This is what happened here, you know, in this building when this issue came to -- us.

And my question is, if those people are violating the gay and -- lesbian rights, who is going to protect these people's rights? The way they were -- they was grown up, the way they have their

opinion like everybody else? And if we have to respect the gay and lesbian right, so who is going to respect our right? The way we think? The way we -- it's not that -- that we are allowed to mistreat a gay or lesbian, you know, in front of us. I don't think that the person -- I won't allow that. I won't -- I won't tolerate that. But difference of opinion, and if I have to respect the gay and lesbian right, then who is going to respect my right? The way how I think? The way that I was brought up? Who is going to be -- who is going to defend my right there?

This was -- years and years ago, you know, we didn't -- you didn't heard about that issue, gay and lesbian rights, and suddenly it came out, and for years and years they been coming, you know -- and every year something different. You know, first (inaudible) marriage, and then this again, another thing, and another thing. And when we question it, and we criticize something, when you have a family that really is not going to agree that in school, you know, you're going to have the kind of thing going on in school, like, you know, a male dressed as a female, or classes about, you know, the (inaudible) sex, well, you know.

Who is going to -- who is out there defending those -- is -- is that -- is that fair?

JENNIFER LEVI: I think that the law is carefully tailored based on existing law to ensure the rights of free speech, and freedom of thinking that you are concerned about, that I -- and that I'm concerned about as well. And so I appreciate the question. But the law is very closely tailored to ensure that the same -- protections that currently exist to ensure individuals' freedom of thought are guaranteed just as currently --

REP. GONZALEZ: But you see more these days, that they attack the people that don't believe in certain things for gays and lesbians. They -- they are -- they attack them more than the gays and lesbians already. You know, it's like you can't -- I believe that your life is your life, you can live -- you know, with your life whatever you want, but as soon as you bring your life to the public, now it's the (inaudible).

People will talk about, you know, you, whatever, and I understand that. What I don't understand is that I believe that everybody has the same right, and I -- I understand that today it is about gays and lesbians, they have to protect their life, their -- their rights, but nobody defending the other side, that they don't agree with that, and they are forced with all these laws that we've been passing, they are forced to accept and agree.

Even if they don't like it, they are forced. And I think that right now, we kind of ignoring that kind of groups of people, and we want to give rights here, but we ignoring that -- that group of people's rights. And I think that if we're looking for equal rights, I think that we should look -- also, the other side of the group. Thank you.

REP. FOX: Representative Holder-Winfield.

REP. HOLDER-WINFIELD: Thank you, Mr. Chair.

I want to thank you for coming this afternoon. You know, I don't know exactly when you should say certain things, but I guess now is a good time. I put this bill in, and the reason that I put this bill in, is because I'm generally considered a pretty liberal guy. But I've had experiences in the past where I've met people who are somewhere along the spectrum of being

transgendered, and I've had moment to -- pause. And if a person like me has that issue, then I can only imagine what some other people would have.

But this bill is not about gays and lesbians, although it may be. I think many of us think of transgender people, and gays and lesbians, as if they are necessarily linked, and they're not. I know people who are gay, and I know people who are lesbian, who don't understand the transgendered community. So it's not about that.

To me, this boils down to a simple question that I think some people would think is an oversimplification, and that is, do you choose to discriminate against this group of people or not. And knowing that there is a history of having discrimination against them, I would say that -- our better judgment would be not to discriminate against them. And so I recognize that there are a lot of people sitting in the audience who -- depend -- the way this hearing is going, may not be able to say some of these things, so I just wanted to put that out there today. So thank you.

JENNIFER LEVI: I -- I appreciate it. And I do want to say that transgender community is among the most discriminated against, the -- the most subjected to violence, notwithstanding recognizing that this body adopted a hate crimes law in 2004, and I very much appreciate the support, and do hope that this committee will also rest on the side of increasing protections for the community. So I appreciate that.

REP. FOX: Representative Sampson.

REP. SAMPSON: Thank you, Mr. Chairman.

And thank you for coming in. While you were answering some of the other questions, I wrote down a bunch of different comments that were made. And forgive me, I'm just trying to get my arms around all of the definitions, because I feel that if we're going to add this exact quote -- gender identity or expression, into our law, the words have meaning, and we need to know exactly what they are.

And I guess my concern revolves around, when you testified, you said that the -- the term "gender identity" has specifically to do with the deeply internal feeling someone has. Not necessarily, and possibly not at all to do with their outward appearance.

JENNIFER LEVI: That's what the language of gender identity reflects --

REP. SAMPSON: Okay.

JENNIFER LEVI: -- is that deeply internalized sense of who a person is and -- as male or female.

REP. SAMPSON: Okay.

JENNIFER LEVI: That's correct.

REP. SAMPSON: Okay. All right. Very good. And the other half is "expression", which is specifically to do with their outward appearance, regardless of what their inward is. So I guess my concern with this is, I want to understand how we are supposed to -- determine whether or not a discrimination case could be valid or not at some future point if this argument came up, when you're asking someone to either understand what someone else's deeply internal feeling about what their gender is, or for them to make a determination on what that outward expression is supposed to be.

And I'm -- I'm hoping you can elaborate a little bit, because to me this is a hugely gray area. I mean if someone's sex is something that can be defined, and I noticed during the previous conversation when we were talking about a newborn, you used the word gender in place of the term sex repeatedly. And seems to me that only happens when it's useful to your argument, not when it's not useful, because sex is something that can be scientifically determined, and gender cannot.

JENNIFER LEVI: Well, just to be clear, in the response to Senator Bye, it was to explain that sex is not always as obvious a determination as -- as we think is made, and in fact there's, you know, a number of infants that are born every year who are determined to be intersex, that is that there is, you know, a more complicated set of characteristics, and a longer determination that has to be made, and in fact an -- lack of determination in terms of accuracy of predicting what that baby's sex is, to use the -- and I do think that --

REP. SAMPSON: I understand that --

JENNIFER LEVI: Yeah.

REP. SAMPSON: -- but at some point when they put something on a birth certificate, is that baby's sex.

JENNIFER LEVI: Except, as I was also explaining, under the current medical protocol, that is a determination given the best information that -- that medical providers have at the time, and in fact -- but what is emerged from that literature is that ultimately what determines what that child's sex is, is that emergent gender identity,

which can only be determined over a period of time.

So that's -- that -- I mean that was the purpose of my --

REP. SAMPSON: Again, you just used the term gender identity, which we just said was a deeply held --

JENNIFER LEVI: That's right.

REP. SAMPSON: -- internal belief. What does that have to do with somebody's physiology?

JENNIFER LEVI: Well, I mean, what it has to do with -- with someone's physiology, well -- I'm sorry. What it has to do a -- the determination of that child's sex, is the fact that there's not a single characteristic that determines a person's sex. That it -- it is determined from internal -- second -- internal sex characteristics, external sex characteristics, morphological characteristics that don't develop until adolescence, as well as gender identity.

REP. SAMPSON: Well I -- forgive me disagreeing. I'm not a doctor, but I'm pretty certain that in virtually all cases, and I'm certain there are some, you know, births that occur where there -- there could be something that happens that's not along the norm, but that's going to happen in very, very, very small number of cases. A doctor's going to determine the sex of the child by looking at its genitalia.

JENNIFER LEVI: Well, to -- to also be clear, I mean, what the medical -- literature has also shown is that for transgender individuals, whose gender identity may only be determined after a period of time, when some would -- can come to understand what that gender identity is, that there's no way to change that understanding of what a person's

is over time, and that the result of either ignoring or forcing that individual to live a life inconsistent with that deeply sense -- self-sense of who they are as male -- male or female, is depression, suicidality, lack of self-esteem.

REP. SAMPSON: Again --

JENNIFER LEVI: It's a very, very -- it's a very serious determinate of what a person's lived experience is, so that it's true, you can break down characteristics to the physical characteristics --

REP. SAMPSON: Right.

JENNIFER LEVI: -- again, to the internal, external, and -- and --

REP. SAMPSON: I -- I have -- mean no disrespect to any transgender person in any way shape or form. That is not --

JENNIFER LEVI: No, no, I understand that.

REP. SAMPSON: -- what this is about. Just clear -- I want to -- I want to just get the definitions clear enough so that I can confident that if I pass a bill that says that someone could be held responsible for discriminating against someone's gender identity or expression -- we all know, and it's on the record, exactly what that is.

JENNIFER LEVI: So --

REP. SAMPSON: And I -- and I'm fearful that it's not, because I think these terms are bounced around, back and forth, whenever they suit the argument.

JENNIFER LEVI: Well --

REP. SAMPSON: And I think that in most cases the -- the determinate factor of sex covers almost everything. You know, for someone to enter into a bathroom of an opposite sex because of their appearance, might be perfectly fine, as long as no one notices, right?

JENNIFER LEVI: I'm certain it happens every day.

REP. SAMPSON: Exactly, so that -- that -- that is the expression part of it. But then at the same time, you have someone that might enter a bathroom that looks like me, and I walk into a ladies' room, and my gender identity, my deeply held belief is that I'm a female, that might cause a problem as well.

JENNIFER LEVI: I was suggesting that's an experience that many masculine-appearing women have every day as well, yeah.

REP. SAMPSON: Understood, but what about a masculine-appearing man whose gender identity is that of female?

JENNIFER LEVI: Right.

REP. SAMPSON: Is that allowed to raise flags? Or would this bill prevent that from happening?

JENNIFER LEVI: As I was suggesting, that there are many transgender women who -- who have very significant difficulties in conveying that sense of who they are as women to the rest of the world because of the stereotypes that we have, right? So there are people who transition, as I was suggesting, later in life, for whom it's exceedingly difficult to address the issues of hair loss, right?

REP. SAMPSON: Right, (inaudible).

JENNIFER LEVI: Or of facial hair, and yes, this bill would ensure that those transgender women who -- who face those -- that kind of discrimination because of the visibility of their gender-based presentation, should be allowed to hold jobs and --

REP. SAMPSON: Right.

JENNIFER LEVI: -- you know, rent apartments, and --

REP. SAMPSON: Well --

JENNIFER LEVI: -- get credit, and use facilities as well, notwithstanding our expectations of how people should look.

REP. SAMPSON: Understood. I agree. I guess -- I guess I'm just having trouble with the fact that this is going to be used to potentially justify whether or not someone discriminated against someone else, and the basis is something completely out of their control or knowledge as to the other person's gender identity, which we agreed has nothing to do with their outward appearance or their expression, which could have nothing to do with their sex. There are men that look like women, and women that look like men, we just established that.

JENNIFER LEVI: Just to be very clear that the -- I mean those words "gender identity" and "gender expression" are specifically defined in the bill, and the definition is that gender identity and expression so -- that's that term of art that's reflected in the other 13 states' laws, is a person's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth. The reason why it's been in so important to use

that language is because of the developing body of case law in other jurisdictions that recognizes that that language is intended to ensure the legitimacy of the assertion of that identity and expression across a range of contexts.

And so, for example, there was a case that was decided at the Maine Human Rights Commission where there was a boy with a male identity that sought to use the girls' restroom and was excluded from the girls' restroom. And the Maine Human Rights Commission said that that boy, with a male identity, wasn't being discriminated against because of his effort to access the girls' room because he was treated like everyone else with a male gender identity which is, had to use the -- the boys' restroom.

And so the reason why the language is as precise as it is, is to track that developing body of case law, and to ensure that decisions in Connecticut will be decided consistent with those, and that's the way they've been interpreted in other jurisdictions.

REP. SAMPSON: I understand that completely, and I understand this is not an easy -- there's no easy solution to this because of the nature of what we're talking about, and every case is going to be a little bit different. Every particular transgender's individual appearance and belief system might be a little bit different too.

I -- I just -- the thing is, I don't want to see anyone end up in trouble for making an honest assumption, like in the case that you just mentioned. You have a -- a man that looks like a man going into a ladies' bathroom. What's to stop him from proclaiming his gender identity as something other than what it is? And -- and how

am I to feel good about that if it's my daughter that happens to be in that bathroom at that time?

JENNIFER LEVI: Can I just say though that that issue is not any different than the question that legislators have wrestled with around ensuring that someone who asserts that they have a disability, for example, or religious-based reason, as I was suggesting, for an exemption, say, from a workplace requirement -- is asserting that legitimately. It's -- it's no -- it's no different than how that -- those terms of art have had to be interpreted ultimately by human rights commissions and by courts, and so it's really not opening up, kind of a Pandora's box that you're suggesting. And again, partly because of the existence of that language in other places, and partly because of the requirement within the nondiscrimination law, that that identity and expression be asserted for, you know, legitimate, permissible reasons. (Inaudible).

REP. SAMPSON: Thank you very much.

Thank you, Mr. Chairman.

REP. FOX: Representative Hetherington.

REP. HETHERINGTON: Thank you, Mr. Chairman.

And I apologize that I wasn't here for the beginning of your testimony. You know, we cover a lot of committees on the same day.

JENNIFER LEVI: Yeah, I understand.

REP. HETHERINGTON: I'd like to better understand the situation now in this respect. If a person goes in -- I hate to keep talking about bathrooms all the time.

JENNIFER LEVI: Me, too.

REP. HETHERINGTON: You know, maybe we should elevate this conversation.

And this person is -- appears to be in the traditional perception of a woman, and -- and in that -- in the -- in the ladies' restroom, the women's restroom, suddenly some woman says, this person is not a woman, and goes out and summons the manager and the manager comes and -- well, how does -- how does that situation get resolved now? I mean, is that -- can that individual be required to exit the -- the women's bathroom?

JENNIFER LEVI: Again, I'm probably just the right person to answer that question, because as I said, it's been my, you know, daily experience for many, many years that -- that my presence, for example, in a women's restroom, has been question. And, you know, the -- and as I was suggesting, there are other, many other masculine-appearing women, including non-transgender women, who have that experience every day.

REP. HETHERINGTON: Right.

JENNIFER LEVI: And I mean, no. Typically, you know, that person's presence or access couldn't be impeded without, as was being suggested earlier, you know, violating that person's rights in some way. I mean that's just the daily experience for many, many people. It's the -- so simply what happens, and again, I mean the way -- the way the law would be enforced -- after this bill is passed --

REP. HETHERINGTON: Uh-huh.

JENNIFER LEVI: -- is just the way in which the law is currently enforced, which is somebody is asked

whether or not, you know, they're in the right place, and if they assert that they are, then they should be granted free access. Unless there is some -- something that would -- could be shown that calls into question the legitimacy of that assertion of the person's presence. That happens all the time.

REP. HETHERINGTON: Well, what if -- what of a woman who is there, or more than one women say, well -- or let's call it a dressing room instead -- and says this person anatomically is not a woman, and I -- I want this person ejected. What -- what happens then?

JENNIFER LEVI: Again, I actually -- I heard some very powerful testimony on this point from a breast cancer survivor, as it happens, who is -- who was someone who indeed had her presence in a changing room called into question because of someone else's understanding about how a woman should look in a changing room, and indeed the law would ensure that she's -- you know, she's given free access to that changing area, notwithstanding the fact that because of, you know, very tragic circumstances that she's had to undergo --

REP. HETHERINGTON: Yes.

JENNIFER LEVI: -- calls into question her presence there.

REP. HETHERINGTON: Well, that -- that is the case now that -- that --

JENNIFER LEVI: She has to be given free access, notwithstanding that someone else thinks she's in the wrong place, yes.

REP. HETHERINGTON: So in that particular situation, this law would not make any difference?

JENNIFER LEVI: Well, again, I mean the law as it stands now, is that she would have to be given free access to that place, and -- and I mean this -- this law would, you know, guarantee that that wouldn't change in any kind of way.

REP. HETHERINGTON: Well, but if that's the law now --

JENNIFER LEVI: We're talking about non-transgender woman right now, right?

REP. HETHERINGTON: Well --

JENNIFER LEVI: I was talking about a non-transgender woman who was a -- a breast cancer survivor.

REP. HETHERINGTON: Well, let's -- oh, I understand that. But let's take the case just to sharpen the question a little bit.

A transgender woman says, goes into the -- the facilities, and then someone -- a transgender man, I guess I would say -- because it would be a man, anatomically a man, who presents as a woman.

JENNIFER LEVI: No, so just to be clear, if it is someone -- someone who -- whose internalized sense of who they are as male or female --

REP. HETHERINGTON: Yes.

JENNIFER LEVI: -- is that she is a woman, that would be a transgender woman, right? So the person was assigned the sex of male at birth --

REP. HETHERINGTON: Okay.

JENNIFER LEVI: -- but lives her life as a woman, and that's --

REP. HETHERINGTON: All right, well --

JENNIFER LEVI: -- her internalized sense of who she is.

REP. HETHERINGTON: -- okay, thank you for clarifying that.

JENNIFER LEVI: Yup, yup, appreciate that.

REP. HETHERINGTON: So the transgender woman --

JENNIFER LEVI: Yeah.

REP. HETHERINGTON: -- goes into the, whatever women's facility, restroom, dressing room, whatever, and an objection is raised by women who are there. And what happens currently? What would happen currently in that hypothetical?

JENNIFER LEVI: Currently --

REP. HETHERINGTON: Yeah, currently.

JENNIFER LEVI: -- and again, this happens to --to many transgender women --

REP. HETHERINGTON: Right.

JENNIFER LEVI: -- they are not given access to that facility or that space.

REP. HETHERINGTON: Okay. They are not given access.

JENNIFER LEVI: That's right. Under current law -- because there -- there is no explicit protections in the law to protect that individual.

REP. HETHERINGTON: Okay, so presumably a person could be -- ejected out?

JENNIFER LEVI: That's right. That's right.

REP. HETHERINGTON: That -- that -- that's helpful. Thank you. So it is -- it would be changed if this law were adopted.

JENNIFER LEVI: Yes, the purpose of this law is to ensure that transgender women are provided access --

REP. HETHERINGTON: Okay.

JENNIFER LEVI: -- and the ability to use spaces from which they would otherwise be excluded because the fact of them being women is disregarded.

REP. HETHERINGTON: Okay. Thank you. I appreciate that clarification.

Just going back for a second to what you were saying about the -- the gender or sex being identified at birth. That identification has to be entirely on the physical observation of the physician or -- or the nurse, and -- because you can't interview the -- the infant, right?

JENNIFER LEVI: That's correct.

REP. HETHERINGTON: About -- yeah. Okay.

JENNIFER LEVI: Yeah.

REP. HETHERINGTON: So, okay. Well, thank you very much.

REP. FOX: Senator Gomes.

SENATOR GOMES: I've heard many things in here today and I'm -- I -- I'd just like to get to the point of what discrimination is, you know. Discrimination is a preference, and it's not bad to be discriminatory. It's just when you're discrimination, or your preference, interferes with somebody else's rights.

Years ago, I worked as a -- a international rep for United Steel Workers, and one of the things I had -- I was a Civil Rights Coordinator for the New England district. And the thing of it is, that back at that time this was -- discrimination back at that time when it was women that were being discriminated in -- in the shops, and every place that they worked, and they had the glass ceiling, being paid less than a man, and so on and so forth.

Discrimination is a thing that it is a transitional thing and it keeps working on down. The only thing I knew about discrimination when I was a kid is that I was black and people discriminated against me, and when I went down in the Army in 1958 in Virginia, I found out more of it.

Then we got all the way down to -- we got down to gay people. What gay people are. When I was a kid, everybody knew what gay people are, they -- they weren't called gay people, they were called everything but gay people. Now we came up and we recognize that there are gay people and that they have rights. And some of the things that people were doing -- their preferences and their -- their ideas, were discriminatory towards them, so we tried to cure some of that.

We also did that in a couple of -- actually when we talked about the gay marriage bill. All we're doing is we're extending ourselves into something that may not be consistent, or of any bother to somebody else, or any concerns of somebody else. But all these people want to do, in my estimation, is to have people recognize who they are the way they see themselves. And if we can't do that, then we're got another form of discrimination here that needs to be cleaned up.

And as far as I'm concerned, some of the things I've heard in here today are very useful towards getting towards that. And if other people don't see it that way, then I don't know when the hell we're ever going to clear up discrimination as a whole. Thank you.

JENNIFER LEVI: Thank you, Senator.

REP. FOX: Are there -- Representative Hewitt.

REP. HEWITT: I wanted to listen as a debate before I said anything because I got this -- this silly way of being blunt, just hardcore blunt when I speak. I don't sugarcoat anything.

There is nobody -- I don't think there's anybody in the state that is transgender that woke up this morning and says, I'm going to go out here and I'm going to catch holy hell today and I like it. I don't think that is the case.

It is discrimination, that's what it is, and I've been discriminated against quite a bit in my life being from North Carolina. I can't change anyone in this state that's gay, that's transgender, and no more can you change me from being straight. And it's not something I think they ask for, but it is discrimination, and I think that we need to realize exactly what it is.

It's discrimination. Because I don't like you, I'm going to discriminate against you, that's wrong. It was wrong yesterday, it's wrong today, and it's going to be wrong tomorrow. We're just finding another -- and the discrimination is all about the people that's doing it. It's just trying to find something else to make their selves feel good because exactly what it is, it's discrimination, and it's wrong. Thank you.

REP. FOX: Any other questions from members of the committee? No.

Thank you very much for your testimony.

JENNIFER LEVI: Thank you all.

REP. FOX: Next is Jaclyn Garuti.

JACLYN GARUTI: Good afternoon.

REP. FOX: Good afternoon.

JACLYN GARUTI: Sorry.

Honorable Chairs, Senators, and Representatives, my name is Jaclyn Garuti, and I'm actually a resident of New Hartford, Connecticut. I'm also a graduate student at the University of Connecticut School of Social Work, and I would like to urge you to vote in favor of House Bill 6599, AN ACT CONCERNING DISCRIMINATION.

It is outlined in the NASW, National Association of Social Workers, code of ethics, that as social workers we should engage in social and political action that seeks to ensure that all people have -- equal access to the resources, employment, services, and opportunities they require to meet their basic human needs -- human needs, and to develop fully.

Aside from my identity as a student studying social work, or my ethical obligation to participate in political action that concerns any oppressed group, this bill is mostly important to me because it would provide better protection for my friend, Diana Lombardi.

Diana Lombardi is a peer of mine at the University of Connecticut School of Social Work. Diana is the first and only person I have ever

known in my life to identify as transgendered. I've gotten to know Diana, both in and out of class, and through her I've learned the significance of codifying House Bill 6599 into law, but more importantly, I've gotten to know her as a person.

Diana has allowed me the opportunity to challenge what I thought I already knew about civil rights in our state, but I understand that not everybody has a chance to get to know someone like Diana.

I have heard before, that has been evidence to research, that if you personally know someone from an oppressed population, you are much more likely to support policies that better protect such people. I know when I graduate and look for a job, I have the basic protections that prevent employers from discriminating against me based on my gender. And if I suspect that I'm being discriminated against based on my gender, I have the -- necessary protections that allow me to take action. Diana, however, does not have this right.

Connecticut is a state that has been at the forefront of civil rights, and is highly regarded as a state that practices progressive politics in order to ensure that social and economic justice for all residents. Passing House Bill 6599 would add our state to a growing list of states, more than 100 cities, 13 states, and Washington, D.C., which have -- have already put this protection into law. At the heart of House Bill 6599, is a bill that concerns the most fundamental civil right.

A. Philip Randolph, a leader in the African American civil rights movement once said, a community is democratic only when the humblest and weakest person can enjoy the highest civil, economic, and social rights that the biggest and

most powerful possess. Voting in favor of House Bill 6599, AN ACT CONCERNING DISCRIMINATION, is a step forward to helping guarantee that all residents in Connecticut are fairly and equally protected under the law, and that all residents have a fair chance to secure employment and housing, basic needs which allow us to enjoy productive and successful lives.

That's it. Thank you.

REP. FOX: Well thank you very much for your testimony.

Are -- are there any questions? No.

Thank you very much.

JACLYN GARUTI: (Inaudible).

REP. FOX: Next is Kallista Soyln.

KALLISTA SOYLN: Good afternoon, Representative Fox, distinguished members of the Judiciary Committee.

My name is Kallista Soyln. I live in Bozrah, Connecticut, and I'm here today to support House Bill 6599, AN ACT CONCERNING DISCRIMINATION.

I'm a transsexual woman. I began my transition in 2005, and had gender reassignment surgery in fall of 2007. Like most transsexuals, I began my transition with the expectation of adversity. I was pleasantly surprised. Although far from a walk in the park, my transition went remarkably well. I was hopeful that my transition in the workplace would go equally well, but I was quickly disappointed.

I was working for a privately-owned, aviation-related business in southeastern Connecticut, and while the vast majority of my coworkers handled

my transition well, there were exceptions, including my immediate supervisor and the owners of the firm. Within several days of disclosing my intention to transition, I was asked by the firm's owners to do the right thing for the sake of the company and resign. I refused.

In a subsequent private meeting, my supervisor said that he believed my transition would result in a company-wide exodus, with my coworkers quitting in large numbers. He went on to say that he would do whatever was necessary to protect the company, including, if necessary, my termination. None of my coworkers in fact quit, and appeared for the most part to have little difficulty in dealing with my transition.

Additionally, I was, on more than one occasion, required to meet again privately with my supervisor, where I was told in great and uncomfortable detail how I should dress to best minimize any expression of femininity, and downplay the obvious effects of my gender change. As a woman, I was made to feel very uncomfortable by these conversations, and I verbalized this. In response, my supervisor said that he was within his rights to dictate how I should dress on the job.

It was painfully clear to me that I was not being asked to adhere to a company dress code, but rather I was being asked to adhere to an expression of gender that was not my own. I was being asked, as a woman, to adhere to a stereotypically male gender expression.

I needed my job, and so continued to work in what was an increasingly hostile and difficult environment. I was good at my job and learned to live with the undermining and unnecessary difficulties that were continually thrown in my direction. I believed that I could weather these

difficulties and -- return to some reasonable degree of employment normalcy. I also believed that given time, those few individuals within the firm that were so averse to my transition, would learn to accept me, but once again, I was wrong.

The recent economic downturn, caused a slowdown in the business, and I became, I believe, a target of opportunity. The nature of the business was such that the slowdown had not affected my office, nor would it have for some time. Additionally, my position within the firm was in fact mandated by the Federal Aviation Administration and could not be eliminated.

I was, nonetheless, after 14 years of service, unceremoniously -- dismissed. I've now been out of work for over two years. I've had to sell my home to avoid foreclosure. I've lost my medical insurance. I'm now on the brink of bankruptcy, and were it not for the kindness of friends, I would almost certainly be homeless.

My situation is unfortunately far from unique. Stories like mine are all too common in the transgender community. Being transgender is not a phase or a lifestyle. I was born this way, and I can no more change my gender identity, than I could change the color of my skin.

Transgender people like me are routinely fired, denied jobs and promotions, denied housing and accommodation, and denied credit by -- organizations that enjoy complete impunity in their actions. I'm not asking for special rights or privileges. I'm only asking for fairness and freedom from discrimination for all of Connecticut's residents.

As a transsexual woman, and lifelong Connecticut resident, I would like to thank the honorable members of this committee for hearing my

testimony, and to urge you to support House Bill 6599, AN ACT CONCERNING DISCRIMINATION. Thank you.

REP. FOX: Thank you.

Are there any questions?

Thank you very much.

Next is Alex Highsmith.

Good afternoon.

ALEXIS HIGHSMITH: Good afternoon, Mr. Chair, to the members of the committee. My name is Alexis Highsmith, for the record. I believe it was incorrectly input into the -- the system this morning.

I am a -- an attorney at Greater Hartford Legal Aid, and I'm here on behalf of all of Connecticut's legal services programs in support of Senate Bill 1151, which provides that a provisional pardon issued by the Board of Pardons and Paroles shall become an absolute pardon after a specified time period if the person is not convicted of another crime during that period. HB6606

I represent individuals applying for pardons from the Board of Pardons and Paroles in my work at Greater Hartford Legal Aid. I assist individuals completing the application, and I also represent those individuals at their hearings. The clients who I represent are typically individuals who have stayed out of trouble and remained crime free for at least three years, sometimes more. They have made positive contributions to their families and their communities.

The primary reason that they are applying for a pardon is related to the fact that they are

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ERIC TURNER: -- (inaudible). Oh, no. (Inaudible) public comment. We believe in open government. We believe in government transparency. That's our mission, to enforce the open government records, laws of the state of -- and (inaudible) laws of the state of Connecticut. So --

SENATOR GOMES: And that's because of the rights of individual citizens.

ERIC TURNER: -- but, but -- yes. But we recognize in certain instances there are exemptions, exceptions, exclusions, that lend themselves to taking a further look at it and streamlining it. So that's our general position, but we'll talk to you about it.

REP. HOLDER-WINFIELD: Thank you.

Any further questions? No.

Thank you very much.

ERIC TURNER: Thank you.

REP. HOLDER-WINFIELD: Next we will hear from Don Arsenault.

DON ARSENAULT: Representative Holder-Winfield, Senator Kissel, and members of the Judiciary Committee, I'm Don Arsenault. My 19-year-old transgender daughter and I live in Stratford with my father. I am here in support of House Bill 6599, AN ACT CONCERNING DISCRIMINATION, and to answer any questions that may promote better understanding.

I am an original member of a rapidly-growing support group with 40 parents of transgender children from Connecticut. We exist, not because there is anything wrong with our children, but because of challenges society presents them.

Children whose goals and potential are no different from any of you, we share stories of challenges, as well as success when schools do provide equality and protection. My daughter's story may illustrate why legal protections are needed for gender nonconforming youth and adults.

When my daughter's appearance began to align with her female identity, her grades dropped dramatically with the challenge of constant taunts and tears. The school's first solution was to have her sit class out in the guidance office when the harassment was excessive, removing her from the educational opportunities inherently expected in a classroom. I was told, well, you know how kids are, and your child is just so different. It was suggested she might prefer getting a GED, attending night school with adults, or entering the Job Corp at an out-of-state campus.

Next was a program for students with behavioral problems although I was told that she was never a behavioral problem. No one told us the student who had physically assaulted her would be starting there the same day. She tried transferring to a smaller high school, but -- no longer felt safe. She spent her last two and a half years on homebound instruction.

When I first asked that the teachers call her Rose, and use female pronouns in correspondence, it was suggested I not make a big deal about it. We soon change her name legally, and within two hours of receiving the probate documents, the school abided by the ruling with no big deal occurring. It seems that legal rulings do make people feel accountable to follow them.

Rose made honors four of her last six marking periods. Her tutor, a -- former art teacher, had to cram instruction for eight courses into two

hours per day. Despite receiving only 30-percent of the time with the teacher that other students receive, my daughter graduated and attends community college. It's ironic that her rough start kept her from qualifying for four-year colleges in Connecticut, yet while still on homebound, she was called in to help educate students at UConn, Central Connecticut, Southern Connecticut, three community colleges, and a classroom of DCF workers regarding her gender identity journey.

She has spoken here at the -- Capitol, and helped other schools with transgender students. The message we had received and that Rose may face in the workplace is -- that my daughter is less than. The message I learned watching her courageous journey to participate in life, to attend college, and become a reasonably happy, productive member of society, is that my daughter is enough. She is -- she is more than enough, not only for I as a father to love and cherish, but for society and the state of Connecticut to provide her with the basic human rights of dignity, opportunity, and yes, equal responsibility.

Please pass House Bill 6599. Don't let my daughter and others like her down, and I assure, they will not let the state of Connecticut down. Thank you for this opportunity.

REP. HOLDER-WINFIELD: And thank you.

Are there any questions?

Senator Bye.

SENATOR BYE: I just want to thank you for coming. I think a parent sharing their story is always very powerful, even sometimes more than the

individual, though the individuals here are moving, too.

My question to you is, do you think your daughter had a choice about her gender identity?

DON ARSENAULT: This -- this is not about people who they want -- this is not about my daughter being who she wants to be. I mean, I can tell you you can be anything you want to be, and she can choose to be a lawyer, or whatever, but she's not choosing -- she didn't choose who she is. You know, it's -- kind of hard not to be herself.

She dressed up when she was three years old, four years old, five years old. She put it all away to try and fit in. Anybody else, you know, she came -- she came into this world looking for love and acceptance, and she tried to find that by fitting into the way that other kids in the neighborhood thought she should be.

When she finally came out, she came out and she -- you know, she came out and she told me that she was -- I went, you know -- she was afraid to tell the family, to tell my -- my father especially. We live with my 87-year-old father, a World War II vet. Owned construction companies. You know, I looked at him and I said -- I said my kid has told me that, you know, she's transgender. And he looked up from the newspaper and said, so, that's your kid, you know, and that's how the whole family has been.

I have to say, in the school system, there were so many very compassionate and understanding people. Individually, they all wanted to do -- many of them wanted to do the right thing and try and get her to fit in, but they just, they could not protect her. I mean there were times she was, you know, I was told, oh, she's a drama queen. You know, she -- it was -- it was blown

off. They -- they prefer it, I think, once she got on homebound, because it was out of sight, out of mind. They didn't have to deal with the -- with what's going on.

She's, you know, she's come around, she's doing wonderfully, and attending college, you know, she wants to -- you know, she -- she's looking to transfer into a four-year school. She's herself. She's the self-assured -- we walk into a pediatrician's office, they've known her since she was a baby, and I had sent them a letter letting them know, and the staff know what was going on. We walked into the office, the staff were in tears, not because of the difference in the outward appearance of my daughter, but because suddenly she was this engaging, vibrant young woman coming up to the counter and talking to them like other peers instead of sitting in the corner angry and -- and hurt and afraid of the world.

You know, she -- she doesn't have -- it's still tough, but she doesn't have to be afraid of the world. She's at that -- she's had a tough time in life, you know, and I'm hoping -- we've met so many -- with the parents group and all, we've met so many people from the community that -- there's just so much potential out there that is being missed when these people are not treated fairly or equally. You know, they just -- it's -- it's not they. It's human, it's human rights. It's basic human rights, you know, there's no reason to -- thank you.

SENATOR BYE: All right. Thank you for your answer.

Thank you, Mr. Chairman.

REP. HOLDER-WINFIELD: Anyone else, any questions? No.

REP. HOLDER-WINFIELD: Next we will hear from Jesse R, who will be followed by Anna Doroghazi.

JESSE R.: Good afternoon. I want to thank you for the opportunity to testify before you today. My name is Jesse, and I'm a fourth-generation Connecticut resident, born and raised in Waterbury, and I've been a Fairfield -- resident for the past six years.

I am here to testify in support of House Bill 6599, AN ACT CONCERNING DISCRIMINATION. I am a happily-married man with a beautiful and supportive wife and two amazing step children. I have been employed full-time in a management capacity by a Fortune 100 -- corporation for the past six and a half years, and I have served as a board member of the Triangle Community Center in Norwalk, Fairfield County's only LGBTQ community center, for the past two years.

I'm proud to live in a state where lawmakers have historically had the best interest of its residents in mind, passing laws to protect many minority groups from discrimination in the workplace, and schools, and financial institutions, and when seeking housing. The transgender and gender nonconforming residents of Connecticut need and deserve these securities. This isn't only about protecting transgender people. This law would protect all Connecticut residents, gay, straight, boy, girl, man, woman, someone who is both, and those who are neither.

I know first-hand that growing up feeling that your gender identity is in conflict with the sex that you were assigned at birth is an overwhelming and painful process emotionally for many people on the transgender spectrum. The fear of being discriminated against, or worse, the lack of civil protections when we are

discriminated against, can be harmful and prevent people from living in a -- in peace, safety, and happiness, which is something that all humans deserve.

As a -- transgender man, and a resident of Connecticut, I have been fortunate enough that I have not faced discrimination based on my gender identity. I transitioned in my current job and felt safe to do so because my company includes gender identity and expression in their nondiscrimination policy. But I still worry about my future, and whether or not I'll join the ranks of those who have faced discrimination. What if the next time I apply for credit, or try to find housing, I don't get the loan or apartment just because I'm trans? What if I end up working at a smaller company that doesn't have an antidiscrimination policy that includes gender identity or expression? I could be fired just for being me.

I can't stress how important it is that -- Judiciary Committee supports the passage of H.B. 6599, and that it is passed expeditiously in the House and Senate so that my friends and I can move on in peace knowing that our rights are just -- as important as anyone else's. It's time to make living in fear of legal discrimination for this community a part of history. Thank you.

REP. HOLDER-WINFIELD: Thank you.

Are there any questions?

Thank you, Jesse.

JESSE R.: Thank you.

REP. HOLDER-WINFIELD: Anna Doroghazi, followed by Jamiah Tappin.

ANNA DOROGHAZI: Good afternoon, Representative Holder-Winfield, and members of the committee.

My name is Anna Doroghazi, and I'm the Director of Public Policy and Communication at Connecticut Sexual Assault Crisis Services. CONNSACS is a statewide association of Connecticut's nine community-based rape crisis programs. Our mission is to provide high-quality, culturally competent services for victims of sexual assault and their loved ones. In furtherance of that mission, we support the passage of H.B. 6599, AN ACT CONCERNING DISCRIMINATION.

It's not possible to end sexual violence without ending other forms of oppression and discrimination. By -- denying basic civil rights to transgender and gender nonconforming individuals, the state of Connecticut has created a second-class citizenry that's more susceptible to bullying, harassment, and violence including sexual assault. This is not acceptable. When any individual or group is pushed aside and made a target, all of us are less safe.

Opponents of H.B. 6599 have expressed fear about what the passage of this bill would mean for public safety, specifically there seems to be a fear that this bill would permit sexual predators to use gender identity protections to prey on women and children in restrooms and other public spaces. I'd like to emphatically express that H.B. 6599 does not give anyone license to perpetrate a sexual offense. Granting access to a space is in no way analogous to permitting criminal activity. If any individual, male or female, enters a public restroom and attempts to perpetrate a sexual offense, there is no legal, social, or moral excuse for such behavior. Sexual assault is illegal and H.B. 6599 will not in any way change that.

Everyone wants what's best for their children, and everyone wants their children to be safe. We want to believe that we can protect our children from harm if we avoid potentially dangerous places, such as public restrooms, and strangers who might hurt them. The sad truth is, that an overwhelming majority of sex offenders target children who they already know, and most of these assaults occur in a private residence, often in the victim's home.

It's important for the committee and the general public to understand that fears about H.B. 6599 putting women and children at risk are unfounded and not rooted in fact. Denying basic civil rights to any group of people does not promote safety, and it puts the discriminated-against group on the margins of society where they themselves are more likely to experience sexual assault and other forms of violence.

Ending sexual assault and other forms of violence requires a commitment to equality and is the leading voice to end sexual violence in the state of Connecticut. CONNSACS is pleased to demonstrate that commitment by supporting H.B. 6599. We hope that the committee will take this opportunity to ensure that basic civil rights are a reality for all Connecticut residents. Thank you.

REP. HOLDER-WINFIELD: Thank you.

Any questions?

If not, thank you very much.

ANNA DOROGHAZI: Thank you.

REP. HOLDER-WINFIELD: Next we will hear from Jamiah Tappin, followed by Gretchen Raffa.

JAMIAH TAPPIN: Good afternoon. Members of the -- Judiciary Committee, my name is Jamiah Tappin, and I'm a resident of East Hartford, and a graduate student at UConn's School of Social Work.

I am here to voice my support for H.B. 6599, AN ACT CONCERNING DISCRIMINATION. My decision to testify today is not only as an ally, but as a black woman who represents the legacy of a struggle for equality and acceptance not too far from the one transgender, transsexual, and gender nonconforming people are fighting today.

Although racism towards African Americans in this country can be seen as a unique form of discrimination, in my opinion the feeling of being stigmatized based on physical appearances and stereotypes are similar. I know what it is like to walk into a room and hear people whispering about me, to be the -- to be stared at and have little children point at me and say, Mommy, why does she look like that?

I know what it is like to feel -- to -- to not feel worthy or valued as an individual, but judged by something I cannot change. Fortunately, I also know what it is like to be protected under the law when I am discriminated against in the areas of housing, health care, and -- employment for my race or gender. I know that I can walk on this earth and stay true to myself.

My friendships and dialogs with transgender people have given me the opportunity to broaden my life experience. I can only imagine the personal struggle they have had to endure and then in the end be denied the rights that should be inherent to all. How can we live in a society that encourages self-determination yet punish you -- punishes you for being different? Our laws should protect every one of us. Are transgender

people not living, breathing beings? Do they not deserve respect and dignity by having the same safeguards as every other citizen in the state?

As a social worker, it is my duty to ensure that all people have equal access to resources, employment, and services. But as a human being, it is my honor to testify today, and stand alongside transgender people in their fight for equality. I urge you to support H.B. 6599, and protect the basic human rights of all people by including gender identity and expression in Connecticut's nondiscrimination laws. Thank you for your time.

REP. HOLDER-WINFIELD: And thank you.

Any questions from the committee?

Thank you for coming to add your perspective.

Next we will hear from Gretchen Raffa, and then Tina R.

GRETCHEN RAFFA: Good afternoon, Representative Holder-Winfield, and members of the Judiciary Committee.

My name is Gretchen Raffa, representing Planned Parenthood of Southern New England, testifying in support of House Bill 6599, AN ACT CONCERNING DISCRIMINATION.

Planned Parenthood of Southern New England serves 63,000 patients across the -- state every year for reproductive and sexual health care. As health care providers, we are committed to taking necessary steps to ensure a nondiscriminatory environment for everyone. To promote the health of our lesbian, gay, bisexual, and transgender, and queer patients, we are continuously looking at our policies, clinical practices, and staff

training to improve access to quality health care for all individuals who come into our 18 health centers across the state.

Transgender people face -- what we know is that transgender people are underserved in our health care system, and this is only one form of discrimination they face in our society. Transgender, transsexual, and gender nonconforming people face discrimination in health care for a number of reasons, including the lack of knowledge of their specific health care needs, lack of qualified and trained medical providers, and lacking health insurance, and or coverage, for specific health needs.

A 2010 study of transgender people in health care access found participants reported that when they were sick or injured, many postponed medical care due to discrimination or inability to afford it. The same study showed 19 percent being refused medical care due the their -- them being transgender or gender nonconforming. And this was even higher numbers among people of color in the survey.

Because of the urgent need for health care providers who can address the specific needs of the transgender community, we have committed ourselves to a nondiscriminatory environment. In our mission to provide quality and sensitive health care, we have made changes on health forms, and continue to examine ways to make our health centers more welcoming and open to transgender patients.

We've made it an agency-wide policy to have gender-neutral private restrooms in all of our health centers and administrative offices. And to address the specific health needs to patients who identify as transgender and may be in the process of transitioning, we have added hormone

therapy for transgender clients to our medical protocols.

We believe all Connecticut residents deserve fairness and equality, not only in accessing their health care, but in accessing employment, housing, education, public accommodations, and all of their basic human rights. In addition, Planned Parenthood has a nondiscrimination hiring policy, which includes gender identity and expression. We realize that not everyone has yet to come to -- an appreciation of these concerns, which is why it's so vital that transgender people have places where they can feel safe and welcome, along with allies who can meet their needs with understanding, not judgment.

And personally, as an organizer working on this issue for several years, I continue, year after year, to hear personal stories from transgender people, gender nonconforming people, who share with me the barriers they face, not only in receiving health care services, but also discrimination that they encounter in every aspect of their lives, including violence and hate.

Connecticut has the opportunity to become one of the growing numbers of states and municipalities that have extended full civil rights to all residents, including transgender residents. So we urge you to support House Bill 6599 to protect the basic human rights of all people in Connecticut by including gender identity and expression among the protections Connecticut guarantees all if its citizens. Thank you so much for your time.

REP. HOLDER-WINFIELD: And thank you.

Are there any questions from members of the committee?

Gretchen, thank you for the work you do. You know, you had a day not -- just recently, where I got to come and talk to some members and -- members of the community and their allies and I learned a lot. And that's where I first saw Mr. Arsenault who testified a little bit before you. And even though I'm the sponsor of this bill, I learned a lot from those types of events. So thank you.

GRETCHEN RAFFA: Thank you for being there, and being willing to talk to people about it, too. We appreciate your support.

REP. HOLDER-WINFIELD: Next we will hear from Tina R., followed by Doctor Laura Saunders.

TINA R.: Hi. I'm nervous. Okay.

Dear Senator Coleman, Representative Fox, and the Judiciary Committee members. My name is Tina. I wanted to impress upon you today how important I believe it is that H.B. 6599, AN ACT CONCERNING DISCRIMINATION, passes.

I am female, born and raised. I have been fortunate enough never to have questioned the gender I was -- assigned at birth, nor have I summarily rejected society's insistence that being of that particular gender requires me to look, sound, and act a certain way. I am at peace with the gender I was assigned and the trappings that come along with it.

Oh, my voice is shaking. Sorry.

My husband was not. Born female, he spent his entire lifetime attempting to bend his mind to fit into the boxes laid before him by society to conform to the female body he was randomly granted at birth. After many years of struggle

and heartache, like many others before and after him, he finally came to the conclusion that he could no longer be the person he was expected to be, and that he could be who he was always meant to be.

I watched and supported him in this struggle to find his true self. Now, though I am happy to see the joy he's regained in himself, I can -- I must wonder at the future that awaits our family because of it. What unforeseen prejudice will lay waste to our livelihoods, self-esteem, self-worth, and family structure, should we find ourselves at the mercy of someone's narrow-minded world view, and denied access to something because of it.

This bill, however, does not only protect the transgendered among us, it protects every tomboy, every sensitive boy, every experimental teenager, short-haired woman, long-haired man, and every other person who casts away the demands that the social order inflicts upon us.

I realize that there are those that will minimize this important bill to make it about something that is inconsequential and selfish, and try to dissuade you from offering the simple protections of safety and fairness in housing, employment, and life in general. I ask you today to not be swayed by rhetoric. Instead, I ask you to consider that discrimination of anyone, for any reason, should not be tolerated. Not in a society such as ours.

I pray that each of you be -- counted among the -- forward-thinking leaders that would bring justice to those denigrated by senseless and mean-spirited acts committed against those who would only seek to harmlessly live their lives as they may in a country that purports to guarantee our freedom.

I believe Martin Luther King said it best -- injustice anywhere is a threat to justice everywhere. Therefore we ask only that from you, our appointed representatives, justice. Thank you for your time.

REP. HOLDER-WINFIELD: And thank you.

Are there any questions from members of the committee?

Thank you very much.

Next we will hear from Doctor Laura Saunders, followed by Mark Ciriello.

LAURA SAUNDERS: Good afternoon. I'm here to speak in favor of House Bill 6599, AN ACT CONCERNING DISCRIMINATION.

My name is Doctor Laura Saunders, and I've been asked to speak about the impact of gender nonconformity on children. I'm a licensed psychologist, specializing in child and adolescent development and psychopathology. I've been working in this field for over 20 years.

The issues of greatest concern when we discuss the impact on young children are their social, emotional, and psychological health. As been previously defined, gender identity is the child's identification of himself or herself as female. By age four or five, gender identity is stable, and in typical development, a child's internal feeling of maleness or femaleness is congruent with their biological sex. Multiple factors determine core gender identity. One does not choose to be one gender or another. By the time a child enters elementary school at age five, their gender identity is firmly secure and is not subject to undue influence by others.

There was a study by GLSEN, the Gay, Lesbian, and Straight Education Network, in 2009, called the National School Climate Study. Some key findings include that 63 percent of LGBT, lesbian, gay, bisexual and transgender students, reported being verbally harassed, 27 percent reported being physically harassed, and 12 percent reported being physically assaulted at school in the past year because of their gender expression.

Nearly two-thirds of students reported that they felt unsafe in school because of their sexual orientation, and more than a third felt unsafe because of their gender expression. The reported grade point average of students who are more frequently harassed because of sexual orientation or gender expression was almost half a grade lower than students who were less often harassed.

Being out in school had both positive and negative repercussions for LGBT students. Outness was related to high levels of victimization, but also higher levels of psychological well-being. Students attending schools with specific anti-bullying policies that included protections based on sexual orientation, and or -- gender identity and expression, heard fewer homophobic remarks, experienced lower levels of victimization related to their sexual orientation, and were more likely to report that staff intervene when hearing homophobic remarks, and were more likely to report incidents of harassment and assault to school staff than students at schools where a general -- with a general policy or no policy at all.

There is an absolute need for protection for our gender nonconforming youth and young adults who are most vulnerable. Specific protection against discrimination may cause teachers and administrators to make a concerted effort to

better protect gender variant youth. A minority of LGBT students report having adequate support in school, which may explain why there have not been greater improvements regarding in-school victimization.

There needs to be a greater leadership and commitment to addressing anti-LGBT bias and behavior before these students will feel safe at our schools. There is no scientific evidence to support the fear that transgender or gender-variant -- teachers would create anxiety or confusion, or create gender confusion in students. Additionally, there is no evidence that children will -- have been traumatized by exposure to gender-variant adults. It -- also should be noted that the transition for gender nonconforming adults is a long-term process. It takes months and years to transition, which is more than adequate time to help others adjust to the transition.

An age-appropriate explanation of gender nonconformity can be easily produced for those children who are educated by transgender teachers. Positive interactions with gender nonconforming people increase positive attitudes, break down stereotypes, and increase awareness and understanding. These interactions do not damage our children, their development, or their education, and it's important to remember that children are tolerant and flexible in their thinking, and can understand differences from their own, and this only serves to enhance their empathy and their appreciation of diversity. Thank you.

REP. HOLDER-WINFIELD: Thank you, Doctor Saunders.

Any questions from the committee?

Representative Hetherington.

REP. HETHERINGTON: Is -- is transgender, is it nature or nurture that produces this?

LAURA SAUNDERS: Well, everything is multi-factorial, or as the previous lawyer said, it depends. There's multiple things that determine, but they believe that there's probably a hormonal influence, but it's not been determined how exactly that plays out.

REP. HETHERINGTON: Okay, so there's a -- there's a component of either.

LAURA SAUNDERS: Yes.

REP. HETHERINGTON: You mentioned, and I've also read, that there is a period of -- I think you indicated -- up to five years where there's this -- an ambivalence, a sexual ambivalence, and identity's not -- not well formed. Is that correct?

LAURA SAUNDERS: It -- it's not so much an ambivalence. It's just a process of understanding, and it really has to do with brain development, that a two-year-old may not be able to fully articulate what they are, but a two-year-old can identify for themselves that they're a boy or a girl.

So it -- just their articulation doesn't really come into play until age five or six, elementary school age, when their verbal abilities are better and they can fully explain the -- differences. So it's not like it could be changed at that time. It's just that they -- it's in formation, as we say.

REP. HETHERINGTON: So at two years old, a child has a --this internalized gender identity?

LAURA SAUNDERS: At two -- at two and three years old, children tend to gravitate towards things that feel congruent with themselves. For example, a two or three year old, in typical development, a female two- or three-year-old will tend to gravitate towards toys and games and play that is congruent with their -- their sex. So girls would tend to be playing with dolls and other types things, and boys the same. That's in typical development.

REP. HETHERINGTON: And that is innate. That is not as a result of environmental factors?

LAURA SAUNDERS: That is innate.

REP. HETHERINGTON: Okay, thank you.

LAURA SAUNDERS: You're welcome.

REP. HOLDER-WINFIELD: Senator Bye.

SENATOR BYE: I just wanted to follow up with a clarifying question. So while you're saying it's innate, would you agree that there's individual differences, and differences within groups? There's some boys who maybe won't be transgender, who use some girl toys and tend to do that? And there's girls --

LAURA SAUNDERS: Absolutely, and -- and there's great variation --

SENATOR BYE: Right.

LAURA SAUNDERS: -- and without getting into a lot of deep explanations about how we as a society actually give girls a lot more latitude in what they can do, as opposed to boys, there is certainly variations. You will find boys that enjoy playing with dolls and enjoy playing the

things. It does not necessarily mean that they are on the path to being transgender.

SENATOR BYE: Right.

LAURA SAUNDERS: It's just that they enjoy those activities. What we look for in those situations is someone who has exclusively and solely gets enjoyment and has an affinity towards one type of play activity.

SENATOR BYE: Right. And then would you say it's around age four when children not only start to really be very clear, and very clear about their gender, but also start to be clear about others' gender and maybe poke fun at children who aren't behaving in a typically gender-typical way?

LAURA SAUNDERS: It's -- it's my experience that, yes, by -- between age three, four, and five, they really become more clear in their gender identity, and they do have the ability to go around the room and pick out who's a male and who's a female.

There actually is a lot of latitude given from one child to another about what kinds of things they like to play with. What we often find is that prejudice comes from adults, so it's adults that say, boys play with trucks and girls play with dolls. That's a -- those are adult expressions. Kids, if left to their own devices, give each other a lot of latitude in the things that they like to do and their affinity towards things.

SENATOR BYE: Right, so -- so just to sum up, I mean, Representative Hetherington's was about, you know, how innate it was, and you said they go to those toys and it's innate. It's really a very complex mix of environmental and genetic --

LAURA SAUNDERS: It's innate in the sense that they're drawn to it. You can't, as an adult, if you had a girl and you only gave them trucks and other kinds of things, they might still play dress-up with them. I mean you can't --

SENATOR BYE: They might. Right, right.

LAURA SAUNDERS: -- you can't -- right. You can't force them to -- you can, but it creates a lot of internal damage over time. So they have an innate ability to be drawn to things that feel congruent with who they are.

SENATOR BYE: And -- and would you agree that -- we've been talking a little about gender being, you know, one or the other. But even for young children, that gender can be somewhat fluid.

LAURA SAUNDERS: Absolutely, and I think that's a -- really important point because we as a society think of everything in a binary term, male or female, but there's really a great variation in between that of people who are much more fluid. We call it gender fluidity. It's really not as binary as we as a society would like to make it seem.

REP. HOLDER-WINFIELD: Thank you.

Any other questions from the committee.

If not, thank you very much.

LAURA SAUNDERS: Thank you.

REP. HOLDER-WINFIELD: I'm going to -- since Senator Prague is in the room -- allow Senator Prague to come up next, and then we will go to -- if I'm not messing up the name -- Mark Ciriello.

A VOICE: Prague.

SENATOR PRAGUE: Thank you, Representative Holder-Winfield, and members of the Judiciary Committee. Thank you for giving me the opportunity to testify today in support of Raised Bill 6599, AN ACT CONCERNING DISCRIMINATION. For the record, I'm Edith Prague. I'm the Senator from the 19th District.

And I just want to testify, based on my feeling of, you know, I've heard a lot of scientific discussion on this bill. I just want to testify on behalf of the fact that -- well, I have a friend, they have a daughter, and she did not want to be a daughter, she wanted to be a son. And it was difficult for them to accept. By the same token, this young man now is comfortable with himself, was not comfortable with herself, but is now comfortable with himself.

And it's a life, and all of us just have x number of years to live this life. We don't get a second chance, and we ought to be able to live a life comfortable with ourselves, and not be discriminated against if we needed to make a change so that we could go through life and be productive, be successful, and feel like we are accepted like everybody else want to feel.

Everybody wants to feel that they have a place in this world. We don't get a second chance, so for the time you're here, for other people to make them feel unaccepted, is cruel. And I'm here to support this bill. Hopefully this committee will be sensitive to the needs of every human being, regardless. I think that's important. I think it makes us better people. And for people who only want to make the lives of these folks difficult, I really find that totally unacceptable. So I'm hoping that this committee will pass out this bill. Thank you.

car accident two days before the hearing last year, so that's where the State's --

REP. FOX: And just so I'm clear, your hearing was scheduled for March of 2010, and you got into an accident several days earlier.

MARK CIRIELLO: No, it was scheduled for March 2000 -- yeah, 2010, yes.

REP. FOX: Okay.

MARK CIRIELLO: March 3rd -- I got into the accident on March 1st, and I wouldn't have been driving if it wasn't for the fact that I had to come down here and testify. I would have been sitting home. I was running an errand, so that's where the State's responsible for the accident. And it's only $5,200 that I'm asking for for the car. I paid 3,200 for the car, and put 2,000 into the car, so that's 5,200 bucks --

REP. FOX: Okay.

MARK CIRIELLO: -- that I'm out.

REP. FOX: Okay, well thank you very much.

MARK CIRIELLO: Thank you, sir.

REP. FOX: Next is Melissa Spear. And after -- after you will be Carrie Kline, and then Doctor Peter Wagner.

So good afternoon.

MELISSA SPEAR: Good afternoon, Representative Fox, members of the Judiciary Committee.

This isn't the first time that I've testified before many of you, but it certainly is, without doubt, the most important time that I've

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testified because this is very personal testimony.

I'm today testifying as the mother of a beautiful transgender son. My son, Skylar, is a well-adjusted, well-liked, 15-year-old sophomore. He has brains to spare, and he uses them to get straight A's. His teachers love him because he's respectful, intellectually curious, and a hard-working kid. He's kind and generous to his friends, he loves his dog and the band OK Go. His room generally looks like a bomb has gone off in it, and like most teenagers, he can be extraordinarily exasperating.

He's well on his way to becoming a productive member of our society and is excited to think about what contributions he's going to make in this world.

Every parent fears for their children as they prepare to venture out into the world, but those of us with transgender children unfortunately have very good reason to fear. It's not just that our children will have to deal with people who choose not to understand them, are intolerant of them, and often even hostile toward them because of who they are, it's that our children, my child, is growing up in a society that does not extend to him the same protections against discrimination that are extended to almost everyone else in this room.

My child can be fired, or kept out of a job, denied housing, be turned away from public accommodation, be refused membership in a professional organization, all without recourse, all based on not what he does or does not do, but simply because of who he is.

If discrimination based on gender identity did not actually ever occur, it would be easy to sit

here and say that perhaps House Bill 6599 is unnecessary. But in fact as many of you have heard in testimony, and as exist documented cases out there, this -- I am sure, again today, that -- I'm sorry.

Transgender people are very actively and egregiously discriminated against. I worry every day that this is the world I'm about to send my son into, but with your help and your support, we can take an important step toward making the world a better place, not just for my son, but for all people by ending this type of discrimination. That's why I'm here today, not just to urge you, but to plead with you to support H.B. 6599.

It -- it's pretty simple to sit here today and say that passing the Civil Rights Act in 1964, which prevents discrimination on the basis of sex or race, was the right thing to do. I can assure you that extending those same basic protections to my child, and to all transgender children, is also absolutely the right thing to do. But it's not just the right thing to do, it's the moral thing to do, it's the ethical thing to do, it's in the best interest of our society. It will be a powerful expression of our humanity.

These children, many of whom have displayed the utmost courage in the face of bullying, harassment, humiliation, and physical assault in order to remain true to themselves, don't just deserve the rights this bill would grant them, they are entitled to those rights. So please, don't let them, or my son, down. Thank you.

And could I just say one thing about the -- there was a nature versus nurture question, which as the parent of a transgender child, I would just like to say that, from my perspective, in my experience, clearly my child expressed a male

identity, although born biologically a female, from the time he could tell me who he was.

And this was not a nurture. I -- I was raising a female. But it was very clear from two, three years old, that my son was a son. And it took me -- I had to learn this. It took me a long time to even understand what transgender is. I had no idea. But when your child tells you, they tell you, and it's not -- you know, I cannot say -- for me, while the medical evidence may be (inaudible), is clearly something that is inherent to them as human beings, as the person as who they are. So I just wanted to --

REP. FOX: Thank you very much.

Okay, if you want to -- I don't know if there is any questions from members of the committee.

Can I ask you a question?

MELISSA SPEAR: Yeah.

REP. FOX: I mean -- as a parent and -- of a 15-year-old who's fairly young --

MELISSA SPEAR: Uh-huh.

REP. FOX: -- how -- how is your child -- how has your child been treated growing up throughout school, throughout other -- other activities?

MELISSA SPEAR: You know, we have been extremely fortunate in the school system where we are. They have been very, very supportive. I think it's been a learning experience for the school system as well, but we're in a school system where there really is both a top down and a -- bottom up culture, that does not -- it's a zero tolerance policy when it comes to bullying.

My son chose not to actually come out until high school. Middle school was a much more difficult place for him to be, and so he changed his name and asked his teachers -- and he did this all of his own initiative -- and asked his teachers and his peers to begin referring to him as a male, starting as a freshman in high school. And the interesting this is, I'll -- I'll never forget. I have an older daughter, and when my son came out and asked -- basically told all his friends and all of my daughter's friends that he was actually a guy, most of -- my daughter and most her friends were like, duh. You know, like you're telling -- you're telling us something that we don't already know.

And I think that in the younger generation, the kids are much more -- many of the kids are much more able to understand and accept all of this than -- than it is for the adults. How -- that being said, while my -- while my son has had a good experience, I also have come to know many, many parents, and many, many transgender kids on this journey and have -- have known a lot of kids whose stories would raise the hair on the back of your head if you were to hear the stories of what they have had to go through in order to express themselves. It is not a choice that anyone would ever make voluntarily to go through what they've gone through in order to be who they are.

REP. FOX: Well, thank you very much for your testimony.

Any -- Senator Meyer has a question.

SENATOR MEYER: I don't have so much a question as just to identify with what you're saying. I -- I want to just talk briefly about one of the public -- transgender events.

I grew up with a -- a young man named Richard Raskin. We played on the tennis -- junior tennis circuit together, we went to college and played on the college tennis team together. Dick Raskin was uncomfortable in his being, and -- and in his late twenties he did -- had a transgender operation and became Renee Richards.

Renee Richards today is very content in her being, highly accomplished ophthalmologic surgeon in New York City, wonderful tennis player still, and golf player, and -- and a person who is finding a great deal of satisfaction in her life and accepted -- accepted now by his and her friends to the point where she's -- really it's a wonderful experience.

I -- having grown up with Dick Raskin, and if -- if Renee Richards walked in the room today, you would -- you would see me able to kiss her on the cheek and feel very comfortable in doing that. It -- it's such a -- in that case the natural change and something that I'm pleased to see the law may allow here in Connecticut. I just wanted to share that with you.

MELISSA SPEAR: Thank you.

REP. FOX: Thank you.

Are there any other questions?

Thank you very much.

MELISSA SPEAR: Thank you.

REP. FOX: Next is Carrie Kline.

CARRIE KLINE: Representative Fox, and members of the committee, my name is Carrie Kline, and I'm a lifelong resident of Bridgeport, Connecticut, and a student at the University of Connecticut

pursuing my Master's in Social Work. I am here today to strongly support H.B. 6599 -- excuse me -- AN ACT CONCERNING DISCRIMINATION.

The addition of gender identity and expression to nondiscrimination policy would protect people from being discriminated against because of their gender-related identity or how they express their gender. When policies are not in effect to protect people from discrimination, there can be devastating consequences.

Currently in the state of Connecticut, a person's most basic human rights can be violated due to lack of robust nondiscrimination legislation. Transgender or gender nonconforming residents can be denied the rights to health care, housing, credit, employment, and public accommodation, simply because of their gender identity and expression. By not having gender identity and expression in the nondiscrimination legislation, the state of Connecticut is covertly approving of this discrimination and sending a message to its residents that discriminating based on gender identity and expression is acceptable and condoned.

Not only as a resident of Connecticut and as a social -- social work student concerned with equality, but as a person who has friends and loved ones who are transgender, I want my state to take a strong stance and protect its residents against discrimination. Thirteen other states, along with several large companies and universities, have already added gender identity and expression to their nondiscrimination policy.

This law does not give individuals special treatment, or in any way infringe on religious rights or the rights of other people. It is meant to protect people from harmful discrimination, and that is exactly what the

passage of H.B. 6599 would do. It would add Connecticut to the growing list of states and businesses that stand up against discrimination. It will ensure the rights of people who are being discriminated against because of their gender identity or expression. It will guarantee that my friends and loved ones do not have to fear that their basic rights could be taken away. Thank you for your time and consideration.

REP. FOX: Thank you. Thank you for being here all day.

Senator Gomes?

SENATOR GOMES: Did I understand you were from Bridgeport?

CARRIE KLINE: Yes.

SENATOR GOMES: I want to thank you for coming up here and testifying, and let -- everybody know Bridgeport's on the ball. Thank you.

CARRIE KLINE: Yes, sir.

REP. FOX: Are there any other questions or comments?

Thank you very much.

CARRIE KLINE: Thank you.

REP. FOX: Next is Doctor Peter Wagner.

Feel free to begin.

PETER WAGNER: Sorry. Thank you, Mr. Chairman, members of the committee, for allowing me to testify here today. I just want to clarify. There was a slight mistake during the signup. I'm actually not a doctor. I have an attorney.

Collaborative, (inaudible) of all Connecticut residents, we urge you to support H.B. 6606 and Senate Bill 1193.

REP. FOX: Thank you.

LIZ DUPONT-DIEHL: Thank you for your attention.

REP. FOX: Thank you.

Are there any questions?

Thank you for your testimony.

Next is Deja Greenlaw.

Good afternoon.

DEJA GREENLAW: Good afternoon.

Honorable Cochairs, and members of the Judiciary Committee, thank you for allowing me to testify in favor of H.B. 6599, AN ACT CONCERNING DISCRIMINATION, to prohibit discrimination on gender identity and expression. My testimony's point is to show how it is possible to successfully transition from one gender to another at the workplace with no problems.

My name is Deja Greenlaw, and I am a transgender woman who lives and works in Enfield. I've worked for the same local Fortune 500 company since 1993. I transitioned from male to female in 2007. It's going on four years now, and I never had any issues in my workplace. My company was very well-versed in assimilating transgenders into the workplace, as president -- as precedents and policies had been set before 2007. I was lucky.

Most employers do not have any precedents and policies in place, and far too many of my

transgender brothers and sisters have lost their jobs because of this fact. My company, however, is not alone in employing transgender people. Besides my company, 3M, there's Aetna, AT&T, and Bank of America. They also have the precedents and policies in place which smooth the transition process at work. There are many other companies that have precedents and policies, but unfortunately, most companies do not.

A little about my personal life, I was very closeted for decades, and I tried my best to live as male. I was too afraid to do anything else. I got married, fathered three children, and supported my family the best I could while pushing my feelings way down, way deep in my soul. It wasn't until September 11, 2001 when the Twin Towers were destroyed and the Pentagon was attacked, did I realize that I had to move on my inner self before it was too late.

Do you recall those days when suddenly America was no longer a safe place to live because of possible random terrorist acts? At any time, at any place, the possibility that you could be killed was now something to consider. I turned 50 years old in October, just weeks after 9-1-1, and I realized that time was already growing short for me. I did not want to go to my grave never having given myself even the chance to explore who I truly am. I found local support groups in a very closeted community who were very afraid of -- of being who they truly are in public because they feared the loss of their jobs if they were ever found out.

It was great to be able to express myself as a female identity at these very closeted, very safe meetings, but it was awful not being able to express myself and my female identity at all the other times outside of these meetings. As time passed, I became more comfortable with expressing

myself as a transgender woman, and I began venturing out in public expressing and identifying as female. It was a wonderful feeling to be able to reach the inner core and the inner peace of who I am.

By 2007, I decided to transition from living as a male identity to a female identity. This included going to work as female. As I stated earlier, my company had precedents and policies in place for me to make this transition at work. The transition went very smoothly, as I -- and as I also stated earlier, there have been no problems, no disturbances, and no incidents at my place of work. I truly thank my company from the bottom of my heart for giving me the respect and the dignity for me to be able to be myself in the job. I would like to have the same respect and dignity available for my transgender brothers and sisters.

It is sometimes very difficult being transgender because of how society views us. We have been labeled as crazy, disturbed, delusional, and I have been personally referred to as an abomination. These are just some of the words that some people have called us. We are none of these words. We are just who we are. We are just us. One day, I hope that they will understand.

In conclusion, I am asking the committee to vote in favor of House Bill 6599. I am asking you to extend the same rights every other American has in the workplace to my transgender brothers and sisters. As living proof that it can work without incident, I, Deja Nicole Greenlaw, ask you to support this antidiscrimination bill. Thank you for your time.

REP. FOX: Thank you.

Robin McHaelen?

ROBIN MCHAELEN: Senator Coleman, Representative Fox, and distinguished members of the Judiciary Committee, I'm honored to have the opportunity to speak in favor of House Bill 6599, AN ACT CONCERNING DISCRIMINATION.

My name is Robin McHaelen. I'm the Executive Director of True Colors. We do education and advocacy for gay, lesbian, bisexual, transgender, intersex, queer questioning, two spirit same gender loving, pansexual, flexual, not straight, not labeling, straightish, heteroflexible, gender bending, gender blending, gender queer, and other, adolescents. Can you tell we work with kids?

We're the only State agency that's dedicated to the needs, solely dedicated to the needs of this population of young people at home, at school, in out-of-home care, and in the community at large. I believe that House Bill 6599 is a matter of basic freedom and equality, that it provides much-needed protections to some of the most vulnerable among our citizens, and that it is fundamentally in everyone's best interest to pass this bill. And here's why.

I've been working with lesbian, gay, bisexual, and transgender youth for nearly 20 years. Over that time, one thing has become clear to me, the primary issue is gender. The more gender nonconforming the child, the more serious the sanctions, everything from name calling, to harassment, to murder. I have worked with kids who've been thrown out of their -- out by their families, rejected by their foster parents, harassed out of school, and victimized on the street, simply because they express their gender in nontraditional ways.

At 16, Crystal, one of the kids we worked with, went to school in a town that supported her identity as a girl, even though her foster mother didn't. The foster mother's abuse increased to the point where the home had to be closed, and Crystal was sent to a new placement, in a different town, in a different school that had no interest in supporting her identity, and no laws that compelled them to do the right thing. Crystal hasn't been to school since.

Tim came into placement at 15 because his stepfather beat him -- for refusing to dress like a girl. He went to four different schools, four different placements, before we found a school and a placement that would affirm and support his male identity.

Research demonstrates that each new placement costs the child six to eight months in emotional development. Look at what the lack of statutory protections cost -- these children.

But gender stereotypes don't just impact and constrain the transgender kids, they impact every one of us. Think about it, can't every one of us tell a story about a time in our lives in which we were told we couldn't, or shouldn't, do something because of our gender? Boys who shouldn't feel or cry or show any emotion except anger, girls who shouldn't excel at math or science or sports or be too good at anything.

Gender biases impact every aspect of our lives, from our clothes, to our toys, to what jobs or leisure time activities we are supposed to want to participate in. And even though many, maybe even most children, find a way to fit in, you have to wonder at what cost.

With gender nonconforming children and adults, I know the cost, in lost families, lost jobs, and lost lives. I support the passage of House Bill 6599 because it protects our most vulnerable citizens. I support it because human decency, basic fairness, and constitutional equality demand its passage. And I support it because when we loosen the rigid boundaries of our gender rules, we are creating more room, more freedom for every one of Connecticut's citizens, and that makes doing the right thing even sweeter, doesn't it? Thank you.

SENATOR COLEMAN: Thank you. Are there questions?

Rep -- Senator Bye.

SENATOR BYE: Thank you, Mr. Chairman.

Welcome --

SENATOR COLEMAN: I get a little confused.

SENATOR BYE: That's okay.

Hi Robin, how are you today?

ROBIN MCHAELEN: Good, Senator Bye.

SENATOR BYE: I want to thank you for your testimony.

ROBIN MCHAELEN: Thank you.

SENATOR BYE: So you work with a lot of youth --

ROBIN MCHAELEN: Uh-huh.

SENATOR BYE: -- which is -- and what age do you think that the discrimination is -- this kind of harassment or bullying around gender issues is at its peak?

ROBIN MCHAELEN: That's an interesting question because I think that it -- it varies by sex. So for children that are born male-bodied, the harassment can begin as early as two or three. For children that are born female-bodied, the harassment usually doesn't begin until about puberty.

Harassment peaks in middle school. Seventh, eighth and ninth grade is when the most intensity of harassment exists, regardless of the issue that a kid's being bullied for. But gender issues peak -- kids know what gender they are by three or four, and so if they're not traditionally gendered, they get -- start getting harassed really early, especially if they were born a boy.

SENATOR BYE: Especially boys. Okay.

We had a hearing in -- in the Education Committee, and one of the principals testified about having a gay-straight alliance and how that was helping, but suggested that middle school is too early to start such a club. When we're hearing about some of -- today we're hearing a lot of testimony about --

ROBIN MCHAELEN: Uh-huh.

SENATOR BYE: -- painful parts of people's lives. What do you say to them?

ROBIN MCHAELEN: I absolutely disagree with that. That -- over the last four months, we've had about 15 referrals for transgender youth, nine of them have been under 10 years old. That -- in terms of sexual orientation, children are coming out -- the average age is 11 to 13. That puts it right in the middle of middle school, and so what's happening is that right now in Connecticut there's about 164 gay-straight alliances in

public and independent high schools across Connecticut. In the middle schools, there's only about three or four or five, and most of them are in magnate schools that run, you know, range from six to 12, you know, 6th to 12th grade.

And yet kids are coming out in middle school in an environment where there's no support whatsoever, and -- and I think the reason that people don't want to talk about it in middle school is they -- they think that the gay-straight alliances are talking about sex, but they're not. They're talking about safety, equality, finding a way for everybody to be -- to fit in, and that's why they're gay-straight alliances. They're not talking about sex, they're talking about relationships and fitting in.

SENATOR BYE: Okay, and -- and I'm sorry, that wasn't exactly on this -- on this bill, Mr. Chairman, but -- but I want to -- I want to get to one other --

ROBIN MCHAELEN: Uh-huh.

SENATOR BYE: -- question, which is -- so you work a lot with youth.

ROBIN MCHAELEN: Yes.

SENATOR BYE: How does a bill like this that addresses workplace --

ROBIN MCHAELEN: Right.

SENATOR BYE: -- protections, and other protections for adults, have a positive impact on youth?

ROBIN MCHAELEN: On youth, okay. One of the ways that -- that it would impact our work immediately is that the Department of Children and Families is

currently the only State agency that already includes gender identity and expression in its civil right -- in its nondiscrimination language. But essentially, that is language that -- without any teeth because they can't have the -- the group homes, the shelters, and other folks nondiscriminate on the basis of -- of gender identity and expression because it goes beyond the statutory requirements at this point. So once it becomes a statutory requirement, it helps us work with DCF to ensure that our transgender kids are given appropriate treatment.

Most of our transgender kids in Connecticut are out of state because unless they are appropriate for foster care, and not every kid is appropriate for foster care -- first of all foster care -- finding foster care for adolescents is always a challenge. But second of all, if the child's not appropriate for foster care, there's not a single group home or shelter anywhere in the state that's appropriate for them.

And so two of our young women, children who were born female -- excuse me, born male, identify as female, have been living as female for at least four years, are now in a group home in Florida where they're being asked to live as boys because there's no place to put them. So I think that one of the ways the law will help, will help us in our work with DCF.

The other way is that if -- Connecticut is one of only about 10 states that protects kids from discrimination on the basis of actual or perceived orientation, and so if this then extends to gender identity and expression, then that will also have an impact on them. Plus, they just know that they'll have -- they'll belong, you know, as they grow up.

SENATOR BYE: Right. You've worked with youth for how many years? I'm sorry, I was upstairs.

ROBIN MCHAELEN: Twenty.

SENATOR BYE: For 20 years.

ROBIN MCHAELEN: Yes.

SENATOR BYE: And so you've watched what's happened with the gay rights movement as gay individuals participate more openly and more -- in other parts -- in all parts of society really now.

ROBIN MCHAELEN: Right. And I think that that's -- having the opportunity to be who you are, and to have who you are affirmed and valued, has made a huge difference to the gay, lesbian, and bisexual youth that we work with.

Having that similar kind of experience for transgender youth will go a long way to making a difference. Especially -- you know, we're working with schools that they've got six-year-olds who are transitioning, you know, a second grader transitioning. Obviously those are social transitions, but at that -- you know, these children are going to grow up, you know, and -- and -- and what -- what's the environment that they're going to grow up into?

SENATOR BYE: Yeah, you sort of answered my question, so -- so you -- do you -- do you think a kind of law like this will have an impact on the culture --

ROBIN MCHAELEN: Yes.

SENATOR BYE: -- so that --

ROBIN MCHAELEN: Something I said?

SENATOR BYE: -- that residents who are transgender, whatever their age, will feel more acceptance?

ROBIN MCHAELEN: Yes. I do. Absolutely.

SENATOR BYE: Thank you.

SENATOR COLEMAN: Representative Hetherington.

REP. HETHERINGTON: Thank you, Mr. Chairman.

At what age do you think a child can reliably report gender identification?

ROBIN MCHAELEN: The research suggests that virtually all children know what gender they are by three, and we're differentiating between sex and gender. Sex is your body, gender is your internal knowing of yourself as a boy or a girl or something more different than that.

REP. HETHERINGTON: Uh-huh.

ROBIN MCHAELEN: When kids identify cross-gender, so they're born one sex, but they identify cross-gender, that usually starts at two or three or four. The research says that what needs to happen then is that you need to pay attention, listen closely, support their identity, and that if they're continuing to identify cross-gender at seven, eight, nine, and 10, then chances are that's a transgender child.

REP. HETHERINGTON: Uh-huh.

ROBIN MCHAELEN: That when they look at -- at the outcomes for kids, that they really fall into three different groups. One group of children identify cross-gender as toddlers and -- and preschoolers, and then at seven, eight, or nine, revert to their -- their birth gender.

Another group identifies cross-gender, and then -- begins to identify as gay at 10, 11, or 12.

And a third group identifies at cross-gender at two or three, and continues to identify cross-gender through their -- their -- their latency age and so on.

And there's pretty strong protocols for how you manage that, and at what ages you intervene and so on. Most of the changes for little ones is just social. It's not -- they're not doing anything to anybody's body at six or seven or eight years old. They're -- what they're doing is letting the child go by the name that they choose, and dress in the way that they choose, and just creating some safety for them to explore and see how that plays out.

REP. HETHERINGTON: The reason that I ask is I've read --

ROBIN MCHAELEN: Uh-huh.

REP. HETHERINGTON: -- as a question I asked earlier, that there is a period of ambivalence --

ROBIN MCHAELEN: Uh-huh.

REP. HETHERINGTON: -- during which children could go one way --

ROBIN MCHAELEN: Uh-huh.

REP. HETHERINGTON: -- or the other. So at what age does that ambivalence get resolved?

ROBIN MCHAELEN: It seems to be seven, eight, nine, 10, in that -- in that age range. It's a long age range because developmentally children are really different, you know, that -- that you look at -- there's a lot of the behaviors that happen

when a kid stays -- cross-gender. So for example, if you've got a female-bodied child who begins identifying as a boy really early, then as that child becomes four or five or six, one of the ways that that continues to manifest, if that's really a transgender child, is that he doesn't want to put on the top of his bathing suit. You know, he wants to urinate standing up, you know, that there's all of these -- these things that continue through their -- their childhood and that stay into the early stages of puberty.

REP. HETHERINGTON: Well, the -- again, just following along that line --

ROBIN MCHAELEN: Uh-huh.

REP. HETHERINGTON: If that ambivalence remains for a period of time, isn't it possible -- or rather --

ROBIN MCHAELEN: Uh-huh.

REP. HETHERINGTON: -- is it -- do you think it's sound to make a determination of gender based upon expression at a time when presumably the child is still ambivalent?

ROBIN MCHAELEN: Here's what I think about that, and here's what the research suggests, is that number one, it -- it's not helpful to put it to -- to force the kid to not express the way the they -- that they're most interested in expressing. So trying to make them not want to be a girl, or not want to be a boy, or not dress as a boy, doesn't help.

It also doesn't help to put them in a transgender box. So what we say, and what -- what the research says is that you listen carefully, and that you don't -- you don't force -- you don't do any changes that are permanent until later in the

- in the youth's life. So for example, if I child identifies as cross-gender at two, three, four, five, six, seven, eight, nine, 10, 11, and then at 12 begins to identify as their birth gender, then you go with their birth gender, you know, that you -- that you work with the child as -- the child as their identifying. And -- and for most kids it's pretty -- it's pretty constant, and for some kids it's more variable, and so you just listen, pay attention, and let them be fluid in their gender.

REP. HETHERINGTON: Uh-huh.

ROBIN MCHAELEN: Nobody does anything that's -- that causes any permanent changes for children until after puberty has begun, until young adulthood, that there's a lot of protocols that now recommend postponing puberty for children that have gotten to Tanner stage one, because if -- and you've heard this, I think, from other folks that have talked about this, that if a child's body is allowed to masculinize or feminize, and it's not the right gender, then they're going to have a lifelong issues of surgery, or trying to fit in, or trying to get read as the -- the person that they know themselves to be.

So one of the ways that -- that doctors are handling it is that they get -- they put them on gender -- I mean puberty-postponing drugs which has no long-term effect. As soon as they stop those puberty-postponing drugs, puberty progresses. And it gives them time to make sure that -- that -- that this is something that they're really certain about.

REP. HETHERINGTON: Do you think that environmental factors are important, that is --

ROBIN MCHAELEN: In terms of?

REP. HETHERINGTON: -- well, for example, a child growing up in a family with strong female figures, or strong male figures?

ROBIN MCHAELEN: There seems to be absolutely no connection between parental influences and children's identity as either gay, lesbian, bisexual, or transgender. In fact, there's been a fair amount of research that there's no connection between parenting and -- and -- and the outcome gay or transgender.

REP. HETHERINGTON: So it's all in -- it's all in there before the environmental factors begin.

ROBIN MCHAELEN: Well, it's some combination of nature and nurture, but nobody knows what the combination is, and it does seem to have more of a -- of a nature perspective. If -- male and female sexuality's also different, you know, there seems to be more biology in male-bodied sexuality than in female-bodied sexuality, but -- but -- but they can't -- if --I think they'll probably figure out what it is when they change the question. A lot of times the question has been looking at people's past and trying to figure out what went wrong, and that every time they look at what went wrong they can't create any kind of causal relationship between this event and this outcome.

I think once the question -- becomes how does gender identity develop, how does orientation develop in a -- in a neutral way where you're not trying to force one outcome or another, then I think we'll probably figure out how this stuff happens, but others, we don't really know.

REP. HETHERINGTON: Okay, thank you.

ROBIN MCHAELEN: Thank you.

SENATOR COLEMAN: Senator Bye.

SENATOR BYE: I just have one other -- one other follow-up on this -- on this question. I'm not so sure it's a question, but having studied child development for a long time, I think that a lot of times we think of the environment as acting on the individual --

ROBIN MCHAELEN: Uh-huh.

SENATOR BYE: -- and that has an impact on the individual. But in fact the individual evokes different things from the environment. So I have a daughter who loves sports, I love sports, we play sports together. She has a stepmother who doesn't love sports, but she still goes out and throws a ball with her because of her love of sports. She evokes that from her. And so I think when we try to talk about genes and environment, it's very hard because it's very bidirectional.

ROBIN MCHAELEN: Right.

SENATOR BYE: You both have an environment acting on the individual, but the individual changing the environment around them by their mere presence and -- and -- and who they are.

And I guess I -- I will ask one other question. I was, this weekend, at a -- at an event in Washington, D.C. where a 75-year-old gentleman got up and talked about how 20 years ago when they were first organizing to help elect openly gay --

ROBIN MCHAELEN: Uh-huh.

SENATOR BYE: -- elected officials, that they had to go to a club, and they had to go in one at a time into the bar because if they were seen gathering

as a group in the particular city where they were, they would have been harassed --

ROBIN MCHAELEN: Uh-huh.

SENATOR BYE: -- by police and restaurant personnel. And so he was in a room with 1,200 out and supporters of out elected officials and he said, I can't imagine what it must have been like -- what -- that in 20 years we came this far.

Now you've been 20 years --

ROBIN MCHAELEN: Uh-huh.

SENATOR BYE: -- with youth.

ROBIN MCHAELEN: Uh-huh.

SENATOR BYE: Working with youths. Youths -- yoots, right?

How -- how have you seen their lives change --

ROBIN MCHAELEN: Uh-huh.

SENATOR BYE: -- as our society, and particularly in Connecticut we've made these civil rights gains because of advocates like you and many others.

How -- how has the lives of children -- and how are they different in 2011 than they were 20 years ago when you first started at True Colors?

ROBIN MCHAELEN: That's an interesting question, and I actually get asked that a lot from folks, and the answer is, it's both changed dramatically and it hasn't changed at all. That there are some young people that we work with -- we just had our annual True Colors conference this past weekend, and there were 3,000 gay, lesbian, bisexual, transgender, queer questioning, da, da, da, and

ally folks, including the Governor, that were at the conference this past weekend, or a couple weekends ago. And some of the youth that were there came out to their families and their family said, okay. They came out at school and their school said, okay, whatever, whatever, right? Nothing, it was nothing.

Other kids came out and their families freaked out. The number one indicator of outcome for kids is the response of their families to their coming out, either as gay, lesbian, bisexual, or transgender. That's the number one predictor.

Tomorrow we're going to meet with a young person in Hartford who -- whose family comes from a culture and a background that doesn't accept orientation, or gender identity and expression, that they believe it's against their -- their religious -- beliefs and their cultural beliefs, and they have a gay son. And so DCF has now been involved because of abuse in that, and what we're trying to do is mitigate with the family to figure out if there's some ways that we can work with them to manage the conflict between their belief system and the reality that their son is gay. How do we work that out in a way that they can continue to -- to love and affirm each other.

So for him, there hasn't been much change. For other kids, there has. It -- a few years ago, we had five kids in one year taken to an exorcist by their caregivers to rid them of their homosexual demons, so it depends on the -- family, it depends on the -- the community, and it -- it depends.

SENATOR BYE: That said then -- then bills like this, how are they important?

ROBIN MCHAELEN: They make a profound difference because what they do is they create a culture of

acceptance. They create an opportunity for schools to do the right thing, for -- for people who want to do the right thing to do the right thing, and they -- they also don't change people's, you know, they don't force other people to believe the same way. They just change how people behave and act, and it creates a culture in which young people are safe to be.

I think that that's probably the most important -- the most important thing. That -- one of the things that happened at the conference with the folks who, you know, there's -- there's 2,500 people in the audience, and having, you know, the Governor and the State Comptroller and you and the Child Advocate and other people saying, you belong, you are welcome here, was profound. And what was interesting though, that it was not just profound for the kids who are in the audience, the adults. Adult after adult after adult came to me and said, wow, that made such a difference, that was so huge. So, you know.

SENATOR BYE: Thank you.

Thank you, Mr. Chairman, again.

ROBIN MCHAELEN: Thank you.

SENATOR COLEMAN: Are there other questions?

Representative Gonzalez.

REP. GONZALEZ: Good afternoon.

When you were saying that you have to meet tomorrow with a family --

ROBIN MCHAELEN: Uh-huh. Uh-huh.

REP. GONZALEZ: -- and you have to work out the, you know, the way they believe and assist them.

ROBIN MCHAELEN: No, I --

REP. GONZALEZ: You have to work --

ROBIN MCHAELEN: -- just to talk with them about how they might want to balance that.

REP. GONZALEZ: Okay. And what will you say if -- if that family -- it won't change --

ROBIN MCHAELEN: It won't change --

REP. GONZALEZ: -- their minds?

ROBIN MCHAELEN: Yeah. Here's -- well on the one hand, our experience has been, and the research shows that most families move from a place of intense rejection, at least closer to ambivalence over a period of time, and often it takes a year or two for families to do that. And that ambivalence greatly reduces the risk factors, so rejection is -- is the highest risk factor. Ambivalence lowers the risk factors for kids.

So to talk with families about what might work for them, and that sometimes -- like for example, with one family that we worked with where there was a really strong religious belief, what they worked out was that the child would not live with -- with them. That the child lived with her sister, the mom's sister, who had a different belief system, who loved and adored her son, and so that was a perfect solution because the mom couldn't have him in her home, but she still loved him and wanted to have a relationship with him.

So this put him in a place where they could both be safe over a period of time and now they talk, you know, they hang out together. He still doesn't live there, so we may never -- it's not

my goal to change their views. You know, it's only my goal to help talk about whether or not there's some ways to manage that -- in their relationship with their kid, because -- if their kid is gay or transgender, they're gay or transgender. That can't change, so what can we do?

REP. GONZALEZ: What will you say if a -- if this female was brought up, nice female --

ROBIN MCHAELEN: Uh-huh.

REP. GONZALEZ: -- went to college, and it was no problem. Got married, got kids --

ROBIN MCHAELEN: Uh-huh.

REP. GONZALEZ: -- and then after, I think it was the third kid, she decides that, well, now she was a lesbian.

ROBIN MCHAELEN: Uh-huh.

REP. GONZALEZ: And I remember that we -- we asked and what was -- why make her change? She said, well, a rough life with my husband. And I was thinking about that. Is that -- it's not -- she's not a lesbian, she got married, she got three kids, and just because she got a rough life with the husband, she's going to turn to the other side because this other female offer her different things and, you know, try to please her, or whatever.

ROBIN MCHAELEN: Uh-huh.

REP. GONZALEZ: And now, I'm -- I'm on the other side because, you know, it's a better life. What do you say about that?

ROBIN MCHAELEN: Well, I say if it was just bad relationships that made people gay, there'd be a lot more of us. But -- but -- but I also will say --seriously what I would say is that the research on women's sexuality is that women's sexuality as -- as a gender, women as a gender have a much more fluid, or -- sexuality than men do as a gender, and that it's not uncommon for women to -- to have a predominantly heterosexual, or a predominantly gay orientation, and then meet one person and fall head over heels in love with that person. That when you look at the trajectories for women, it's very different.

Now she said the reason I'm with her was because I had a bad relationship with men. Sometimes people try to explain things to themselves in ways that, it's not a causal, you know, it's not a causal -- her bad relationship with men didn't cause her to be attracted to women. She had a bad relationship, and she was attracted to this woman, and those two things were not necessarily related.

So she could have -- one idea is that she could have had feelings for women all along that she rejected. She could have been fully engaged with men and then met this woman. There's women in college that will have relationships when they're in college with other women, and then when they leave college, they're attractions to men reemerge.

There's kids in the system who go gay for the stay. You know, that they, while they're in the system, have a -- have an orientation -- you know, that are attracted to other girls, but then once they leave, attractions to men reemerge because it's just the nature of female sexuality.

REP. GONZALEZ: And how can you explain when -- when a person tells you, I like both?

ROBIN MCHAELEN: They like both. That people have -- there's some -- some people think that -- that bisexuality, or the ability to be attracted --

REP. GONZALEZ: It -- do you think that -- that they're -- for some way they are confused because --

ROBIN MCHAELEN: I don't.

REP. GONZALEZ: -- you like both?

ROBIN MCHAELEN: I don't. Yup. I think that there are some -- there are many people who are attracted to people regardless of their gender. They're attracted to the individual, and so -- even people who are bisexual are usually not 50-50, you know, like if -- I like to think of orientation like this. So I might be oriented -- like for example, for me, right? I'm oriented towards women, but that doesn't mean I've never been attracted to a guy, or had attractions or relationships with men, it's just that my orientation is largely towards women. And that if you think of it that way, as opposed to a place on a -- a continuum that you get in and stay there for the rest of your life. That doesn't seem to be humans' experience.

REP. GONZALEZ: It's -- it's very confusing for me, and I believe that it's going be -- it's going to be worse for the kids in school.

ROBIN MCHAELEN: But you know what?

REP. GONZALEZ: That's -- that's my -- let me -- let me finish.

ROBIN MCHAELEN: That's okay.

REP. GONZALEZ: For me, that is -- is confusing, you know --

ROBIN MCHAELEN: Uh-huh.

REP. GONZALEZ: -- and -- and -- and I can establish, you know, some things, but if I see that it's confusing for me --

ROBIN MCHAELEN: Yes.

REP. GONZALEZ: -- I think about those kids, five, six, seven, eight years old --

ROBIN MCHAELEN: Uh-huh.

REP. GONZALEZ: -- how they're going to be able to accept this, and they're going to be confused and always a question about the mother and the father, what it says.

ROBIN MCHAELEN: Uh-huh.

REP. GONZALEZ: You know, can I dress girls? I'm a boy. This, I think, is going to be a -- very, very confusing for kids. And I think that we should honestly think about this. I think that this is serious. It's not, you know, it's my opinion.

ROBIN MCHAELEN: Uh-huh.

REP. GONZALEZ: We should be looking into this more seriously because I don't think we're going to have it, but my God. God just help us. We don't know what's going to happen, you know, with those things.

ROBIN MCHAELEN: Can I -- can I tell you one quick story?

REP. GONZALEZ: I can tell you -- I can tell you another one, but, oh, yes.

ROBIN MCHAELEN: What -- okay, all right. But here's one. That one of our transgender kids is a six -- is a six-year-old and -- and so she started the school year as a boy, and then halfway through the school year transitioned to a girl. And -- and the teachers and a lot of people were having a hard time with it, but a new kid came into school and so the other six-year-olds were -- introducing this kid -- this kid to this transgender child and they said, this is so and so, he used to be a boy but now she's a girl, and they moved on.

And so very often the little ones have much more flexibility in this than the -- than us who are older. And -- the kids that I work with, all of the language is heteroflexible, straightish -- and that, you know, language that suggests that they recognize that sexuality is fluid.

REP. GONZALEZ: I can tell you a story about this girl that -- she was adopted and she was --

ROBIN MCHAELEN: Uh-huh.

REP. GONZALEZ: -- the state -- she was adopted, and the parents, they were both females.

ROBIN MCHAELEN: Uh-huh.

REP. GONZALEZ: And it got to a point that she ran and she left the house and she was a runaway kid, and every week it was the same problem. Until one day, she -- she said, I can't take this anymore. She said, I should sue the State because instead of giving me a mother and a father, they gave me two mothers. And the girl was unhappy.

ROBIN MCHAELEN: Uh-huh.

REP. GONZALEZ: And that caused the girl, you know, to be out there on the street, and her life was terrible until, you know, somebody decided to get in and help her. And that's what I'm saying.

ROBIN MCHAELEN: Uh-huh.

REP. GONZALEZ: That -- it's nothing against gays and lesbians, or anybody in their family got a gay and lesbian, and that's for sure. You know, and we should -- love them and not to abuse them, that's one thing. But -- but I think, honestly, that we should look into -- into this very seriously. I don't think that it's something that we should just jump on conclusion because right now you have gay marriage. It's there.

ROBIN MCHAELEN: Uh-huh.

REP. GONZALEZ: You know, it's there. And I heard a story about a company that -- that has to do -- put in a new bathroom because, you know, female -- a guy changed to female, and now the male, the females, they don't want to go into the bathroom.

So this is going to create I don't know what out there, but honestly, I -- I believe that this is a serious -- you know, yes, we have to think about, you know -- the gay person, yes. No -- we have to. But also we have to look into the other case, we are not -- and they don't -- they are not like that, and the families, and this is a serious, serious (inaudible) thing, and we should look into this very seriously. We should just help, you know, a group and maybe, you know, just -- just look around and -- and not look, you know, and try to protect the other group. This is serious. And -- but thank you.

ROBIN MCHAELEN: Thank you.

REP. GONZALEZ: You do have a lot of information.

SENATOR COLEMAN: And are there other questions or comments?

If not, thank you very much --

ROBIN MCHAELEN: Thank you very much.

SENATOR COLEMAN: -- for your testimony.

David McGuire's next.

DAVID MCGUIRE: Good afternoon, distinguished members of the Judiciary Committee. My name is David McGuire. I'm a staff attorney with the American Civil Liberties Union of Connecticut, and I'm here today to urge you to vote in favor of House Bill 6599, AN ACT CONCERNING DISCRIMINATION.

Transgender people often face pervasive discrimination in virtually every aspect of life. Discrimination based on gender identity or expression is a serious and real problem in Connecticut. At the ACLU of Connecticut, we receive countless phone calls and letters from transgendered people and their families regarding discrimination.

People who do not perfectly fit in the conventional ideas of male or female gender roles are often victimized when engaging in activities most people take for granted, such as checking into a hotel, attending school, eating at a restaurant, or using public transportation.

In 2004, the Connecticut Legislature demonstrated its understanding of the challenges faces by transgender people when it passed a transgender-inclusive hate crime law. In 2000, the Connecticut Commission on Human Rights and Opportunities issued a ruling indicating that

transgendered people are protected under -- existing Connecticut sex discrimination laws. These are important steps to protect transgendered people, but more is needed.

It is fair to say that most people in Connecticut are not familiar with the CHRO rulings, let alone the significant ruling I just mentioned. Connecticut has no explicit laws protecting transgendered people from discrimination in employment, education, housing, and public accommodations. Adding the phrase gender identity or expression to -- to current nondiscrimination laws, will codify statutory protection for transgendered people.

This addition will formalized protection and educate the public of Connecticut that it is unlawful to discriminate against people due to their gender identity or expression. As has been noted, 13 states and 110 cities in the country have adopted similar protections, covers almost 40-percent of the United States, and there have not been issues like some of the people who have testified about complications of making this a protected class. That has not turned out to be the case in those -- those states.

Please vote in favor of this important bill that adds gender identity and expression as a protected characteristic to Connecticut's nondiscrimination laws. This act will ensure a more fair and just Connecticut. I'll be happy to answer any questions you might have.

SENATOR COLEMAN: Are there questions for Mr. McGuire?

Seeing none, thank you very much for your testimony.

DAVID MCGUIRE: Thank you.

SENATOR COLEMAN: Quinton Johansen.

QUINTON JOHANSEN: Thank you.

To the Chairman, and members of the Connecticut Judiciary Committee, I'm here to speak for the passage of H.B. 6599.

I am a female to male transsexual who 99.99 percent of the time simply thinks of myself as a man. I am one of the lucky ones. I have worked for the same employer for almost 20 years and successfully transitioned from a female gender identity to a male one, keeping my job. I had the great good fortune to have an employer, a small employer, and coworkers who accepted the change smoothly.

However, it is my considered opinion that their acceptance was made easier because I was going from female to male, not male to female. Our society still gives an edge to men as more valued than women despite much progress made by women toward full equality. Our society and our courts have, for a while now, accepted that women can wear pants and other elements of masculine attire and keep their jobs.

There's the Supreme Court ruling in the Price Waterhouse case that was actually one of the foundations to the CHRO rulings.

I have personally known male to female transsexual persons in highly technical fields who were treated by fellow employees as if they had lost half their brains when they transitioned from male to female. They most certainly did not lose half their brains. What does that say about the -- attitudes toward women in those same fields?

I testified at a school board meeting when a male to female teacher was fired. I did it to show the other face of transgender. She had the support of the students and parents, but the school board had already made up their minds. And I'll add here that in my recreational life, I'm a Roman army reenactor. That means I wear dresses and open-toed sandals on occasion in public. The Romans conquered the worlds wearing mini-dresses and open-toed sandals. I'm not always in armor, and I do get some pretty funny looks when I'm dressed that way.

We here in Connecticut have already expanded out hate crimes legislation to include gender identity and expression, but that does not protect a person's right to have a job or a place to live. And while the CHRO ruling several years back was a help, we need broad anti-discriminatory protections with the force of law to include gender identity and expression.

Other people deserve the same good fortune that I have had and continue to have. We are valuable members of society with much to contribute as workers and as residents of this state and don't lose our value due to our gender identity or expression. I ask that you vote to move this legislation forward as it stands. Thank you.

SENATOR COLEMAN: Thank you.

Are there questions?

Senator Bye.

SENATOR BYE: Thank you.

Just quickly, I'm struck by your testimony. You're the first one to talk today about it being easier to transition from female to male,

compared to male to female. And -- and you think that is why? Just --

QUINTON JOHANSEN: I still think -- well, I think society feels more threatened when men assume women's role. They're seen as stepping down and it's a threat to masculinity. I -- actually, as part of my process of transition -- I transitioned a little bit later in life. I'm going to be 59 years old, so I grew up at a time when it was -- I didn't even know the words for what I was feeling. I had no words for it.

SENATOR BYE: Uh-huh. Uh-huh.

QUINTON JOHANSEN: But our society still, I think, values men, and feels threatened when men put on dresses to put it (inaudible) --

SENATOR BYE: Yeah, it's interesting --

QUINTON JOHANSEN: -- which is why I used the example of the Roman army.

SENATOR BYE: Yeah, yeah, yeah.

QUINTON JOHANSEN: I take photographs of myself dressed in Roman attire to classes when I talk about gender to show how society's style of clothing has changed, and that there's no one gendered way to read clothing. It's -- it's -- as far as I'm concerned, a total cultural construction what gendered means for clothing.

SENATOR BYE: That's interesting. We're talking a lot about the environment and genes today, and so you're talking about cultural shifts in terms of what's accepted, and that men -- have a much more narrowly prescribed set of --

QUINTON JOHANSEN: Much more narrowly prescribed.

SENATOR BYE: -- set of -- set of rules to follow. It's interesting. I would say that gay men as young boys definitely face more harassment than young girls who are gay. And it's -- so sort of like who would -- who would ever want to be a woman if you're a man sort of thing. Is that -- that -- is that what you're saying?

QUINTON JOHANSEN: Yeah, to -- yeah.

SENATOR BYE: Okay.

QUINTON JOHANSEN: And -- and that's one of the areas where women don't understand this because I, you know, they'll understand female to males because I'm seen as betraying the sex.

SENATOR BYE: Huh, okay, well -- thank you for your testimony.

Thank you, Mr. Chairman.

SENATOR COLEMAN: Thank you, Senator.

Other questions?

Seeing none, thank you very much.

Briggitte Brown.

BRIGGITTE BROWN: Good afternoon, honorable members of the Judiciary Committee. My name is Pastor Briggitte Brown, and I currently reside in New Britain.

I am a pastor, social worker, community organizer, current MSW school of social work student. I am on the Student Governance Council at Smalley Academy, and also the Chairperson of the North-Oak Revitalization Zone. The purpose of me testifying today is to help in the efforts

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Seeing none, thank you for your appearance here today.

BRIGGITTE BROWN: Thank you.

SENATOR COLEMAN: Jerimarie Liesegang.

JERIMARIE LIESEGANG: Thank you very much.

I would like to thank the -- this -- members of the Judiciary Committee for allowing me to speak in unequivocal support of House Bill 6599, AN ACT CONCERNING DISCRIMINATION.

My name is Jerimarie Liesegang and I'm Director of the Connecticut TransAdvocacy Coalition. I am here to speak both on behalf of the Connecticut TransAdvocacy Coalition as well as a transsexual woman who has faced significant discrimination within the state of Connecticut.

I founded the Connecticut TransAdvocacy Coalition many years back as a result of a severe discrimination against, and minimal visibility of, the transgender community. In Connecticut, my organization routinely receives calls from transgender people under stress of having just lost their job or not able to secure employment because they are transgender.

Just over the last few weeks, I was contacted by a trans person who was concerned that since she just transitioned, her State pension and medical coverage might be in jeopardy. I was also contacted by a case worker trying to locate a transitional housing facility that would not discriminate against her transsexual client, and finally, I was contacted by a transsexual person who was being harassed at their place of employment.

A recent Greater Hartford survey we did supports the national statistics that 50 percent of transgender persons experience employment discrimination, and for the remaining minority fortunate enough to be employed, most realize annual salaries of less than $15,000, that housing discrimination exceeds 40 percent, and that nearly 50 percent lack any type of health insurance. These statistics truly represent the extent of discrimination that trans people in Connecticut face every single day.

Personally you have heard my story in prior testimony of discrimination. I had a thriving business in Connecticut that employed up to 10 -- 12 technical programmers, and sadly when I transitioned, I had lost all my contracts due to discrimination and not dealing -- being able to deal with me as a trans person. And I had to -- finally shutter and close my business.

Though I searched for a new job, it took me over three years to find an employer that would look beyond my being a transsexual and recognize that I could be of value to them. I lost -- I also lost in divorce my -- custodial access to my children. I lost so very much in my life, simply because I am a transsexual. Yet I also learned about true friends and people who did not judge me simply upon stereotypes or rigid statements of bigotry, but rather took the time to see that I am an intelligent and warm human being.

I will also say that there is light in all of this misery. The company that did -- finally hire me, The Hartford, realized the value that a trans person can be to a corporation, and two years ago, modified their EEO policies to include gender identity or expression.

The City of Hartford, which has experienced several transgender employment discrimination

lawsuits, passed an ordinance in January of this year that included gender identity or expression in its antidiscrimination policies.

DCF modified its policies to not discriminate against transgender people. Transsexual parents are not treated as sick people any longer within our divorce courts or our child custody courts.

Numerous companies, churches, universities, and colleges, modified their EEO policies to include gender identity or expression. Sadly however, we are still here each year asking the State of Connecticut to align its -- nondiscrimination laws with many of these major corporations, businesses, social service providers, and churches.

I urge you all to hear my story, the story of all those who testified today, or have submitted written testimony in support of this legislation, and to support the transgender community in being productive, useful, and contributory citizens of this wonderful state. This legislation is not about special rights, it is about basic human rights. Thank you very much.

SENATOR COLEMAN: Thank you. Are there questions?

Seeing none, thank you very much.

JERIMARIE LIESEGANG: Thank you.

RACHEL GOLDBERG: Good evening. My name is Rachel Goldberg. You have my written testimony, but about seven hours (inaudible). Attorney McDonald told my story, or at least part of my story.

So I've spent the last several hours thinking about whether I want to do what I usually do and talk about the Declaratory Ruling by the CHRO which was prompted by my petition, or whether I

want to talk about when in my life I became aware that I was transgender, not that that was a word in my lexicon in 1962-ish, when I was in first grade.

And I decided that I'm a lawyer, there have been lots of lawyers in the room today, and you all can read the cases, as recently as a few months ago, which say that the CHRO Declaratory Ruling is the law of the state. The problem is you don't know that, if you're an employer, unless you end up in court because you fired somebody.

What does this law really do? It changes a sign that employers have that say they don't discriminate on the basis of anything that's listed in the statute. If we list this in the statute, a lot of the legal stuff goes away because it's now clear.

The Declaratory Ruling has been there for ten years, and it's been supported by the courts. It's not a departure from the trends in the law. The trends in the law all across the country are interpreting Title VII exactly the way CHRO interpreted our laws about sex. To me it makes perfect sense. I was born Jewish. My employer can't fire me because I'm Jewish.

If tomorrow I convert to Christianity, they can't fire me because I'm now Christian. They can't fire me because I changed from one to the other. Why then could one be fired for changing their sex, if you will, from male to female, or female to male?

It doesn't make sense because discrimination doesn't make sense, but it costs everybody. It costs the person who is being discriminated against. It costs the person who's doing the discrimination, and it costs the state -- it costs -- whether that person now has to go on

unemployment. We've heard stories about people who have been fired. I've represented those people.

And so passing this bill is not going to stop discrimination. What it's going to do it's going to tell people this is the law, this is what you must follow, and everybody will be starting on the path to back this equality and justice that we look for.

Thank you.

SENATOR COLEMAN: Thank you.

Senator Kissel.

SENATOR KISSEL: Thank you very much, Mr. Chairman. Ms. Goldberg, was I correct, didn't we work on a task force or a study group--

RACHEL GOLDBERG: Yes, we did.

SENATOR KISSEL: -- (inaudible) eminent domain. How many years ago was that?

RACHEL GOLDBERG: About three or four years ago.

SENATOR KISSEL: Three or four years ago.

RACHEL GOLDBERG: It was the -- we had the ombudsman --

SENATOR KISSEL: -- That's right.

RACHEL GOLDBERG: -- for real property and the General Assembly required a report on the feasibility of amending our relocation laws in eminent domain to include payments for business, the costs, or losses to business goodwill.

And, thankfully, Attorney McDonald and the

Governor kept me as an employee in the city of Stanford that allowed me to serve on that committee.

SENATOR KISSEL: Well, my recollection is you brought a lot of insights regarding what took place in Stamford, and I appreciate your -- you've been here all day, and you're patient. We've been trying to get this legislation through for years and years and years. I think maybe this is the year.

And, you know, some people feel very strongly in opposition to it (inaudible). But one of the major things that I don't understand is, this is to codify what is already the law of the land, and this is to put it in nice big letters and the statute books so that somebody who's potentially going to be discriminated against can say, no, it's right here. Let's open up the statute book.

Also, some of the other concerns -- I don't -- I mean given the stories that we have heard all day long, I don't see anybody pretending to be a transgender to sort of gain the system to get some opportunity, because folks that go through this are fighting an uphill battle, losing their jobs, having difficult times with family and friends.

And this has got to be, in many respects, one of the most difficult and traumatic processes that a human being could go through and unless you felt compelled to do this, I don't think people would willy-nilly go about doing this.

And so the testimony here today has been really -- as it always is -- I can't tell you how many hearings we've had on this, but it's always compelling, and I really appreciate your patience, and it's a pleasure working with you on that. (Inaudible).

RACHEL GOLDBERG: Thank you. If I could just say something -- of course, when you have lawyers, and the only -- the argument that says in Connecticut you cannot do this is a decision by the CHRO and some superior court cases and some second circuit cases.

There's a lawyer that works for the employer who's going to say we can beat that, and that's why we're in court. Getting it codified is really important.

And, unfortunately, I don't know a single person, no matter how well their transition has gone, who hasn't gone through this process unscathed in some way.

Thank you.

SENATOR COLEMAN: Chairman Fox.

REP. FOX: Thank you, Mr. Chairman, and good -- now, good evening, Attorney Goldberg. I know you've been here all day. And I just -- I know you came here from Stamford, so I wanted to welcome you here to the Legislative Office Building.

You're someone who's been extremely knowledgeable about this issue, you know, even -- and especially when it comes to the case law and to the history behind it, which is helpful to me, and I think to other members of the committee.

I do remember when you transitioned yourself, and you're right in that you were fortunate to have the support of your employer as well as your supervisor at the time, and now you still continue to be a valued employee with the city, so thank you for being here today.

RACHEL GOLDBERG: Thank you. And by the way it was

the probate judge when I changed my name was Fox. He was terrific.

REP. FOX: Oh, thank you for that too.

SENATOR COLEMAN: Representative Carpino.

REP. CARPINO: Thank you, Chairman. Thank you for sitting here all day. And I know that ride, so thank you very much and safe travels home.

RACHEL GOLDBERG: Thank you.

REP. CARPINO: Personally, I don't want to see anybody discriminated against for any reason, but as an attorney I was hoping you can help me try to figure something out that I haven't been able to grasp all day -- knowing that it's an internal identification and not that one that is necessarily easily identified at certain points in the process in hearing some testimony today that it is a fluid process.

Where does the burden of proof lie, and how can we maybe clarify some of this going forward for people who may not necessarily understand or can visibly see what someone may be going through?

RACHEL GOLDBERG: I would suggest that any time someone is going to remove a right from a citizen of the state the burden of proof should be on whoever is trying to take away their right.

Any client of mine has a right to go to school; has a right to keep a job; has a right to go and use a restroom. I, personally, have Crohn's disease; sometimes, you know, it's the closest bathroom when I'm having a flare-up.

If anybody's going to take away a right, the burden of proof has to be on the state or the party who's going to deprive another individual

and citizen in this state of that right. And the burden of proof needs to be you're not who you say you are, not prove to me that you belong here.

REP. CARPINO: And I appreciate that, but when we're thinking more immediate, when there is a bathroom incident, or something where there's not a lot of (inaudible) and no one wants to truly offend, is there some way that we could streamline this process so that everybody would be protected and no legitimate rights would be taken away without insulting or dwelling really into the privacy of the individual?

RACHEL GOLDBERG: Well, the experience is it's really a nonissue. There are no cases -- I do a lot of training for employers, Fortune 500 companies, Fortune 1000. The State of Connecticut; I've done trainings for Connecticut DOT and some judiciary departments. Bathrooms are sometimes a concern; they are never, in actuality, a problem. Segregated facilities such as locker rooms are always a concern; in reality they're never ever a problem.

When I transitioned in Government Center in Stamford -- it's a ten-story building, 285,000 square feet, something like that. On each floor there's a men's room and a women's room. And when somebody from HR asked me about the bathroom, I said, I promise I will never ever use the bathroom -- lady's room -- on the second floor.

And if anybody has a problem being in a bathroom with me, they can use that bathroom, and they know that I'll never be there. Nobody (inaudible); it's not an issue.

Out in the public arena, whether it's a restaurant, or a gas station, or whatever --

well, gas stations are usually single occupancy -- there's this whole fear that's put into your brains that there's some sexual predator out there that's going to pretend that they're trans, and they're going to put on a dress, and they're going to walk in and attack some poor soul.

It doesn't happen anywhere. What you're trying to do is find the rule to protect against something that doesn't happen, and that's partly a frustration of mine. The other part of the frustration is that it's so difficult for people to transition.

Frequently, where one is economically has a huge impact on what you can accomplish, how quickly you can accomplish it. If you're worried about keeping your job, the last thing you're going to do is change your driver's license and have an ID -- well, (inaudible) actually you've been working, having an ID that's different from the name on your social security card, you know.

And people progress at different rates. And people are able to obtain the surgery, and some people aren't. People want surgery; some people don't. So there's not an easy way to say, here's an ID card that proves that you're really supposed to be in this bathroom. (Inaudible). I go to the bathroom. I close the door. I come out. I wash my hands, and I leave.

Sometimes in the office building we would chat about some people -- actually more so now than before --

REP. CARPINO: Thank you very much.

RACHEL GOLDBERG: -- but it's not really a problem.

SENATOR COLEMAN: Representative Hewett.

REP. HEWETT: Just a quick comment. I'm so glad you came. You really -- I think you opened up Connecticut's eyes to this.

One thing I found out about being here today sitting out in the hallway that we have Jewish transgender, we have white transgender, we have black transgender, and we almost -- from some of the height of some -- we've almost got a basketball team. (Laughter). But you've educated me here today on a lot of stuff, I'm glad you came. Thank you.

RACHEL GOLDBERG: Power forward. (Inaudible).

REP. FOX: Are there any other questions?

Attorney, Goldberg, if I could follow up with something, because Representative Carpino asked a good question in that, you know, one thing is how do you know when -- I think seems to be what she was asking, but the -- what is your understanding of the current case law? Is there anything in this bill that would change anything from what the current case law is now?

So if somebody was in the same situation and this bill was not there, it's your understanding that the case law would, at least for the most part, support them -- it's just that we're not clear.

RACHEL GOLDBERG: I'm trying to think of a case of litigation over bathrooms.

REP. FOX: Forget about bathrooms, I guess, but just if you're -- I know we all seemed to be focused on that, but I'm just saying in general terms just the -- who has the burden, etc.

RACHEL GOLDBERG: Employment discrimination cases are really very, very hard. I don't litigate them

anymore. About ten years ago the City's Redevelopment Agency convinced me to go inside, and I take only a limited number of private cases to make up the income difference.

I can't afford to do employment discrimination cases. (Inaudible). They're very expensive to bring, and they're tough to prove, and people don't want to bring them because it makes it hard to get employed again.

So nothing changes in terms of how one (inaudible) a case of discrimination. The Doe Ruling is going to be the same as it was this week -- in six months if we get it passed, and the Governor has signed it by then and it's now October, and it's in effect -- that doesn't change.

It's a tough case to bring. It's an expensive case to bring, and nobody wants to bring them. That's why I want it on that sign.

REP. FOX: Okay. Well, thank you very much for your testimony; thank you for being here today.

RACHEL GOLDBERG: Thank you. I hope I answered your questions.

REP. FOX: Thank you.

SENATOR COLEMAN: Dr. Mark Buchanan.

DR. MARK BUCHANAN: I'm sorry. I thought it was on from the last presenter. SB1182

I'm Mark Buchanan, Medical Director for Correctional Managed Healthcare, a division of the University of Connecticut Health Center that arranges and provides healthcare in the state's prisons and jails.

the (inaudible) in the bill. We check the medicines that people take. On admission we interview the patient. When necessary, we confirm the dosages with the community pharmacy, but then our physicians have to be free to use their professional judgment just as all of their peers are free who are not practicing behind bars; therefore, I urge you to reject this bill.

I'm happy to entertain questions or comments from anybody.

SENATOR COLEMAN: Are there questions for Dr. Buchanan? Hearing none.

Thank you, sir for your testimony.

Dr. MARK BUCHANAN: Thank you.

SENATOR COLEMAN: Megan Stabler.

MEGHAN STABLER: This is the other member of the basketball team coming here today. (Laughter).

Chairman Senator Coleman, Chairman Representative Fox, and members of the committee, I want to thank you for allowing me the opportunity to testify here today.

I'm a strong supporter of Raised House Bill 6599, AN ACT CONCERNING DISCRIMINATION, which would add gender identity and gender expression to the existing Connecticut nondiscrimination statutes.

My name is Meghan Stabler. I'm an IT Business Executive working with the Department of Defense, Intelligence Agencies, and also Federal Agencies. I am a transsexual woman and a transgender fairness and equality advocate. I serve on the Board of Directors for the Human Rights Campaign, which is the largest national LGBT civil rights organization.

I'm also a member of HRC's National Business Council, which is a group of business executives that provides real-world examples, advice, and expert counsel on LGBT workplace issues based on corporate experience and knowledge, to the Human Rights Campaign.

The need for protections offered in H.B. 6599 is real. There is extensive evidence that transgender employees are regularly harassed, fired, not hired, and passed over for advancement without regard for their merit.

A recent 2011 study from the National Gay and Lesbian Task Force, and NCTE, titled *Injustice at Every Turn*, found that transgender workers saw double the percentage rate of national unemployment with rates for people of color up to four times that.

Experienced widespread mistreatment at work; 90 percent of those surveyed reported experiencing harassment, mistreatment, and discrimination on the job; 47 percent said they had experienced an adverse job outcome, such as being fired, not hired, or denied a promotion.

One-quarter, 26 percent, reported that they had lost a job due to being transgender or gender nonconforming.

Respondents who had lost a job due to bias also experienced ruinous consequences such as four times the rate of homelessness compared to those who did not lose a job due to bias.

Yet when supportive states, and companies, have inclusive laws that the vast majority of those who -- we find that the vast majority who transition from one gender to the other reported they felt more comfortable at work and, in fact,

their job performance improved. And I can personally attest to this fact.

Discrimination here in Connecticut mirror those of the survey and are equally alarming, indicating widespread discrimination based on gender identity and expression.

Here in Connecticut 83 percent of individuals reporting said that they had experienced harassment or mistreatment on the job; 27 percent of transgender people in Connecticut have lost a job; 24 percent were denied a promotion; 43 percent were not hired.

Today, as we've heard in 38 states, it's legal to fire somebody because of their gender identity or expression. Let me repeat that. In 2011, 38 states, including that of Connecticut, say that I can be fired because of my gender identity, regardless of my job performance or merit. As I said, Connecticut is one of those 38 states. But 12 states, and the District of Columbia, currently prohibit discrimination based on gender identity.

And the clear trend is in favor of extending discrimination laws to prohibit discrimination based on gender identity and expression. In addition to these 12 states, hundreds, hundreds of local municipalities and cities have enacted similar ordinances and many American companies have policies protecting their LGBT employees.

Adding gender identity and expression to the existing Connecticut nondiscrimination statute does not create special rights. It simply affords protection from discrimination based on -- some of the things we've heard today -- irrational and meritless prejudice. The importance of nondiscrimination laws cannot be overstated.

Symbolically, they say to citizens of Connecticut, judge your fellow citizens by their integrity, their character, their talents, not by their gender identity, or their race, or their religion for that matter. These laws also say that irrational hate or fear have no place in Connecticut's work place.

Chairman Coleman, Chairman Fox, members of the committee, in recent polls, 71 percent of Americans agree that job performance should be the standard for judging an employee, not whether they're transgender, or gay, or lesbian.

Americans rightly believe that their hard-working friends and neighbors should not be denied job opportunities, fired, or otherwise discriminated against just because of their gender identity. Yet law, and what we see today, is that society has lagged behind the reality of American life.

Connecticut will not be pioneering with the update to this statute, but following what so many other states, local municipalities, and city governments have enacted over the last decade. It will also bring state law in line with the corporate world here in this great state.

Transgender Americans -- transgender people are Americans who lead incredibly successful, stable lives, and are dedicated parents, like myself. We contribute immeasurably to our community, this state, and the country. I know, because I'm one of them.

Work is central to our lives. Our jobs enable us to support our families, develop our talents, contribute to our communities and our country, and realize our dreams.

We all share the challenges of an economic

downturn. But for far too many hardworking transgender people, those pressures are intensified by the fear that they can be denied job opportunities, fired or otherwise be discriminated against because of who they are.

Transgender Americans, like everybody else, want their success to reflect their skills, their ambition, performance, and dedication. But this modest goal is not a reality for many transgender people.

Because an employer in the state may legally fire, refuse to hire, or fail to promote an employee based upon gender identity or expression, transgender people are at a great disadvantage in the workplace.

America's top corporations and businesses know that in order to remain competitive, they must recruit, and retain, the best possible talent, including members of the transgender community.

We are a country predicated on equality, occasionally road blocked by discrimination, which is overcome through courage and fairness. Over the years we evolve and embrace a more inclusive vision of what that means for this great country.

Given our country's current economic condition and unemployment rates, it's even more absurd than ever to marginalize an entire group of workers based on gender identity.

Passing H.B. 6599 will ensure that everyone can enjoy the freedom of life, succeed in the workplace, and contribute to the State of Connecticut.

As you already know, and have heard, some major corporations located here in the state have

already adopted nondiscrimination policies to protect their transgender employees including: Aetna, Diageo, Hartford Financial, UBS, United Technologies, and Xerox Corporation. These employers set dress and grooming standards for their transgender employees consistent with the employees job function and based on the employee's affirmed gender identity.

They join over 337 Fortune corporations across America including, BP America, Citigroup, Coors Brewing, Ernst & Young Deloitte, General Mills, General Motors, Kaiser Permanente, Marriott International, Microsoft, Nike -- one of my favorite drinks -- Starbucks -- thank goodness for that today, and Time Warner who through policy and real-world practice have already assured workplace fairness and equality for transgender employees.

These corporations understand that fairness and diversity are good for business. Companies that are located here in Connecticut, and are within the scope of this bill, should meet the same standards.

I humbly and respectfully ask the members to assure workplace fairness by passing H.B. 6599 out of committee. I sincerely appreciate the opportunity to testify today, and I look forward to addressing any questions you may have.

I also want to say thank you, Senator Bye, for adjusting things to get me on here quickly.

SENATOR COLEMAN: Thank you.

Are there questions?

Senator Kissel.

SENATOR KISSEL: Yeah. I'm a little confused because

I thought we were merely codifying a CHRO decision, but in your testimony you stated that it's still lawful in Connecticut for an employer to fire someone simply because of their transgender nature.

MEGHAN STABLER: Correct. I think that -- by codifying it you will actually enact that companies can't go ahead and fire them.

Companies have moved ahead by themselves to actually put EEO policies into their workplace practices, so they can protect their employees.

So when I looked at the statute, it's basically saying by adding gender identity and expression into existing statute, whether it's sexual orientation today, you're actually saying that we're codifying this and that we are protecting anybody that's transgendered working for companies, corporations, as well as visitors to the state.

As somebody that does come to this state to work with some of these corporations --

SENATOR KISSEL: I understand that, but if -- it's like we're in the -- we've placed us in the category where we don't have protections, but I sort of view it as we're sort of --

MEGHAN STABLER: Leaning?

SENATOR KISSEL: -- we're almost there.

MEGHAN STABLER: Yeah.

SENATOR KISSEL: We just haven't codified the ruling of the CHRO.

MEGHAN STABLER: Yeah. I apologize if I didn't make that clear. Yes. You are on the cusp, as I

would put it, of making it (inaudible).

SENATOR KISSEL: So would it be fair to state, that given the CHRO decision, that it's unlawful for a business to fire someone for -- because they're transgender. It just would be -- you'd have to go to court and fight over it and --

MEGHAN STABLER: Correct. Yes.

SENATOR KISSEL: Thanks.

SENATOR COLEMAN: Are there other questions?

In that case, thank you for your testimony.

MEGHAN STABLER: Thank you for your time.

Thank you.

SENATOR COLEMAN: Hope you catch your (inaudible).

Tasha Schaedler?

TASHA SCHAEDLER: Thank you.

SENATOR COLEMAN: Thank you, (inaudible).

TASHA SCHAEDLER: I'd like to thank the Chairs, Senator Coleman, Representative Fox, and other distinguished members of the Judiciary Committee for allowing me to speak in support of H.B. 6599, AN ACT CONCERNING DISCRIMINATION.

My name is Tasha Schaedler, and I'm a 15-year-old Avon High School student. I'm here to speak on behalf of my legal guardian Jerimarie Leisegang, and all other transgender people everywhere, but from a teenager's point of view.

I should probably start with a little background. I lived with my grandparents for nine or mores

since I was either three or four. They were extremely straight and had no love for anything out of the ordinary including the LGBT community. My father is the same way as is my stepmother. Sadly, they have no love for Jerimarie because she is different.

While a custody issue for my two brothers and I was in full swing, my father and stepmother did everything in their power to stop me from going to live with my mother because she lives with a transgender. However, that notion failed. Come August, I will have lived with mom and Jerimarie for three years.

Let me tell you that I am still the same person I have always been although my life skills have improved thanks to mom and Jerimarie. Jerimarie is a great help with my math and science homework, if there's something I don't understand. She's an astounding woman who has done so much for the community and state, but she doesn't get the recognition and respect she deserves.

In school at the moment, there is no protection for those in the LGBT community. It is not as common in Avon schools as in other places, but those who identify themselves outside the normal male-female "straight" community still get hassled and bullied or talked about behind their backs.

One day in school we had the comedian Michael Pritchard come into our school. He pointed directly at the boy who said, guys; one in every ten of your friends is probably gay. The response: laughter, mocking laughter and disbelief.

Only when he started making bullies and bullying victims come up, did they realize how common it

is, even in our school. Even still, I know of only two friends, both girls, who observed the April 16th Day of Silence for the LGBT in the school.

For the Civic Virtues Project, which is required of all taking Civics and American Government, I decided that I would advertise an idea to make Avon High School a no-bully zone for the LGBT community, if the idea is approved by my teacher.

I also try to advertise the Transgender Lives Conference which is coming up at the end of April, to the faculty and seniors, since they are the only ones old enough to go without interfering with True Colors.

In fact, my workshop for the conference is, *Living With a Transgender: Life Through a Teenager's Eyes*, one that I also gave last year.

I will admit that the first time I met Jerimarie I was a nervous wreck because I had no idea what she would be like. But as the court got closer to making its decision, we spent a lot of time together. I found out that she was an amazing person with a vast amount of knowledge and wisdom, but she also liked to have fun too.

My homework math problems give her a good challenge to her scientifically analytical brain, and we take time to play games or go out to dinner even.

There was a time when it was considered dangerous to give women an education. There was a time when giving African-Americans freedom was ridiculed.

Now it is decreed that all men and women shall be free and given an equal education. They are protected from harassment, bullying, and

ridicule. Now it is your time.

You must decide what you want the future for your children to be. Do you want them to be afraid of the LGBT community because those people are different? It's like saying you want your child to be afraid of a zebra because it has stripes and a horse doesn't.

Remember, it is your time. You are deciding the future for me and my peers. What do you want to see the future as being?

Ralph Waldo Emerson once said, "Do not go where the path may lead. Go instead where there is no path and leave a trail."

Thank you.

SENATOR COLEMAN: Senator Kissel.

SENATOR KISSEL: Did you say you were 15 years old? (Laughter).

TASHA SCHAEDLER: Yes, sir. That is correct.

SENATOR KISSEL: And here you are quoting one of my favorite transcendentalists, Ralph Waldo Emerson. You did a fabulous job.

TASHA SCHAEDLER: Why thank you. I'm shaking up here right now.

SENATOR KISSEL: No -- no -- no -- no. It doesn't show; doesn't show. Boy, I just think when you go home tonight you should feel on top of the world because you did an awesome, awesome job.

TASHA SCHAEDLER: I won't be the only one up there then. How's that?

SENATOR KISSEL: You're not only a tribute to yourself

but to everybody in your family. You have a lot to be proud of.

TASHA SCHAEDLER: Thank you.

SENATOR COLEMAN: Representative Holder-Winfield.

REP. HOLDER-WINFIELD: Thank you, Mr. Chair.

I want to echo Senator Kissel's comments. As I watched you -- it took me a while to notice you shaking a little bit, but you were one of the more cogent people that has come before us, and if Jerimarie had anything to do with that, that speaks volumes, so thank you.

TASHA SCHAEDLER: Thank you.

SENATOR COLEMAN: Are there other questions or compliments to be (inaudible). (Laughter).

Hearing none.

You've obviously been impressive, and we thank you for your appearance before the committee.

TASHA SCHAEDLER: Thank you.

SENATOR COLEMAN: Nicolette Laume.

NICOLETTE LAUME: Good evening, members of the Judiciary Committee. My name is Nicolette Laume, and I am here to urge you to vote in favor of the House Bill 6599, AN ACT CONCERNING DISCRIMINATION.

This bill will only do what 13 other states and the District of Columbia have already done: Approve legislation that prohibits discrimination so that all citizens with be treated with fairness and equality. I firmly believe that this issue affects everyone.

One's own sense of being a man or a woman, and how a person shows that to society is shared by everyone. Regardless of their gender, everyone has a gender identity and a gender expression. Protecting everyone's right to express their identity should be protected without exception.

My own gender identity and gender expression tend to match the sex I was assigned with at birth. For this I am very lucky in light of the incredible discrimination that my Connecticut peers are facing because gender identity and gender expression are not expressly included in our antidiscrimination legislation.

Even though my sex assigned at birth and gender identity and expression are typically viewed as normative, I've not escaped discrimination based on my perceived gender identity and my gender expression. As a member of both my high school and college's LGBTQIA student groups, my gender identity and expression was, and still is, frequently questioned in an effort to invalidate my efforts of educating my peers.

But, again, I'm lucky, because unlike me, my friends whose gender expression does not match the sex with which they were assigned at birth, I didn't have to -- I don't have to face any more than just insults.

My friends who have received death threats in my high school, who have been physically attacked, been denied work, been denied access to bathrooms, parties, and places of business, or kicked out of their homes, truly need this legislation. I need this legislation.

And for the young people who are no longer with us due to suicide or murder -- needed this legislation and died because our state has not

yet passed a law prohibiting discrimination based on gender identity and expression.

Please support this bill so that more young people -- like myself -- in our state do not have to endure the harassment, violence, and isolation that comes from such discrimination. This bill is one huge step towards creating a safe base for all people and particularly for young people attending schools in our state.

But understanding our own gender identity and expressing it does not end in youth. We all need this legislation so that harassment, discrimination, and violence, and the related lack of education, rates of unemployment, homelessness, and poor health do not have to be a part of everyday life for Connecticut residents.

That's what I originally prepared. I also -- after being here since 9:00 in the morning -- would just like to state that I've been a lifelong Connecticut resident, and my affiliation with youth groups dealing with gender identity and expression began in 7th grade at the age of 11.

I had never once before been exposed to that, and I learned about the True Colors Conference as a member of the Diversity Club at Parish Hill High School in Chaplin, Connecticut. I attended the True Colors Conference at age 11 and found it incredibly amazing and affirming.

I went to Glastonbury High School and was a member and then a leader of the GSA at my high school, and we regularly discussed this in the classroom. And I was a student representative who was chosen to speak about this issue to my peers.

I'm now -- I'm at Trinity College, and I've been

a member, and I'm now graduating as the President of the group there, and we have actually been involved in trying to get this legislation passed. So I would just like to say that I am proud to directly identify myself with someone who has been involved with True Colors and other Connecticut-based groups. I've benefited. I've learned so much from all of my peers and the adult allies.

And just in closing I would like to emphasize that there's a separation between sexual orientation and the issue that the House Bill 6599 deals with. I'd like to repeat that everyone experiences and expresses their gender and identity, and I just -- therefore, I think that we should include this in our state's antidiscrimination legislation.

It doesn't have to necessarily do about sexual orientation. And I just wanted to make sure that that was really clear because I felt like sitting here they were getting kind of muddled. We've already included sexual orientation, gender identity, and expression as something that also needs to be included.

Thank you.

SENATOR COLEMAN: Thank you.

Are there questions? Hearing none.

Thank you for your testimony.

Reverend James Curry?

REVEREND JAMES CURRY: Chairman Coleman, Chairman Fox, distinguished members of the committee.

My name is James Curry.

I am one of the Bishops at the Episcopal Diocese of Connecticut, and I speak in support of H.B. 6599.

A key underlining principle of the Baptismal Covenant of the Episcopal Church is that we promise to strive for justice and peace among all people and respect the dignity of every human being.

We believe that discrimination based on gender identity and expression is in direct conflict with that principle. My faith teaches me that it is necessary to provide legal protections for those who, as a group, are targeted for discrimination.

In 2009, the General Convention of the Episcopal Church, the governing body of my denomination, comprised of laypersons, clergy, and bishops from every diocese, specifically affirmed its support of the extension of existing federal laws that prohibit employment discrimination to include discrimination because of gender identity and expression.

The Annual Convention of the Diocese of Connecticut has affirmed that position as it applies to extending the antidiscrimination laws of the State of Connecticut. The Episcopal Diocese of Connecticut supported Connecticut hate-crime legislation in 2004 that included gender identity and expression as a class.

H.B. 6599 takes the important next step to provide legal protection to those who are discriminated against simply because of who they are.

Some opponents of this bill are trying to stir up fears by equate the phrase "gender identity and expression" with criminal and predatory behavior.

Their assertion has been used at other times in our country's histories against other groups of people simply because of who they were. It wasn't true for those groups, and it just is not true in this case.

What is true is that all people should have the chance to live without fear of discrimination and to earn a living in order to provide for themselves and their families. I have seen the devastation done to individuals and families who have been victimized by job discrimination because of gender identity and expression. Our society is diminished when this discrimination is allowed to continue.

Access to employment and promotion, as well as protection from being fired, need to be based on a person's skill set and ability to do the job at hand. H.B. 6599 affirms basic fairness in the workplace and underscores our society's value of civil rights for all persons.

I urge that you recommend it for consideration by the whole General Assembly.

SENATOR COLEMAN: Are there questions for Reverend Curry? Hearing none.

Thank you, sir.

REVEREND JAMES CURRY: Thank you.

SENATOR COLEMAN: Amy (inaudible)?

Josh Pawelek.

JOSH PAWELEK: Good evening. This is about as late as I could stay before I'm sleeping on the couch tonight.

Senator Coleman. Representative Fox. Thank you

for the opportunity to come before you and testify to the Judiciary Committee in support of H. B. 6599, AN ACT CONCERNING DISCRIMINATION.

My name is Josh Pawelek. I'm the Parish Minister at the Unitarian Universalist Society: East in Manchester, a congregation of about 300 people who are very committed to gay, lesbian, bisexual and transgender people and their civil rights. I'm also speaking to you as the Chairman of Connecticut Clergy for Full Equality. We used to call ourselves Connecticut Clergy for Marriage Equality; it's now Full Equality.

We're an organization of about 300 clergy from around the state. This is priests, ministers, rabbis Presbyterian, Unitarian Universalists, Metropolitan Community Church, Episcopalian, Methodist, reformed Jewish, conservative Jewish, and some Pentecostal organizations who support the passage of H.B. 6599 and feel that our failure to do this to date is -- does not speak well for Connecticut.

We are a state, I think, that is characterized by acceptance, so it's about time that we made this bill into the law of the state.

In my written testimony I talk about my experience as a pastor -- a pastor to people who are transgender and my understanding of some of the things that they go through, some of the discrimination that they face. I'm not going to get into that right now; it's in the written testimony.

What I really want to emphasize is something that Representative Hewett said earlier, Senator Gomes has said it, Representative Holder-Winfield has said it, Senator Prague testified about it, and you've been hearing all day this drum beat of people coming before you in support of this bill

telling their stories about discrimination.

We're talking about discrimination, and it's time we pass this bill and made it law so that the discrimination of transgender people in this state goes away.

I notice there is a temptation, among people who have concerns about the bill, to create these hypothetical scenarios with these hypothetical people who aren't transgender but might somehow use this bill if it becomes law to pose as transgender people and commit some crime or cause some kind of disturbance.

I'm not a lawyer. I don't know if that's a valuable legal exercise. Maybe it is, and if it is, then so be it. But what I want to suggest is that when you come to vote on this bill, please do not vote in response to a hypothetical person in a hypothetical situation.

(Bell ringing)

Please vote in response to real lives of real people who are experiencing discrimination.

Thank you.

REP. FOX: Thank you for your testimony and thank you for being here now -- what is now this evening.

Are there any questions or comments? No.

Thank you very much.

JOSH PAWELEK: Thank you.

REP. FOX: Next is Jamilah Tigner. Sorry if I mispronounced your name, but I tried.

JAMILAH TIGNER: No problem. It happens --

REP. FOX: Okay.

JAMILAH TIGNER: -- all the time. Greetings, my name is Jamilah Tigner, and I come to you, members of the committee, as a resident of West Hartford, a graduate student at the UConn School of Social Work, and an Intern for CP Equality which is an advocacy organization that gives full support of House Bill 6599, AN ACT CONCERNING DISCRIMINATION.

As a current resident of Connecticut, it's been brought to my attention that our state lacks explicit legal protection against discrimination on the basis of gender identity and gender expression.

This leads some members of our population, especially transgender individuals, vulnerable to discrimination in some of the most important areas of their lives, such as housing and employment.

Although I do not identify as transgender, I do understand the importance of basic needs like finding housing, a job, and healthcare. Our overall livelihood depends on these things.

But for transgender people, their livelihood is constantly at risk due to the potential discrimination that looms around every corner. Because they know that the law is not necessarily on their side as it would be for others.

I expect fairness and equal treatment when I look for a job, or a home, or a doctor, and if this expectation is reasonable for me, it should be reasonable for everyone regardless of their gender identity or expression.

As a new resident of Connecticut, I've been

pleasantly surprised that this state is, in many ways, more progressive and supportive of equality and justice than my home state of Texas.

It doesn't seem like such a stretch that Connecticut would agree to extend full protection to all of its residents. Passing this bill makes sense to me not only personally but also as a future social worker.

My social work code of ethics states that I have an obligation to participate in the prevention and elimination of discrimination based on gender identity or expression.

I'm here today to fulfill that obligation. Discrimination for any reason is enough to cause a person significant harm, and as a social worker I will do my best to assist anyone who's encountered such unfair treatment, but I can only do so much.

We need laws that offer explicit protection so that not only can there be a legal remedy for those who do experience discrimination but also to prevent discrimination from happening in the first place -- by giving notice to potential employers, landlords, and business owners, that Connecticut values all residents and is committed to equality.

Seven years ago Connecticut affirmed the need for legal protection on the basis of gender identity and gender expression when Legislators voted to add this protection to our State Hate Crime's Law.

So let's finish the job and take the next step by also providing equal protection in our nondiscrimination law by passing House Bill 6599. As a concerned resident, you have my full support in this matter. Seeking equal treatment isn't

asking for much, but for transgender people it would mean a world of difference.

Thank you for your time and for this opportunity to speak with you.

REP. FOX: Thank you for your testimony.

Are there any questions or comments? No.

Thank you very much.

Next is Ace Ricker. And he'll be followed by Kate Bartos.

ACE RICKER: Senator Coleman, Representative Fox, members of the Judiciary Committee, my name is Ace Ricker.

I've always supported House Bill 6599, AN ACT CONCERNING DISCRIMINATION -- my entire life. Having this bill pass will change my life and save many others that face discrimination every day.

I've known I'm transgendered since I was 11 years old and came out into the community at just 14. I testified for this bill in 2008 only to be able to put my first name for fear of backlash from members of the society around me.

I have been one out of 83 percent that has been harassed on my job for being who I am -- being told I should act a certain way because I'm different, and I don't fall in the norm.

I've worked several jobs all over Connecticut from Shelton, New Haven, and Trumbull -- seeing how hard it is just to get a job, let alone maintain one; because I'm transgendered it's still almost impossible.

I'm part of 86 percent and 38 percent of students that went through school being physically and sexually harassed by peers and students -- being called names, threatened physical harm, to being physically assaulted by my own peers. In high school I was threatened with, I would regret it if I went to my very own prom because of physical harm to myself.

I have faced discrimination my entire life and have had to stand strong to survive the hatred that has been thrown at me over and over again. I feel even in the most public of places I still am not safe for just being who I've always been. My parents disowned me and kicked me out that same night for the pain I would have to endure with being just me. They couldn't face it nor accept it.

What has made me stand so strong here today has been the people that are in this room, and in my community, who have been there to help me stand on my own two feet to help me push through all this hatred that has been thrown on me -- that has been against me all along.

My church has accepted me with open arms, when I came out this past year, and they have accepted and respected me to the fullest as if I am part of their very own family. People at my job greet me with smiles, and hey, Ace. I am thankful for those around me that are fighting this bill to pass.

For everyone whatever their color, their religion, or how they express their gender, everyone deserves to know that any type of discrimination will not be tolerated and that their lives are important as everyone else's.

I am Ace Ricker, and I am proud to be who I am and have always been.

Thank you.

REP. FOX: Thank you very much.

Are there any questions?

Senator Gomes.

SENATOR GOMES: Thank you for coming out and testifying.

And you're Ace Ricker and you should be proud of who you are.

ACE RICKER: Thank you.

SENATOR GOMES: Let me tell you something. Like you said, all the hate and everything has to stop. Well, the hate is just like the buck that they talk about; the hate will stop here. I think it will, when this bill is passed.

I'm very sorry to hear about all that you've been through because for one person to go through that much hate is unconscionable. And I hope that after this bill is passed, that you'll have a better time.

ACE RICKER: Thank you.

REP. FOX: Representative Hewett.

REP. HEWETT: What's up, Ace?

Ace Ricker: Hi.

(Laughter).

REP. HEWETT: I knew I'd get a smile on you.

Hey, keep your head up. That's all I can tell

you. I got discriminated against, not because I was transgender, it's because I was black. I got discriminated from my own people because I was lighter than they was, and I got discriminated against white people because I was darker than they was, so I know how you feel. But I made it here; you can make it too. Okay?

ACE RICKER: Yeah.

REP. FOX: Representative Holder-Winfield.

REP. HOLDER-WINFIELD: Thank you, Mr. Chair.

Hi, are you doing, Ace?

ACE RICKER: Good.

REP. HOLDER-WINFIELD: You know, so we saw each other this morning, and we saw each other a couple of weeks ago, and we had a discussion about how people do, and I just wanted to let you know you did really well today. So, thank you.

ACE RICKER: Thank you.

REP. FOX: Thank you; any other questions? No.

Thank you, Ace. And thanks for your testimony today.

ACE RICKER: Thank you.

REP. FOX: Kate Bartos? No?

Elizabeth Deck?

ELIZABETH DECK: Good evening, Representative Fox, Senator Coleman, and members of the Judiciary Committee.

My name is Elizabeth Deck, and I'm a resident of

New Haven, and I'm currently a graduate student of UConn School of Social Work. I am testifying today in support of H.B. 6599, AN ACT CONCERNING DISCRIMINATION.

Today before you you've heard examples of discrimination that people have received, as well as the fact that some companies in Connecticut have taken the steps for -- to implement nondiscrimination policies to protect individuals based on gender identity and gender expression. But uniform protections to create solidarity throughout Connecticut are still needed.

As an ally, this bill is extremely important to me, not only on a professional level, but on a personal level. My profession's codes of ethics instruct me to help people in need, address social problems, and challenge social injustices. But it is so much more than that. The people that are directly affected are not strangers. They are our friends, our family members, loved ones, neighbors, and coworkers.

I thank you for allowing me this opportunity to speak in front of you all today. I urge members to help ensure that all Connecticut's residents are given equal opportunities to succeed.

REP. FOX: Thank you very much. Thanks for being here this evening.

Are there any questions?

Thank you.

ELIZABETH DECK: Thank you.

REP. FOX: Next is William O'Brien.

WILLIAM O'BRIEN: Good evening, Mr. Chairman, members of the Judiciary Committee.

My name is Bill O'Brien. I'm with the Connecticut Right to Life Corporation, and I'm speaking concerning the 6599.

You don't have my testimony, but it is in the committee room so it's available. I'm going to sort of skip around. I just want to first address the definition of gender identity in the bill.

It looks like there's a number -- it's one of the loosest definitions I think I've ever seen in the literature up here. It doesn't give any time limit on how long.

It doesn't say that -- you know, the American Psychiatric Association says that this is a gender identity disorder. It doesn't say that you have to be diagnosed with this to be -- to do this, so I assume that it's sort of self-identity. It doesn't give a time period of how long, you know, if you can change it from day-to-day, or week-to-week or whatever, so I think there's certainly some problems with that definition.

So, I mentioned the American Psychiatric Association. I'll list the criteria. They're in my testimony; I won't go through them. For diagnosis -- the International Classification of Diseases is also the same.

Obviously gender identity disorders are real. No doubt they're not easy to live with or to treat. Now we should condemn any persecution or bullying of people who have these disorders. Those that have these disorders deserve compassion and help though.

This bill would compel -- however this bill would compel all of society to accept this disordered

sexual behavior as normal. I'm sure many women listening today are surprised to hear that men apparently are using -- already using women's restrooms throughout the state. I think most women have an expectation of privacy that there are no men present when they use the lady's room and apparently this is not the case.

Does the same thing occur in changing rooms and department and other clothing stores? How will this affect locker rooms -- in the schools, in the YMCA, YWCA, in other gyms, in country clubs -- the bill specifically mentions country clubs, in particular. It would seem to give a person the legal right to enter the locker room of their choice.

No doubt this will make its way into the public school sex-education classes where children will be taught that selecting their gender is normal. Rather than require people with this sickness to conform to society's sexual norms, this bill would require society to conform to the sickness.

Though no one wants to discriminate against another person, when a person has a psychological illness it is wrong to treat that person's behavior as normal. It is even more absurd to treat those who recognize the symptoms of the illness as though they were the ones who were sick or even as criminals.

This is a new area for me to get into, so I really have more questions than things I can give. I've also just became familiar with the Human Rights and Opportunities Section of it the other night. Just scanning it, it looks like there's a number of different penalties for discrimination: from $25 to $100 for some things, to $1,000, to $5,000, up to 30 days in jail, civil suits and legal fees, you know, for different various things.

Though the bill does have a religious exemption, it does not apply to individuals, their businesses, or their children in public schools.

The U.S. State -- Department of State now allows a person to select which gender they want listed on their passport which need not be the biological sex they were born with. If this bill becomes law, would the State follow the State Department issuing DMV's licenses based on a person's birth certificate or their chosen gender? How will that affect law enforcement identification when the all-points bulletin that goes out to -- out -- look for a man or woman -- and they find on the DMV license that, you know, whichever gender it's going to be. Would this bill require changing the birth certificates?

(Bell ringing)

If a man chooses to be a woman, can he save on his life insurance rates? What about health insurance -- auto insurance? Auto insurance is specifically mentioned in the bill. I don't know if it applies to the others, but it does mention state contractors. Do the state contractors' health insurer, or life insurer, do they have to change their policies?

How will this affect medical care? When an EMT shows up on scene, will they be told the person is male or female? It makes a big difference the way an EMT goes about his diagnosis.

The Canadian Military requires male soldiers who identify as women, and women soldiers who identify as men, to dress in the uniform of their target gender. Will this bill affect the Connecticut National Guard?

This is not a bill that affects only a few people

with a disorder. It affects the entire society, and it could disorder our entire society.

Please vote no on this bill.

REP. FOX: Thank you.

Representative Holder-Winfield.

REP. HOLDER-WINFIELD: Thank you, Mr. Chair.

How are you doing, Mr. O'Brien?

WILLIAM O'BRIEN: Good. Thanks.

REP. HOLDER-WINFIELD: So I'm going to ask you a question, and I don't know how it comes out, so bear with me. I actually just want to get an answer.

I'm not quite sure what the opposition is. I know you have a lot of questions, but in all of that I'm not quite sure what your opposition is, so if you could tell me in a very clear way what your opposition to the bill is, or is it just because you have all of these questions?

WILLIAM O'BRIEN: Well, in International Law, though some are trying to pretend there's all kinds of different genders, International Law -- it says the only International Law that really is on the books is one that says that there are two genders -- male and female. And I think that that's the way society should be ordered. And, you know, according to the Psychiatric Association, anything else is a disorder.

And I think that we're -- I've been coming up here for 40 years. I've seen things don't stand still. They go in one direction or the other. They don't stand still and we're --

REP. HOLDER-WINFIELD: So, I -- okay --

WILLIAM O'BRIEN: -- and I think we're heading towards a section -- sexless, genderless society, and I think that's very bad for society. It's very bad for little children. I'd say this society is committing child abuse to our children.

REP. HOLDER-WINFIELD: So you talked about this sickness that people have, and you refer to the American Psychiatric Association. I would imagine if you're talking about the sex -- and it deals with gender dysphoria and issues -- mental issues deriving from that.

And I had this conversation two years ago when we had the bill and read off the section in which it talked about gender dysphoria and the issues stemming from that as issues deriving not from an issue -- a mental issue necessarily resident in an individual -- but issues that are -- become issues for the person because of the way they're treated. And so, yes, there may be this issue which would be a disorder, but it is not necessarily so -- and I could pull it up, if you would like, and read it again.

So my question to you is did you read that whole section, and do you disagree with what I'm saying?

WILLIAM O'BRIEN: From what I have here, the American Psychiatric Association permits a diagnosis of gender identity disorder based on four diagnostic criteria, and they're here. I mean, you know, I'm not a psychiatrist, so I, you know, that's why I skipped over it -- just put it in there for your -- for the members' benefit to know that there's something in there about that.

REP. HOLDER-WINFIELD: Right. And I appreciate that. I'm just suggesting that there's a whole section

on what it actually is, not just how you can diagnosis, but what it is. And you put it forward as part of the reason why we shouldn't be doing this bill, so that's why I was asking you that.

So I appreciate that. Thank you for your (inaudible) --

WILLIAM O'BRIEN: The criteria that are given here doesn't seem to mention other people's attitude towards the person that they're diagnosing.

REP. HOLDER-WINFIELD: You're talking about the criteria. I'm talking about the actual gender dysphoria and what it is, not the criteria for diagnosing, but what it is. And why, in particular people who are cross dressers, why they might experience gender dysphoria.

There's not just this little passage. There's a lot more about it in that book that you're talking about; not just that page that you have there. That's what I was suggesting to you.

So, thank you.

WILLIAM O'BRIEN: I'll try and learn more about it.

REP. FOX: Are there other questions or comments?

Senator Gomes.

SENATOR GOMES: Excuse me, and thank you for coming out tonight.

What is this book you refer to?

WILLIAM O'BRIEN: The American -- it's the *Diagnostic and Statistical Manual of Mental Disorders: Fourth Edition.*

SENATOR GOMES: Therefore, you have come up with the assumption that this is a disorder?

WILLIAM O'BRIEN: That's what the American Psychiatric Association says.

SENATOR GOMES: Well, the American Psychiatric Association has mentioned that it is a disorder. Does it come up with a definition of what a disorder is?

WILLIAM O'BRIEN: I'm sure it does. It lists the four criteria that they use to diagnosis this disorder.

SENATOR GOMES: And you also spoke of it as a sickness? What type of sickness is it?

WILLIAM O'BRIEN: A psychiatric illness.

SENATOR GOMES: A psychiatric illness. So in diagnosing this, are there any specifics as to how they came to this conclusion that it is a sickness or a disorder, or have you looked at that in this book that you're talking about?

WILLIAM O'BRIEN: And again -- it has the criteria here. And -- I'm not a psychiatrist. I'm just referring you to this. And I --

SENATOR GOMES: Neither am I. And I'm not getting the picture yet. That's why I keep asking you. You've come to us with a -- you're in opposition to this bill.

WILLIAM O'BRIEN: Right.

SENATOR GOMES: And the reason that you're in opposition to this bill is because this psychiatric book names this as either a sickness or a disorder, but there's no explanation or any diagnosis as to what type of sickness it is or

what this disorder is, but you've accepted that as being a sickness or a disorder.

WILLIAM O'BRIEN: It's listed as a *Statistical Manual of Mental Disorders*, so that's how they classify it.

SENATOR GOMES: I think I'll leave it there.

Thank you.

REP. FOX: Representative Hewett.

REP. HEWETT: How you doing? Thanks for coming.

Sometimes it's always good to hear opposition. Because I know everybody here today was most likely for the bill, and I was kind of getting a little tired of hearing yawning. And then you came up, which is a good thing. You've always got to have opposition, because it makes us have these -- get more questions.

Now I want you to elaborate on the part where you say that the kids -- kids are being abused I think you said?

WILLIAM O'BRIEN: Right.

REP. HEWETT: Okay. You want to explain to me what do you mean by that?

WILLIAM O'BRIEN: Well, I mean, obviously, I go back a long way. Things that are talked about in sex education today would not have been talked about, you know, when I was growing up certainly. And, you know, I think that -- and so many organizations, or the groups for youth, that they're talking about today would have been, you know, probably ruled obscene 40 years ago.

Obviously, things are changing. I guess maybe

I'm not, but --

REP. HEWETT: No. I understand that. And things are changing, but there's still discrimination. And I think the heterosexuals are doing a good enough job in abusing kids; I don't think it's just transsexual people that are abusing kids. So I don't -- I do respect your opinion. I want you to -- I want to say that first. I'm not here to bash you for your opinion because opposition is good sometimes. I don't agree with your opinion.

The part -- especially the part where you say the -- because we had a young lady that -- I think she was 14 years old that just came up here. And it looks like the abuse before she moved was worse than where she went. It seemed like to me she was doing pretty good where she went, but it wasn't so good with the heterosexual family that she left out of. Did you hear that testimony?

WILLIAM O'BRIEN: Yes, I did. Yep. And you're certainly right. There certainly is abuse from both sides. In this country -- probably a lot less in some other countries -- the U.N. Secretary General just spoke two weeks ago on executions in other countries of people who are different sexually than others --

REP. HEWETT: Right.

WILLIAM O'BRIEN: -- and certainly that's going on. And certainly you would oppose that.

REP. HEWETT: Do you know anybody -- well, I don't know, that could sound personal -- but do you know anybody that's transsexual? Do you know anybody personally?

WILLIAM O'BRIEN: Not transsexual; no.

REP. HEWETT: Okay. Because we all have gay people -- I've got a nephew that's gay. I've got an uncle that's gay.

WILLIAM O'BRIEN: Gay; yes.

REP. HEWETT: Yeah. And I knew it from early on. It didn't make me change my mind about him one bit, but -- because I could have discriminated against him, just by who he was, but I chose not to.

Discrimination is discrimination -- it doesn't matter whether they're gay, black, white. When someone -- when you look down on someone, and you don't agree with them because of things like that, that's discrimination.

Do you agree with that?

WILLIAM O'BRIEN: Well, I think there's -- there's probably -- there are some kinds of discrimination -- discriminating people and we're discriminating in all kinds of things. Sometimes discrimination is good; sometimes it's not good. We have to discriminate all the time.

REP. HEWETT: What did you -- did you just say discrimination is good sometimes and sometimes --

WILLIAM O'BRIEN: When you're choosing the one, you're discriminating against some and you're choosing others. (Inaudible).

REP. HEWETT: No. Well, see, I look at it a little different. Because I look at discrimination --

WILLIAM O'BRIEN: So you're talking in terms of human rights and certainly --

REP. HEWETT: I look at discrimination and prejudice being two different things.

WILLIAM O'BRIEN: Okay.

REP. HEWETT: And this is what I mean by that. Prejudice -- I may not like red wine; I want some white wine. Now when it comes to discrimination, I look at it a different way. I think that discrimination is someone that's very prejudiced with the power to keep you down. That's the way I look at discrimination, and it is two different things in my book.

WILLIAM O'BRIEN: Don't you think we ought to build each other up (inaudible)?

REP. HEWETT: Right -- right. We need to build each -- because these are people, man, and you've seen that since you've been here. These are people with feelings. They didn't sit here all day long to tell their life story in front of the State of Connecticut knowing that they would be ridiculed for it if they weren't serious about what they're doing.

But I do respect your opinion. Thank you.

REP. FOX: Senator Bye.

SENATOR BYE: Thank you. And thank you for coming today and for your testimony.

So you're getting this out of the DSM-IV -- it seems like -- and the DSM-V is in progress now. So this is what -- when someone comes to see a therapist, they talk to the person, and they figure out what's going -- and they go to this book for a diagnosis; is that accurate?

WILLIAM O'BRIEN: (Inaudible). Uh-huh.

SENATOR BYE: Right. And there are a lot of other things -- that I won't read out loud at this hearing -- in that section of the DSM-V that's

coming out. But some of them are things like -- I'll give you one -- sexual dysfunction due to general medical condition, so that means somebody is having trouble because of a medical condition in that part of their lives.

Is that -- is that something else you saw in that area of the?

WILLIAM O'BRIEN: I (inaudible) see that (inaudible).

SENATOR BYE: And there are other things that are actually fairly common. We see advertisements about -- every time we watch a football game -- over and over and over again.

WILLIAM O'BRIEN: (Inaudible).

SENATOR BYE: And so I guess my question too is -- so this is something that's in DSM-III, and your testimony is that because of that it's a disorder and we should be able -- people, for example, employers should be able to discriminate based on that?

WILLIAM O'BRIEN: Not necessarily. I'm just saying that it is -- that they say it's a disorder.

SENATOR BYE: Okay.

WILLIAM O'BRIEN: I mean, in this bill we list all kinds of groups; Telecommunications companies, electric companies --

SENATOR BYE: Uh-huh.

WILLIAM O'BRIEN: I have no idea why they would discriminate about having another customer. I don't know if they do.

SENATOR BYE: Uh-huh.

WILLIAM O'BRIEN: They're included in the bill for some reason.

SENATOR BYE: Have you ever seen the DSM-IV, or V, or III? It's about this thick. It's a very thick book full of things that describe people.

And, I guess, as I think about your testimony, I'd say probably every one of us has features of some part of that manual in some part of our lives. And much of it is undetected because we don't, you know, go around talking about it.

In the testimony we've heard today, for some people this is very obvious, and even listening to testimony you can see someone may be transgendered as a woman but there are features that make you say, oh, that's a transgendered person, and they can't really hide it.

But there are other conditions, tens of thousands of them in the DSM-IV, that people could be identified as -- no one -- no one would know.

And, so I guess, my counter to you is sort of -- it's listed in that, and just because of that, we should not discriminate. It's just like, as a culture, we don't discriminate against other people who have diagnoses that fall into DSM-IV. So I appreciate your point of view.

I just would take exception with the characterization that because something's listed in DSM-IV, or V, or III that it should hold some kind of special status that could get in the way of somebody getting a job or a room or some other accommodation that others can expect.

WILLIAM O'BRIEN: Yeah. Certainly everyone needs a job, everyone needs housing, everyone needs a lot of things, and I don't hold that against anyone trying to get those.

SENATOR BYE: Well, thank you for your testimony and your patience with us.

WILLIAM O'BRIEN: (Inaudible).

SENATOR BYE: Good day.

REP. FOX: Senator Gomes.

SENATOR GOMES: I just have one question to ask. Something must have went past me or something. I heard you talked about child abuse. How did that come into the picture -- involved in this?

WILLIAM O'BRIEN: I think that this is going to -- and if this bill passes -- it's going to end up in sex education. And I don't have children of that age anymore, but when I had children, we took our kids out of that class -- when they were that age.

And, you know, there are things that I hear that are being taught in sex education in schools that I don't think is appropriate, and clubs that are in the schools today that I don't think are appropriate to be there, and I think they're leading kids -- young kids -- in the wrong direction.

SENATOR GOMES: Do you see sex education as being child abuse?

WILLIAM O'BRIEN: Some of it.

SENATOR GOMES: Some of it. I heard that you'd -- also used the word obscene. What part of this do you see there is to be obscene?

WILLIAM O'BRIEN: Well, I've heard of Planned Parenthood bringing in bananas and -- for a show-and-tell in the sex ed. classes -- and other

things of that sort. I think that's -- and books that are used to -- I think that that's child abuse.

SENATOR GOMES: Oh, then you're telling -- now you went into another realm -- you're talking about Planned Parenthood.

They plan, you know, all sorts of things about people being parents, children that shouldn't be parents, and there's a whole realm of things they go into. But it's -- it is based on sex education, and we find that to be very essential for children nowadays that are growing up, especially teenagers.

You believe that Planned Parenthood is something that shouldn't be -- that this is a form of child abuse?

WILLIAM O'BRIEN: I believe that some parts of sex education are.

SENATOR GOMES: And some -- and sex education that's authorized publicly, I mean, these people have never been arrested for being obscene or abusing -- sexually abusing anybody, so I don't see the correlation between what you're speaking about -- child abuse.

This is a -- this is a -- and when you're talking about -- when you're talking about genderized people, you're not -- that isn't even in the realm of what -- actually that Planned Parenthood teaches.

You're saying that this bill would cause these things that you're talking about -- child abuse -- and obscenities being taught them?

WILLIAM O'BRIEN: I think they're already in some of the curriculums.

SENATOR GOMES: They're already in some of the curriculums?

WILLIAM O'BRIEN: And this last (inaudible) --

SENATOR GOMES: Are you -- you're saying that this bill would exacerbate it; this would extend it? Child abuse, and obscenities, and that sort of thing -- this bill would extend that?

WILLIAM O'BRIEN: I think it would. Yes, sir.

SENATOR GOMES: I don't know how you come to that conclusion, but you have a nice evening.

REP. FOX: Thank you. Mr. O'Brien, if I may -- something that you said early on in your testimony -- I just wanted to ask you about. I think you said something about the -- I'm paraphrasing, but I think you said gender identity and expression is real. Is that -- I think that's what you said?

WILLIAM O'BRIEN: No. I think it's a real disorder.

REP. FOX: Okay. What --

WILLIAM O'BRIEN: Now, I --

REP. FOX: What do you mean -- I guess I want to give you a chance to tell me what you mean by it? What do you -- in terms of when you say gender identity or expression is real, what do you mean by that?

WILLIAM O'BRIEN: Well, before Senator Kissel, you know, he mentioned that based on a couple peoples' testimony, that he hadn't seen anyone who actually was trying to playact as though they were transgendered. And by people's testimonies, I would certainly agree that, you know, people

have testified and have, you know, fit the condition that they describe.

However, I mentioned a number of things here about insurance. You know we may be opening up some areas where people might tend to -- if I can, you know, lower my insurance rate on car insurance -- if I'm female, you know, versus a male under 25. You know, again, there's no time limit here on the definition of whose gender identity and expression that -- the definition of the bill. So can I be a -- can I change to be a female if I'm under 25, and get the lower rate for car insurance?

If I gender identify, and my feminine parts comes out for five minutes while I'm filling out the form, and then change back to my male self after I pay my first premium on the insurance. I don't know how this applies to insurance rates? I don't know if the Legislature --

REP. FOX: Have you heard examples of this happening?

WILLIAM O'BRIEN: I could see someone that wants to commit fraud -- what I would consider fraud -- could say hey, you know, there are different rates of insurance for different genders -- this now applies to car insurance -- why not under here. I don't see anything that prevents them from saying I'm female for five minutes.

REP. FOX: I know that there's different rates for men and women. I just -- I don't know that the difference in rates is that significant that someone's going to change their gender for it, but I'd be interested to know if you have any examples of that.

WILLIAM O'BRIEN: I'm just looking ahead to see how this could be misused. And as far as state contractors, I don't know if that would include

insurance companies like a life insurance company. Someone testified that Aetna and some other insurance companies have already changed some of their policies.

I wonder if they're now giving a transgendered female, who was male, you know a break on their life insurance. Obviously, women live longer; they have lower life insurance rates, you know. Is that going to translate -- is this going to be required under this bill? I don't know.

REP. FOX: Okay. You do know that the language -- the references to businesses, the reference to insurance, that's all existing language in the discrimination -- in our discrimination law.

And what this bill does is it does add the phrase gender identity and expression, but it doesn't make changes to the -- at least for the most part -- to the rest of our discrimination law, so that's currently existing. But you're referencing specifically this bill, so I'm just --

WILLIAM O'BRIEN: Well, again, I'm only, you know, I'm just looking at the bill, and looking at it for flaws, and for things that -- make sure that -- are considered. And I don't know how it's going to apply in those areas I brought up, but I just wanted to throw them out there and see.

REP. FOX: Okay. Well, thank you very much.

Are there any other questions?

Thank you for your testimony.

WILLIAM O'BRIEN: Thank you.

REP. FOX: Next is Jennifer Paradis. And she'll be followed by Thomas Shusterman.

JENNIFER PARADIS: Good evening, Representative Fox, and members of the Judiciary Committee. My name is Jennifer Paradis, and I'm a resident of Columbia, Connecticut. And I am honored and grateful to have this opportunity to submit testimony in support of H.B. 6599, AN ACT CONCERNING DISCRIMINATION.

An Act Concerning Discrimination, if passed, will ensure the livelihood and equality of some of Connecticut's most vulnerable residents by adding gender identity and expression to Connecticut's antidiscrimination statutes.

As an active lifelong resident of Connecticut, I am horrified by the current maltreatment and discrimination faced by the transgender and gender nonconforming community in our state. Growing up in Connecticut and attending a state school for my undergraduate degree, I have experienced firsthand what devastating impact discrimination can have on an individual.

As an Executive Board Member of our LGBT Gay-Straight Alliance, I found myself listening to stories of hate crimes and discrimination faced daily by our members that oftentimes had to be brought to administration and campus security.

However, there is one story that will stay with me forever. It is a story of a friend and a peer who was the first person in her family to graduate high school and to attend college. In fear of being harassed and assaulted she presented herself as male, the sex she was assigned at birth, although she has known since birth that her gender identity is female.

Having to lie about her true identity is disrespectful and demeaning enough, but her story is far from over. On the second day of school

she walked into her campus apartment to find that her kitchen, bathroom, and shower had been covered in fish oil.

My friend, deathly allergic to fish oil, had to leave the apartment immediately and seek asylum where she could until maintenance could come and put the room back in order. The most heartbreaking part was learning from her that her roommates were responsible for the act and did so to express their feelings towards having a transgendered roommate.

The University had no obligation to respond to the incident as a state school follows state laws which currently do not prohibit discrimination on the basis of gender identity or gender expression.

The resolution of the administration was to have a mediation meeting with my friend and all of her roommates to resolve tension and have all parties return back to their room. Two weeks later my friend dropped out of school and has not returned.

During the course of that semester, University faculty, staff, and students banded together to create the Pride Room initiative: A functioning safe haven for LGBT students with the mission to educate and advocate our campus on the LGBT community in hopes to prevent attacks and hate crimes on campus. But the fact of the matter is our protections must go further than the individual campus initiative.

Adding gender identity and expression to Connecticut's antidiscrimination laws will prevent unfortunate and unfair situation such as this one. It gives notice to employers, landlords, lenders, owners of establishments and all institutions following the state's

antidiscrimination laws in order to keep discrimination from occurring in the first place protecting basic human rights of all Connecticut residents.

The principle behind adding gender identity and expression to Connecticut's nondiscrimination laws could not be clearer. These are our family members, friends, coworkers, neighbors, and loved ones who are targets of discrimination in many areas of their lives and this marginalization exposes them to social and economic insecurity.

The fact is protecting citizens through our antidiscrimination laws is a no-cost way to close a gap in our state's nondiscrimination statutes ensuring that all hardworking people have the chance to earn a living and provide for themselves and for their families.

All Connecticut residents deserve fairness and equality. Passage of H. B. 6599 will ensure that all people are clearly and uniformly protected from discrimination regardless of their gender identity or expression. Simply put, it is the right thing to do.

I thank you for your time, and I urge you to support this bill.

REP. FOX: Thank you for your testimony.

Representative Holder-Winfield.

REP. HOLDER-WINFIELD: Thank you for your testimony.

Your testimony in some way speaks to some of the testimony we heard directly before you. Part of what -- that issue for your friend is the manner in which your friend has been treated because of how your friend chooses to express them self.

You know, we talked a little bit about what the psychologist -- Psychological Association has put forward. The Connecticut Psychologist Association is testifying, and they've read this bill -- there's testimony presenting.

And while I didn't get to the section of the DSM that I was referring to, I did go on the American Psychological Association's webpage and found they have a FAQ-type section and it talks about disorders.

And not the manner in which I normally do things -- but since it was only four sentences, I want to read it because I think it's important that we all actually deal with what is put forward by the people who we say are saying certain things.

And so when they talked about what kind of mental health disorders do transgendered individuals have it says, "Transgendered people experience the same kind of mental health problems that nontransgendered people do. However, the stigma of discrimination and internal conflict that many transgendered people experience may place them at increased risk for certain mental health problems. Discrimination, lack of social support, and inadequate access to care can exacerbate mental health problems in transgendered people, while support from peers, family, and helping professionals may act as protective factors."

And so in your situation what drove the individual away from the school life -- would assume had to do with the fact that there wasn't the support, and I guess, yes, it can manifest itself in a way that looks like it's a mental disorder.

Perhaps if more of us talked about what the facts

were, and treated these people as if they were just human beings, we wouldn't have to even worry about that.

And I thank you for coming to be a voice for your friend. Thank you.

JENNIFER PARADIS: Thank you, sir.

REP. FOX: Senator Kissel.

SENATOR KISSEL: Hi. Thank you. Thank you for being so patient all day today. What school was that again?

JENNIFER PARADIS: Eastern Connecticut State University in Willimantic, Connecticut.

SENATOR KISSEL: But to me that would be bullying. I mean -- all they did is offer to mediate?

JENNIFER PARADIS: They did not have any formal proceedings. From my understanding, this is the first situation that's ever been presented to them that they had to address and the first trans student on campus to face such discrimination, so I feel like the -- they were unsure of the process as to follow through with it.

My friend, the student, wanted to stay in school, and wanted to kind of make as little waves as possible along the way, and so did reconcile and did try to reconcile with her roommates and tried to kind of make the best of the situation.

So I think the university was just trying to do what was best for all students -- for all the students involved, I should say. But, you know, preceding that incident -- or after that incident -- the university overwhelmingly kind of overhauled their diversity guidelines. And now their diversity guidelines that are going to be

applied for the following academic year, now include gender identity and expression.

So they have done the work around, but I think this particular case was very interesting because it was -- it was kept quiet for the sake of the student and also reconciled for the sake of the student, which, unfortunately, didn't turn out very good for her.

SENATOR KISSEL: Well, quite often we have heart-wrenching stories, and we try to change things around to have a better world because of what took place.

And if you're still in contact with your friend, you should say, A, good things happened as fallout from that unfortunate event, and, B, Senator Kissel wants that person to go back to school. (Laughter).

JENNIFER PARADIS: I will tell her that. Thank you very much.

REP. FOX: Thank you. Are there any other questions?

Thank you very much for staying here all day.

JENNIFER PARADIS: Thank you.

REP. FOX: Thomas Shusterman.

THOMAS SHUSTERMAN: Good evening. Is this working? Okay. Thanks.

Good evening. Thank you all for staying around. This has been a long day.

My name is Thomas Shusterman, and I'm a graduate student at the UConn School of Social Work. I'm here today to voice my support for House Bill 6599, AN ACT CONCERNING DISCRIMINATION.

I consider myself a deeply committed ally to those men and women who identify as transgender and indeed any population in need of protection under the law.

Your willingness to bring this bill under consideration is a testament to your commitment to justice and equality and it is an honor to be before you today. You've already heard a great deal about this bill. And it's important to note that it is critical that we extend protections to those who identify as transgenders in this state.

The passing of House Bill No. 6599 is crucial to preserving the safety of this class, encouraging tolerance from the moment a child steps into the classroom and out into the world, and ultimately reaffirming Connecticut's dedication to upholding basic human rights afforded to every resident.

On the issue of safety, there's a growing body of empirical research which suggests that transgender individuals face violence everywhere.

One such study conducted by Dr. Emilia Lombardi of UCLA describes potential horrors in which transgender individuals are confronted with each and every day -- from potential interactions with teachers, medical staff, police officers, indeed, any random person they may encounter while walking their local streets.

This is a sad and troubling matter. What perhaps is even worse is how that some groups and individuals are comparing transgender folk to pedophilic predators who if given the opportunity would harm those in restrooms. This contention is groundless and entirely fear based.

The simple truth is that bathrooms are places of privacy and safety for everybody. It is not a

breeding ground for sexual assault. And I have found absolutely no empirical research that supports anything saying otherwise.

Tolerance for the individual begins in the classroom. History has taught us some painful lessons here. We are not far removed from a time when a teacher would be shunned and ultimately fired for even suggesting that an African-American deserved the same rights as a Caucasian.

A research study headlined by Kim Case and Briana Steward of the University of Houston shows what it means to be transgender is vastly misunderstood across all levels of academia.

Additionally, current research concludes that by infusing school curriculum with information about the transgender class would significantly increase social tolerance and further promote equality over hate and fear.

I would like to conclude my testimony with a few brief words about the preservation of human rights because that is after all what H.B. 6599 is all about. Laws are meant to protect those in need. And every Legislator has the ability to see beyond the law that is currently in place, go beyond what is considered now, and remain one step ahead of public perception, especially when it comes to promoting safety and equality.

Those who identify as being transgender deserve the right to have access to employment and fair housing opportunities. Above all else, they deserve the inalienable right to feel safe and to be respected. For these reasons I urge you to support House Bill No. 6599.

Thank you for your time and consideration.

REP. FOX: Thank you. Are there any questions?

Representative Hetherington.

REP. HETHERINGTON: Mr. Chairman. Thank you.

I'd just like to raise something for your comment -- if you would -- I don't believe that anybody, any fair-minded person, would want to deny a transgender person the right to equal housing, employment, and so forth, but the more we hear from testimony, and the comments, it seems to focus on areas of intimacy such as -- and I hate to bring up the bathroom talk again -- but that's what it amounts to -- and locker rooms, and dressing rooms, and so forth.

What I'd like to you comment on is as we become increasingly cosmopolitan in society, and we welcome people from around the world, we learn that there are people, for religious or cultural reasons, who place great emphasis on the opportunity for the sexes to be separated, if they so choose, in intimate situations.

Now how do we -- if we require equal access to areas that have been generally considered intimate and private, such as bathrooms, how do we square that with our desire to accommodate people of different cultures and sometimes religious traditions that find that unacceptable?

THOMAS SHUSTERMAN: I think that we live in a world -- we live in a country of increased tolerance. And I think that -- I guess you know -- I hate to use the word adaption, but you're adapting to be more tolerant and fair and that's not a bad thing.

And I also would contend that people -- and the only bad thing are bathrooms (inaudible) it's a hot-button issue here. I would think -- and I identify as an ally, not a member of the

transgender community -- but I would think it's far more dangerous for a transgender -- a man who identified himself as a woman -- to walk in dressed as a woman into the men's room. I would think that his safety would be in considerable doubt.

So I -- I respect your position, and I understand the need for cultural competency and accommodation, but I think that in some cases, especially in the area of tolerance, I think everybody needs to embrace a more all-encompassing approach.

REP. HETHERINGTON: Oh, I'm not sure I stated a position, but I really raised a question.

And when I read -- for example, in the elections in Egypt last week, men and women lined up in different lines at the voting place for cultural reasons, possibly for religious reason, I don't know.

And we, you know, increasingly, as I say, are citizens of the world. And although I don't think anybody would quarrel with equal housing, job opportunities, and so forth, when you get to these areas of intimacy, we -- how do we accommodate people from other cultures and to who this will be offensive?

THOMAS SHUSTERMAN: Well, I actually (inaudible) somebody who testified earlier today -- who spoke about -- a transgendered individual spoke about there being -- I guess it was two separate floors that had two different sets of bathrooms and how, you know, it was like kind of understood that, you know, this one person is going to use the men's or lady's room, and if the rest of the people were uncomfortable with that, they could always go use another one.

I think that people -- I mean reasonable people will make accommodation to others who are different and who are no better or worse than anyone else. I don't see this as a cultural issue. I see this as a human rights issue. And it is universal whether it be -- I think the United States -- and Connecticut being part of the United States -- should really see themselves as pioneers and set examples, the right examples. And this case should be an area that I would -- I would --

REP. HETHERINGTON: And that should be demonstrated even in areas of traditional intimacy?

THOMAS SHUSTERMAN: I think so, yes.

REP. HETHERINGTON: Okay. Thank you.

THOMAS SHUSTERMAN: You're welcome.

REP. FOX: Are there any other questions? No.

Thank you for your testimony.

THOMAS SHUSTERMAN: Thank you.

REP. FOX: Next is Gary Strickland. Yes. Gary Strickland and Precious Douglas and will be followed by the Reverend Aaron Miller. Good evening.

GARY STRICKLAND: Good evening. Thank you, Representative Fox, and Senator Coleman, and to all the members that have remained here. I know the hour is seven o'clock.

We're here to oppose a resolution to affirm a decision of the Claims Commissioner in the case of Chaz Douglas -- that's H.J. No. 47. We'd asked that that decision be vacated so we'd be allowed to bring our lawsuit in superior court.

done. To perform reasonable inspection -- for example, there was mention of four-minute inspection, room inspections -- those records were falsified -- and 15 minutes inspections, and those records were -- there was no inspections. There was nothing going on.

The only thing we have is one other guard bringing another cellmate up to his cell, and they're both looking in seeing something going on. And you can see fists flying in the window, and you see two heads up for a period of time. The fact that two heads are up means one of them is not on the ground getting his head kicked by the other, but at some point someone goes down, and the other one is kicking him in the head causing TBR.

So there's a duty to exercise reasonable care to protect confinees who are incarcerated in a state facility or any facility.

SENATOR COLEMAN: Are there other questions? Hearing none.

Thank you, Attorney Strickland.

GARY STRICKLAND: (Inaudible). Thank you very much.

A VOICE: Thank you.

SENATOR COLEMAN: Thank you, Ms. Douglas.

Reverend Aaron Miller.

REVEREND AARON MILLER: Good evening. I'm Reverend Aaron Miller, Associate Minister for Pastoral Care at the Metropolitan Community Church of New Haven, Connecticut. I'm also a Chaplain at Yale-New Haven Hospital. HB6599

I'm deeply grateful to have this opportunity

today to submit testimony in support of H.B. 6599. Adding gender identity and gender expression to existing Connecticut nondiscrimination laws will ensure equal opportunity and protection are made to -- available to all Connecticut residents, including some of our most vulnerable.

What seems like five simple words, gender identity and gender expression, simply carries the power to change the lives and hopes of those who are gender nonconforming.

I am transgender Clergy, and therefore know personally the challenges that face the gender nonconforming community. I've lived a life contrary to my nature to conform to societal expectations based solely upon physical attributes.

I know the bravery it takes to make a decision to live authentically, as the who that I am, risking the loss of family and friends, those from whom we need the most love and support. And before a call to the ministry, I faced a deep fear that I would lose my 18-year position as a senior manager with a New Haven global manufacturing company.

That fateful day I walked into the HR department and made the declaration that I was planning to transition. Knowing there were no Connecticut laws to protect my job, I placed my income, career, home, and family at risk in that one simple moment when I claimed my life as my own.

The company did not have gender identity and gender expression protection in its employment policy; I was lucky. The company added this protection and supported me through transition. But the greater point is that we cannot leave fairness, equal opportunity, and legal protection

arbitrarily in the hands of our employers. This is not a private matter that can be left to subjectivity in the personal discretion of a select few.

Connecticut is known for its fair and equitable laws and protections, and so I ask our Connecticut Legislators to do the right thing by adding gender identity and gender expression to existing Connecticut discrimination protections.

As Clergy I now provide pastoral care to those who consider suicide a solution to the hopelessness they face in the form of transgender related unemployment, underemployment, homelessness, credit denial, and inaccessible public accommodations.

Equality is a value that we as people of faith hold as a core belief. So let us stand together on this issue and affirm the inherent respect and dignity that should be afforded to all people. Simply adding this protection to the existing nondiscrimination laws in Connecticut is the good and right thing to do.

As history has proven, civil rights can never be placed in the hands of the common people. Government is of and for the people -- all people. Ultimately, we will be judged not by how much or how many succeeded but rather how we ensure that the most vulnerable among us were simply given a chance.

Thank you for considering and passing this very important bill. These five words can open a world of possibilities and opportunities, and it will save lives, and I would say it will save souls. Let us again show leadership by standing firm against discrimination in the fair State of Connecticut. It truly is a simple matter.

CLARENCE WHITE: Thank you.

SENATOR COLEMAN: Louise (inaudible). Reverend Sara (inaudible)? Nicole Fink?

NICOLE FINK: Good evening, Senator Coleman, Representative Fox, and members of the Judiciary Committee. My name is Nicole Fink, and I'm currently a resident of Brookfield and a graduate student at the UConn School of Social Work.

I'm here today in support of House Bill 6599, AN ACT CONCERNING DISCRIMINATION. Throughout my life I have always had the security of being protected by Connecticut's nondiscrimination laws.

I have never had to worry about being denied employment opportunities, medical services, or housing because of my identity as an Asian American female; however, the transgender population of Connecticut cannot say the same thing, including several of my friends.

For example, during his transition, one of my friends was so fearful of retribution in the workplace that he became severely depressed, borderline suicidal, and had to seek intensive mental health treatment. He feared losing his job and income and not being able to stay in school because he could not afford to if he lost his job.

According to the National Transgender Discrimination Survey, 83 percent of Connecticut respondents report experiencing harassment or mistreatment on the job, 27 percent lost a job, 24 percent were denied a promotion, and 43 percent were not even hired. No person should have to be fearful of being fired because of their identity.

In today's struggling economy, Connecticut should take extra steps to ensure that all of its residents are given the opportunity to work.

Individuals of the transgender community have also reported harassment, physical, and sexual violence at the middle school, high school, and college levels because of their gender identity and expression. For some the harassment is so severe that it results in these individuals dropping out of school, as you've heard in previous testimonies.

Because of the lack of education, as well as employment discrimination, transgender individuals face a higher risk of unemployment and are more likely to live in poverty. As an ally to the transgender community, I firmly believe that all residents in the State of Connecticut deserve fairness and equality and the opportunity to provide for themselves and their families.

Adding gender identity and expression would not only make our state's nondiscrimination laws stronger and more explicit, but also create a policy that is uniform in protections to all regardless of race, color, religion, age, marital status, national origin, sex, or physical disability.

Connecticut has a responsibility to protect those based on gender identity and expression. Now is the time for Connecticut to take a stand and a step closer to equality for all of its residents.

Thank you.

SENATOR COLEMAN: Thank you. Are there questions? Hearing none.

insurance lapses, then it's not quite effective.

SENATOR COLEMAN: Are there other questions? Hearing none. Thank you, Attorney Monaco.

RALPH MONACO: Thank you.

Gary Jones? Diana Lombardi?

DIANA LOMBARDI: Honorable Chairs, Senators, and Representatives, my name is Diana Lombardi, and I live in Berlin. I would like to urge you to vote in favor of H.B. 6599, AN ACT CONCERNING DISCRIMINATION.

I want to talk to you today about family values. All my life I hid my transsexualism from my family. I was scared and frightened that I would lose them forever if they ever found out.

However, when I transitioned, I knew they would have to know. On one day in 2004, I summoned my courage and told my brother. I was prepared for the worst, but when I told him, he hugged me and he said to me, he didn't understand, but he was -- always loved me no matter what.

Three years later, just before I transitioned, I told my sister-in-law, niece, nephews, and their children; they accepted me with open arms. I told all my cousins, and they all have accepted me.

In a reply to my coming-out letter one cousin wrote, "thank you for sharing your story with us. I, in turn, shared your letter with my children who, as parents themselves, need to be reminded of the importance of accepting their children as they are whatever their differences may be."

To me, that is one of my family values -- is to accept your children -- to love them. One cousin

was deeply religious, and I worried about coming out to them. I was afraid that she would be one of the cousins that would not accept me. My brother and sister-in-law accompanied me when I went to tell her. After I told her, she got up, walked across the room, and hugged me and said I was brave.

She was also one of the first cousins that invited me to a family function as Diana. Since then I have gone to weddings of my nephews, and the funeral of my aunt, and my family has always been there with me.

I am a student of UConn School of Social Work, and hopefully I will be graduating in May with my MSW. When I first attended class, I did not know what to expect. Would they welcome me, or would I be shunned? My worries were for nothing.

They welcomed me with open arms, and over the years I have made many new friendships. I will miss them -- the students, the faculties, and the staff -- when I graduate. And many of them took it upon themselves to come out here today and testify.

A loving and supporting family plays an important part in the support of a trans person. Since coming out, I have met trans people whose family threw them out on the streets when they told their parents that they were transgender, many of them ended up working on the streets.

While trans children from supporting families have fewer problems with their transitions, and have had fewer suicides. The difference between love and acceptance and that of intolerance can make the deciding factor between life and death.

This bill will not change family values, but what it will do is give hope to those who are trying

to find a job to feed their families. Hope to those who are trying to keep the roof over their heads. Hope that other children may have an easier time when they come out.

All we ask is an equal chance at a job. This bill will help families by protecting their jobs and by preventing discrimination in housing, credit, and public accommodations.

In closing, I would like to read a quote from George Washington that he made in 1790 in Newport, Rhode Island. "The government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens."

Please pass bill H. B. 6599, AN ACT CONCERNING DISCRIMINATION, and give bigotry no sanction.

Thank you.

SENATOR COLEMAN: Thank you. Are there questions? Hearing none.

Thank you for your testimony.

Michelle LaGrave?

MICHELLE LAGRAVE: Good evening. And thank you for waiting with us on such a long day.

I'm the Reverend Michelle LaGrave, and I'm here to speak in support of H.B. 6599, AN ACT CONCERNING DISCRIMINATION.

I am currently serving the Unitarian Universalist Church of Greater Bridgeport as its Sabbatical Minister. I am also the partner of a person who is transgender. My partner, Micah, is a clergy candidate with the Metropolitan Community Church

and a chaplain intern at Griffin Hospital in Derby, Connecticut.

Together we live with my mother, Nancy LaGrave, a retired special education teacher. Each of us has dedicated our lives to improving the lives of others. I am proud of my family.

I also worry about my family a lot. I worry about Micah's physical safety when he goes out alone. Sometimes I feel anxious even when I am with him and we find ourselves in new or unfamiliar situations.

I also worry about Micah when he goes to the pharmacy to fill his prescriptions. I have seen the way the pharmacist stares at him. I worry that one day the pharmacist, who has the power to withhold Micah's life-giving medications; will do so saying that Micah's identification has not passed the pharmacist's scrutiny.

The stress and anxiety of encountering prejudice and discrimination is not limited to my partner. The two of us live with my mother, and whatever difficulties Micah faces impacts us all. I worry about the next time we move. How hard will it be to find housing? If we are denied housing or kicked out, what will happen to us? What will happen to my mom?

I worry about our family's economic stability. If Micah can't get employment, or is fired because of his gender identity, will I be able to support my family all by myself? I'm not sure; not on a minister's salary. And not in these days when so many families find they need two incomes in order to survive.

I speak to you today as a partner of a transgender person who has personally experienced the effects of prejudice and discrimination

rooted in gender identity and expression. I also speak to you today as a clergy person who has witnessed the struggles of many other transgendered people.

I am proud to be Micah's partner, and I am proud to represent a faith tradition which has long worked to welcome people of all gender identities into our midst and to fight against discrimination.

Please support Bill 6599. Help us to end discrimination based on gender identity and expression. It's easy to do, it will help a lot of people, and it's only fair.

Thank you for listening.

SENATOR COLEMAN: Thank you, Reverend LaGrave.

Are there questions? Hearing none.

Thank you for your testimony.

MICHELLE LAGRAVE: Thank you.

SENATOR COLEMAN: Ted Rucci.

TED RUCCI: Good evening, distinguished Committee Members. My name is Ted Rucci. I'm a resident of Hamden and a third-year law student at Quinnipiac University School of Law.

The testimony that I will offer today is truly a joint effort because I'm here today on behalf of all three of Connecticut's LGBT law student organizations to support House Bill 6599.

That includes Quinnipiac University School of Law's Q Alliance, Yale Law School's Outlaws, and UConn Law School's Lambda Law Society. All of us support this bill for four primary reasons: the

civil rights that it protects, the consistency that it requires, the comprehensiveness that it offers, and the clarity it provides.

The goal of this legislation is straightforward. It is about protecting the civil rights of all people in Connecticut by prohibiting discrimination based on gender identity and expression.

As law students, and aspiring members of the Connecticut Bar, this bill is important to us. We spend many hours in class each day and many more at home each night reading about laws crafted by legislators, executed by public officials, and interpreted by courts. We're often called upon in class to answer a very straightforward question -- was justice done?

By passing H.B. 6599, this Legislature will send a clear message that when it comes to civil rights in Connecticut, no one should go without. By passing this bill, the Legislature will make certain that justice is done.

Of course, the legal community's support for this bill extends well beyond Quinnipiac, Yale, and UConn law students -- to lawyers throughout Connecticut and the country. The Connecticut Bar Association's section on Human Rights and Responsibilities vigorously supports this legislation. And the ABA issued a statement in 2009 supporting federal legislation that would protect transgender individuals.

The rights of transgender people in Connecticut today are, at best, precarious. H.B. 6599 would reinforce these rights with the much-needed support of the Legislature. As this committee is no doubt aware, Connecticut's Commission on Human Rights and Opportunities issued a Declaratory Ruling in 2000 prohibiting discrimination against

people based on gender identity and expression. And I know you've heard an awful lot about that ruling today.

But perhaps more importantly -- or anyway more recently -- the District Court of Connecticut, and the Connecticut Superior Court have followed suit interpreting state and federal law to prohibit discrimination against transgender people.

The legislature's codification of this trend is important to ensure consistent and fair treatment of transgender people in Connecticut. H.B. 6599 would fill important gaps in legal protections for transgender individuals.

As this committee is aware, the CHRO's Declaratory Ruling prohibiting discrimination based on gender identity and expression extends only to matters of housing, employment, public accommodations, and credit.

The CHRO's ruling does not extend to a host of other activities covered by Connecticut's antidiscrimination laws, including: Licensing, utilities, auto insurance, as well as state services, contracts, and financing.

Transgender people deserve all of their civil rights -- not some of them. H.B. 6599 would ensure that they get them. H.B. 6599 would also strengthen existing protections for those who are lesbian, gay, or bisexual, and for heterosexuals who simply don't conform to gender stereotypes. It would prevent them from being discriminated against for someone thinking that they dressed too feminine or act too masculine.

H.B. 6599 would fill this gap by expanding Connecticut's nondiscrimination laws to include gender identity and expression. Lastly, H. B.

6599 would put employers, business owners, landlords, and other members of this community on notice that they can't treat a person negatively because of that person's gender identity or expression. Sex discrimination is illegal in Connecticut and most employers know this.

And I know I'm -- to some degree -- repeating what you've already heard from Rachel Goldberg, but I think it's worth repeating. Employers don't necessarily know that according to the CHRO the word sex defines not only biological sex but also the gender identity and expression.

H.B. 6599 would ensure that employers and other members of the community clearly understand what is required of them under the law.

In conclusion, Connecticut law should not allow people to be discriminated against merely because of who they are. The people of Connecticut deserve better, and our laws ought to do better. We urge this committee to do justice and approve H.B. 6599.

Thank you very much for your time and for the opportunity to present this testimony.

SENATOR COLEMAN: Thank you. Are there questions?

Representative Hetherington.

REP. HETHERINGTON: Ted, I want to say welcome. You may remember I worked with your dad's law firm, and he was a great factor in gaining justice in the Civil Rights Movement in the 1960s. So you come by your concern for justice very legitimately.

A VOICE: (Inaudible).

REP. HETHERINGTON: Thank you, Mr. Chair.

SENATOR COLEMAN: Lou (inaudible)?

Michael Milton? Clive Milton? Michelle, I'm sorry.

Michelle Milton: Good evening. Thank you so much for your (inaudible). (Inaudible) -- beyond cocktails at this point.

Michelle Milton, and Clive, my husband, he's here for moral support and to kind of cover anything I might miss.

I would like to say I'm really truly humbled and admire the courage of those who testified this evening in favor of H.B. 6599. That's not really the reason I'm here, but I must say, you know, their courage is amazing. Discrimination is ignorant, and it shouldn't be allowed. No one should sit in judgment of another.

My primary reason for appearing here today -- I'm objecting to the Claims Commissioner dismissing my claim against the state. So my primary reason for being here is to request -- was initially to request permission to sue the state for the appalling legal errors made by the CHRO Attorney and the CHRO Hearing Referee in my claim for age and gender discrimination. I have been a victim of discrimination -- also wage disparity. HJ74

On January 11, 2010, I filed a request with the Claims Commissioner to sue the state and its agency the CHRO. The Claims Commissioner should be aware that permission by the Claims Commissioner to sue the state is not required in an administrative hearing procedure, which a CHRO claim of discrimination is -- pursuant to C.G.S.A., Section 4-142(3), C.G.S.A. Section 46a-60 and C.G.S.A. Section 46a-94a(a) and (d).

The defining Appellate Court case is Lyon v.

employees; they paid them more.

So I filed with the CHRO. I also had a claim with the Department of Labor. It took four years to go through the process. I had my hearing in 2009. Basically, the Hearing Referee found wage disparity (inaudible). My claim was well into the six figures, and they found $10,000 was my award.

We then went to a settlement hearing because I refused to accept that. Because the -- I felt the referee -- I mean, he did actually (inaudible) circumstantial evidence. They didn't abide by timelines. They took circumstantial evidence over factual. I had documented factual evidence to prove the discrimination. They did this to three other people. That was also in the documentation although they did not file. One woman filed but didn't pursue it with the CHRO.

And I'm here today to get justice because I don't feel that I was served by the very department that is supposed to be in place to protect your rights against discrimination.

SENATOR COLEMAN: Are there other questions? Hearing none. Thank you both very much.

Daniel Schlorff?

DANIEL SCHLORFF: Chairs, thank you for having this hearing. Representative Holder-Winfield, thank you for sponsoring and cosponsoring this. It's good to (inaudible) Representative Adinolfi from my hometown of Hamden.

My name is Daniel Schlorff; resident of Hamden. I have served as local Minister with the Church of the Nazarene and later with the Congregational Christian Church. And I'm speaking in support of H. B. 6599, AN ACT CONCERNING DISCRIMINATION.

I want to go down to the bottom first; expand on that a little. And then if I have time, do what I was intending to do at the beginning, which is the personal. I think many people have given more compelling personal stories than I'm able to.

So regarding the EOE that has been brought up, I think clarifying employment law, and freeing up our courts, will help our state relieve ambiguity for businesses who want to move to Connecticut. I think right now the EOE provisions are the loophole, and I think it is important in order to bring transparency to Connecticut.

We can entice potential businesses who are interested in relocating to Connecticut. We can entice them by becoming more transparent and operating not in a loophole to protect transgender rights -- or gender identity for that matter -- but that becomes the norm.

Right now established corporations don't want to relocate to Connecticut. There are too many unknowns. If any of us have tried to apply for a bank loan, they ask for our business plan, and if the banker sees that there are too many unknowns, then we're not going to get the loan.

Well, what is Connecticut's business plan? We have too high taxes. We spend too much. We really don't have anything that makes us viable to attract these new companies in. And so it is a conservative value to pass H.B. 6599 out of Committee, onto the floor -- and I hope passed into law.

Since we're overtaxing businesses, we can't compete with states like Texas who don't have income tax (inaudible). We need to be more enticing in other ways that Texas is not able to

provide, and I think H.B. 6599 provides us that unique opportunity.

Okay. So going to our -- my personal statement -- in addition to being in ministry, I'm also the founder and President of Log Cabin Republicans of Connecticut. I know I've made a lot of enemies in this room right now, but I think we're on the same team here.

We've heard repeatedly that pink is a girl's color.

My partner --

(Bell rings)

-- wears pink shirts. And let me just summarize my personal statement then by saying the provision for gender identity does not just affect transgender individuals, but for those who are in the ambiguous area -- those males who like to wear pink shirts.

I noticed a Republican Representative wearing a purple shirt. In certain areas of the state that person may lose their job and be put on a performance-improvement plan because they don't try to fit into the work environment. And this is intolerable. It's anticompetitive. It is -- I think -- we need to support H.B. 6599.

Thank you.

SENATOR COLEMAN: Are there questions?

Oh, Representative Adinolfi. I'm sorry.

REP. ADINOLFI: I've been here all day, too, listening. And I did talk a little bit this morning, and then I kept quiet the rest of the day (inaudible), and I'm against any form of

discrimination.

But do you think that sometimes a business -- unwantingly -- is forced into discrimination?

As an example, if you own a hair salon --

A VOICE: Okay.

REP. ADINOLFI: -- and you've got (inaudible) because they're good. They do a good job; no problem.

A VOICE: Great.

REP. ADINOLFI: But some of your customers come in and they say I'm not coming here anymore. And it gets to a point where you lost so many customers you're going to have to close your business.

DANIEL SCHLORFF: Uh-huh.

REP. ADINOLFI: What does that person do? Close the business?

DANIEL SCHLORFF: So you're saying under the law right now?

REP. ADINOLFI: They say I'm not coming here as long as you've got a transgender working here.

DANIEL SCHLORFF: Right.

REP. ADINOLFI: Now there's some transgenders that -- God willing -- you'll never know the difference, but there are some that you can tell. And that's the case that where somebody could be working in their place and certain customers refuse to come. I don't think that's right; I think the customers are wrong. They are exercising discrimination, but what is that individual supposed to do that owns the business?

DANIEL SCHLORFF: I've never been in this situation of being discriminated against because of my gender presentation -- at least that I'm aware of -- or gender identity, gender expression.

It would seem to me that someone who, you know, is going through transition or is ambiguous in some ways would be attracted to more cosmopolitan areas where they know that their gifts will shine through.

Part of my testimony was how my partner works at Guilford High School as a male choral director. I mean how stereotypically gay can you get, right? But he might not work in other parts of Connecticut because he knows right now that even though there is a loophole to protect him, he would not feel welcome there.

So, you know, again I understand where you're coming from. I think trying to anticipate that for their good, you know, for the good of those who are transgender is not really what the transgender or the LGBT community is seeking.

What we're seeking, you know, is first, equality. And I think those are the kinds of questions that we can answer later, though we certainly appreciate the concern (inaudible).

REP. ADINOLFI: I agree with the equality, but I'm sure there's some businesses that pays for (inaudible). I don't agree with it. And I even know of some churches that have had members leave the congregation, and they've received much, much -- I'm looking, and you're shaking your head -- yeah -- that they've lost, you know, revenue from people leaving and not contributing.

And, God willing, they're surviving, but there are some businesses that want to -- they are confronted with it -- although it might go

against the owners or employees personal principles and beliefs, might be forced to do that to stay in business.

I don't agree with it, but there are some people that could be faced with that. And I just wanted to bring that point up.

DANIEL SCHLORFF: Okay. Well, I'm going to respond by reiterating that this, you know, hypothetical, I think, is outweighed by the big benefits of having codified nondiscrimination policies against transgender individuals.

So while perhaps -- while perhaps I can possibly see your point about people not going to a barber shop or a beauty salon, I think other businesses will come in.

So with these -- I guess that's what I can say right now. (Inaudible).

SENATOR COLEMAN: Are there other questions? Hearing none.

Thank you very much.

DANIEL SCHLORFF: Thank you.

SENATOR COLEMAN: Attorney John Ivers.

JOHN IVERS: Good evening. I am John Ivers. I'm an Attorney in Meridan. I'm here in support of House Bill 6558, AN ACT CONCERNING THE CLAIM AGAINST THE STATE OF THERESA JEFFRIES.

I have requested on behalf of Ms. Jeffries -- who is a college professor here in Connecticut -- a special piece of legislation that would enable me, on behalf of Professor Jeffries, to bring in a claim with the Claims Commissioner for damages resulting from an automobile accident that

A VOICE: Thank you (inaudible).

SENATOR COLEMAN: Thank you.

Jane Murphy? Tony F.

TONY F.: Good evening.

SENATOR COLEMAN: Good evening.

TONY F.: My name is Tony Fariolo(sp?). I live in New Haven, Connecticut, and I strongly support H. B. 6599.

In 2005 I transitioned from female to male. At this time I was a Manufacturing Supervisor at a small manufacturing company in Branford, Connecticut. The company employed 50 people, and out of the 50, 30 people I supervised.

When I made the decision to medically and socially transition, I feared that I would lose my job, but I knew I had to do it to keep myself alive.

I went into the HR person's office, and I let her know that I was going out for surgery. She asked if I was okay, and I told her yes that I was going out for a gender confirming chest surgery. I went out on medical leave and came back three weeks later. I remember sitting in my car really scared on how everyone was going to react to me, and I said to myself be brave and just go back to work.

When I walked into the manufacturing department and headed to my office, I will say a few jaws dropped because I did grow a goatee and I really presented male. Twenty minutes later the owner of the company walked into my office, and he looked at me and he said, he now, right? And I

said, yes, sir; he now. He got up and he told me that he would inform all the managers, and he ended the conversation congratulating me. At that moment I knew that I wasn't going to lose my job. He set the tone that discriminating against me for my gender identity was not going to be accepted.

In a Fortune 500 Small Business Magazine article that featured my successful transition at work, the owner of my company said, "If you start limiting your choices and staff based on these kinds of things, you're cutting yourself off from a lot of good people."

And he was right. I became a better supervisor. I was finally comfortable in my body, and I focused more. And I was more productive. I actually was promoted to Manufacturing Manager last year. I also run two transgender youth support groups in New Haven. I see the effects on how discrimination beats these children down -- from suicidal thoughts to self-mutilation. I say this because it's real and it's happening in Connecticut. I hear their cries, and I know passing this bill will make a big difference in their lives.

My community is not asking for special rights or special protections. My community is asking for the same protection against discrimination that everyone else receives as a citizen of Connecticut.

Thank you for your time.

SENATOR COLEMAN: And thank you for your testimony.

Are there questions? Hearing none.

Thank you for your patient and your testimony.

TONY F.: Thank you.

SENATOR COLEMAN: Tara Alexander?

TARA ALEXANDER: Good evening. Honorable Chairs, distinguished members of the committee my name is Tara Alexander. I'm a resident of Bozrah, and I am a transsexual woman.

I'm here to urge you to vote in favor of House Bill 6599, AN ACT CONCERNING DISCRIMINATION, which seeks to add gender identity or expression to Connecticut's antidiscrimination laws in the areas of employment, housing, credit, and public accommodations.

This bill will provide an explicit uniform policy which affirms that merit and ability, fairness and equality, take precedence over fear and exclusion in our state.

As a transsexual woman, I have known for most of my life what the world saw when it looked at me was not what was -- was not reflective of who I knew I was. I did not wake up one morning and decide to change my gender. I did wake up one morning and decided that I had to be honest with myself, live an authentic life, and face the fear of losing my job. I decided to transition. I'm happy to say that I did not face the discrimination during my transition that many of my transgender and gender nonconforming friends have faced.

No resident of our state should have to face -- should have to fear losing her job, being denied a place to live, or being asked to leave restaurants, stores, or medical facilities because of their gender identity or expression.

The changes proposed in H.B. 6599 to our state's nondiscrimination law would signal to me, and

others like me, as well as our friends and families, that Connecticut is a place I can live, work, and raise a family without the fear of discrimination that can too easily and too often lead to unemployment and homelessness.

H.B. 6599 helps reduce the atmosphere of fear and exclusion by extending this uniform policy with explicit scope of coverage that affirms our state's values and commitment to fair treatment and freedom from discrimination for all its citizens, including those with gender identities and expressions that differ. I hope you will vote in favor of House Bill 6599.

Thank you for the opportunity to testify on this issue today.

SENATOR COLEMAN: Thank you. Are there questions?

Hearing none. Thank you.

Paula Broderick? Priscilla(inaudible)? Ashley McGuffie?

ASHLEY MCGUFFIE: Good evening. After 12 hours I (inaudible) and I dragged a little.

Mr. Chairman, and members of the committee, my name is Ashley McGuffie. I reside in Fairfield Connecticut, and I'm speaking on support of H.B. 6599, AN ACT CONCERNING DISCRIMINATION.

As a lifelong CT resident, United States Marine Corps Veteran, and recipient of the Connecticut Veterans War Time Service Medal, I can't stress enough of my support of H. B. 6599. I joined the United States Marine Corps delayed entry program in October 2001 as a 17-year-old high school senior from Fairfield High School as a means of defending my country and the rights of all U.S. citizens following the September 11th attacks.

From March to June 2002 while most of my peers and classmates were participating in traditional high school rites of passage, such as senior prom, applying for college, and preparing for graduation, I was in United States Marine Corps basic training preparing to be a defender of my country by honoring the lifetime Marine Corps values of honor, courage, and commitment and the United States values of freedom and justice for all. I stand before you today, nine years later, to continue my defense of all U.S. citizens.

As a member of the LGBT community living in Connecticut, a state that at times can seem like a LGBT rights oasis, it's easy to overlook some issues in lieu of recent rights we have attained. However, I cannot stress enough that passing H.B. 6599 is imperative to the LGBT community's health and existence. We live in a time where it is not enough just to survive as a community but is essential to thrive.

In order to do so we must be equally protected under the laws as employees, families, and citizens regardless of our gender identity or expression. Passing this bill will add Connecticut to a growing list of states that support full equality and will reaffirm our state's commitment to fair treatment and freedom from discrimination for all its citizens, a fight that I have personally waged as a Connecticut student, Marine, a lesbian, and as an advocate.

As I look around this room today, I see not just friends and loved ones, but parents, students, professionals, children, teachers and, most visibly, people who have experienced disproportionate amounts of discrimination based on their gender identity and expression. They deserve the dignity as members of not just the LGBT community but of the entire Connecticut

community to have equal protection under the law for housing, employment, and access to services regardless of clothing or other people's perceptions.

As a child and adolescent Mental Health Professional, and as a LGBT Youth Leader, I have experienced firsthand the tremendous damage that can be done to young people and families who are forced to live in fear of being who they are. But, more importantly, I have witnessed and experienced the power of resiliency and healing that comes with the validation and security of being protected from discrimination.

Many of you are seated here today because of your promise to Connecticut voters to uphold fairness and equality for Connecticut residents. As I have the honor, courage, and commitment to stand here today as an advocate, I expect you to uphold your word of promoting freedom and justice for all.

In addition, I am doing my master's thesis, and eventual Ph.D. dissertation, on "don't ask, don't tell" and the effects of discrimination against LGBT service members. It's important to recognize that prior to the "don't ask, don't tell's" repeal in December 2010, transgender people are allowed to serve in the United States Military.

If the United States Military, primarily the Marine Corps, can figure out how to deal with bathrooms, foxholes, and other personal coordinating facilities, I'm certain that Connecticut can figure it out too.

Thank you.

REP. FOX: Thank you.

Senator Kissel.

SENATOR KISSEL: Thank you so much for your testimony.

First of all, thank you for your service to our nation; that was incredible.

And what I said to somebody else very recently I said, we probably had in this building today -- which is a long day -- more transgender people in one spot than probably most other places in the State of Connecticut, and there was no issues regarding the bathrooms in the Legislative Office Building.

ASHLEY MCGUFFIE: Absolutely not.

SENATOR KISSEL: So your points are well taken. And again, thank you for your incredible service to our nation.

ASHLEY MCGUFFIE: You're welcome.

And it's probably also important to mention that there are LGBT veterans, primarily trans veterans, that serve, you know, every day, and are currently serving, that don't have issues with these hypothetical, you know, problems of uniform and not fitting in.

If the United States Military can figure it out -- in the highest institution of masculinity in the country -- I'm pretty sure that as a state we can add to the 13 other states.

REP. FOX: Thank you.

ASHLEY MCGUFFIE: Thank you.

REP. FOX: Representative Holder-Winfield actually has another question for you.

ASHLEY MCGUFFIE: Oh. I'm (inaudible) --

REP. HOLDER-WINFIELD: No. It's not a question. It's a comment. I'll be really quick.

First, thank you for your service. And second -- at this late hour -- thank you for not just walking through your testimony and actually seeming to feel what you were saying. It wakes us back up, so thank you.

ASHLEY MCGUFFIE: You're welcome. You have to walk the walk and talk the talk, so.

REP. FOX: Thank you.

Next was Donna Wilkerson (inaudible) who I believe has left. Linda Estabrook?

Julia Knight? Good evening.

JULIA KNIGHT: Here. Good evening. Thank you for your continued patience. I'm sure this is past all of your dinner times as well. I'd like to speak to you on an issue very important to me which is the prison-based gerrymandering bill, also known as H.B. 6606.

My name is Julia Knight and I'm a senior Ethics, Politics, and Economics major at Yale University. During my time at Yale, I have been involved with municipal and re-entry issues both on an academic and on a practical level. I have also spent the past two months conducting in-depth research on prison-based gerrymandering for my senior thesis.

I come here today notes as a researcher of prison-based gerrymandering, but also as a Connecticut voter concerned about the distortions of democracy that are taking place throughout our state.

JULIA KNIGHT: Yeah.

REP. FOX: Representative Shaban.

REP. SHABAN: Thank you, Mr. Chair.

Does your analysis differ -- because I shut my computer off right after I sat down -- whether or not the prisoner can vote as opposed to, you know, like a felon who can't vote?

JULIA KNIGHT: Yeah. I think that's a very interesting thought experiment.

And the reason why I haven't thought about that too closely is because I don't see that happening in the country in the -- anywhere near the foreseeable future, quite unfortunately -- I believe with Maine and Puerto Rico possibly. But to me if prisoners could vote in the prisons where they were, and could have some level of interaction with their elected officials that would probably change it (inaudible).

REP. HOLDER-WINFIELD: Any other questions? Thank you.

JULIA KNIGHT: Thank you very much.

REP. HOLDER-WINFIELD: Next is Edward Hill. Barbara Gurr?

BARBARA GURR: Hi. I actually just want to start by thanking all of you for being so patient, respectful, and giving all of us the time to speak and share our stories with you today. I think I'm almost the last one on the list, so I won't be too, too long, and I'm probably not sharing anything that is profoundly different from what you've already heard today, so I do appreciate the time that you're affording me.

HB6599

My name is Barbara Gurr, and I have lived in Connecticut all my life. I'm here today to urge you to pass House Bill 6599, AN ACT CONCERNING DISCRIMINATION.

I come to you today as a former public school teacher and as an employee of and Ph.D. candidate at the University of Connecticut, a church member, a community volunteer, and as the mother of two children who are the twin centers of my universe.

Charlie who is in third grade is an excellent student. He loves soccer, basketball, baseball, and playing his Nintendo DS. He's learning how to play the recorder in school and thinks hot cross buns is the best song ever; it's not.

Haley is in first grade. She goes to gymnastics with three of her friends, loves Katie Perry's song "Firework" and wants to be a chef when she grows up -- but last week she wanted to be a teacher, so we'll see what next week brings.

One of my children is transgender. We're pretty open about this in our community. Our friends and neighbors know. Our church members know. Our school community knows. And so far everyone has been very supportive.

This is amazing to my husband and I because we know -- we know -- that this is not the case for far too many transgender children and their families right here in Connecticut even in our home town where there are several transgender adults and adolescents -- of course there are. We know that the mental health statistics for transgender adolescents and adults are overwhelmingly negative. Transgender adolescents have high rates of depression, of suicide, self-injury, drug and alcohol abuse, and risky sexual behaviors.

My daughter will have to navigate a path that leads far too many children and adults to intense suffering -- not because of who they are, but because of the lack of knowledge, support, and protection afforded to (inaudible). My son will always be challenged to keep his little sister safe and to navigate his own social world as big brother of a transgender sibling.

Maybe, God willing, my husband and I will be able to keep our children safe, but if there's one thing that raising a transgender child is teaching us is that nobody, no family raises a healthy child alone. I am proud to be a citizen of the state where I have lived and worked my entire life because in so many ways Connecticut has been a leader for social justice in our nation.

You have the opportunities to be leaders today by passing H. B. 6599 and joining the 13 states who have already passed nondiscrimination laws that include gender identity and gender expression. Adding the phrase gender identity or expression to Connecticut's current nondiscrimination law, will ensure that all citizens of this state, including my children, will be protected under the law explicitly and uniformly.

You have the opportunity today to help ensure that these protections will be in place and further that they cannot be denied to anyone. You have the opportunity today to help my husband and I raise healthy children. I am not too proud to say that I need your help with this and that my children need your help with this. We cannot do this alone.

Today you can help us by simply recognizing that transgender people are, of course, worthy of the same legal protections that other people are

worthy of.

Thank you.

REP. HOLDER-WINFIELD: Thank you. Are there questions from the committee?

Thank you.

James Brislin?

JAMES BRISLIN: Senator Coleman, Representative Fox, Senator Kissel, Representative Holder-Winfield, respected members of the Judiciary Committee.

Good evening. My name is James Brislin. I'm a resident of Enfield, and I'm a 2L in the evening division at Western New England College School of Law.

I came here this evening primarily to testify in reference to 6599. But as I sat through 12 hours of testimony, and heard a myriad of testimony -- and I believe it's 1606 -- and what's the other one -- I believe the Senate Bill number is 1193 -- 6606 and 1193.

As a resident of Enfield these two bills hit home in a very personal way. I grew up a mile and a half from the state penitentiary -- state penitentiaries in Enfield. I remember -- as a 6-year-old -- I remember the big riot at the prison. I remember prisoners escaping.

As a community, we host -- in having the prisons, we host convicted felons. We host the kind of guests that no other community really wants to host. And the perfect evidence of that was the ballyhoo over Governor Rell's proposal to install a correctional facility in Bridgeport and legitimately so.

No one wants convicts in their back yard. We host them. It's a thankless task. And the bottom line is that these people have given up their right to vote as part of the loss of freedom that comes with committing a crime.

Both 6606 and 1193 don't actually restore one person one vote, they simply shift the vote inflation from one location to another, and for that reason alone they should be rejected.

If the committee was truly interested in having a one-to-one vote count, then you wouldn't count prisoners in the allocation of a district at all because they can't vote, rather than counting them in the anticipation of future voting, or past voting, at the time they're counted, they can't vote. But I do think they should be counted because of the funding that our communities receive.

Public services aren't cheap and, I mean, the -- I remember in the past the Department of Corrections owed the city millions of dollars -- millions and millions of dollars and settled at pennies on the dollar for the sewage charges from the prisons. Now that's enough regarding 6606.

I want to return my testimony to 6599, which was my primary reason for coming down here, and I have a number of objections to this bill. First and foremost, I was disappointed with -- procedurally -- how this whole thing was handled.

We've been tracking this bill under 5901 and then one day last week it's introduced under a new number and the next day a public hearing is scheduled. It just doesn't -- it's just not the right way to do business, first and foremost.

Could I have a little additional time given how I've waited?

And so the methodology is of concern but then the content of the bill is of concern as well. You know it's been said that this bill -- it's been bandied back and forth whether or not this bill is a bathroom bill. I'll explain to you why this is a bathroom bill.

Section 46a-64b(1)(B) of the Connecticut Journal Statute state: The provisions of this section with respect to the prohibition of sex discrimination shall not apply to: A, the rental of sleeping accommodations provided by associations and organizations which rent all such sleeping accommodations on a temporary or permanent basis for the exclusive use of persons of the same sex, or B, separate bathrooms or locker rooms based on sex.

Now if we go to the proposed bill, pages 25 to 26 contain the updated substitute to 25a and 25c but there is no substitute to 25b. If there were any intent to not make this a bathroom bill, I submit the committee would need to modify 20 -- sorry -- 64b to include gender identity and expression along with sex. That would get rid of that issue.

As well I'm concerned at the provision regarding boards of education. I think that's on page 8 -- that basically a transgender teacher could transition in the middle of the school year with students, especially with young children. That really isn't fair to their innocence. And I remember the time in my life as a young kid when I had -- when I was innocent -- and rather liked that innocence, and I think it's unfair to prematurely burst that bubble. That should be something at the discretion of parents not forced upon kids by the circumstances of their education.

And a comment was also made about the DSM. I brought with me copies of the section of DSM dealing with gender identity, and it is very lengthy. And that remains a concern that unlike with other categories, with this particular bill, you are taking something that's categorized as a mental disorder and turning it into a civil right.

And so to summarize my testimony, we're counting on you, the members of the Judiciary Committee, to reject H. B. 6599 and protect the innocence of our children and the safety of our girlfriends, wives, and mothers.

Thank you for your consideration.

REP. HOLDER-WINFIELD: Thank you.

Are there questions from any of the committee members?

Senator Kissel.

SENATOR KISSEL: James, I just want to thank you for spending 12 hours waiting to testify.

I think this is the second really large hearing that you've testified at, and you always draw like the last number, so --

JAMES BRISLIN: Murphy's Law.

SENATOR KISSEL: -- maybe the next time you'll get a leg further up. And I appreciate your testimony, especially on the concerns that I'm sure (inaudible) and correctional facilities will have going forward when they become aware, if they're not already aware, of that particular proposal. HB6666 SB1193

Thank you.

REP. HOLDER-WINFIELD: I thank you, Senator Kissel.

And also on the bill changing -- a lot of bills happen that way. They may start as bills individuals put in and they become committee bills -- they get a different number. This bill is not special in that respect and I just wanted to put that out there for you.

Questions from anyone else on the committee?

Thank you.

JAMES BRISLIN: Thank you for your patience.

REP. HOLDER-WINFIELD: Matt Smith? Mike Klinger? Brian Daly?

Carlos -- I can't really make it out -- is there a Carlos here?

David Bennett -- Kevin Sullivan afterwards.

DAVID BENNETT: Good evening, ladies and gentlemen.

My name is David Bennett. I'm an Attorney from Danbury, Connecticut. And I'm here on House Joint Resolution No. 85.

I represent Kevin Sullivan although the resolution is for two (inaudible) Kevin Sullivan, KEVIN SULLIVAN AND THE ESTATE OF JASON WANAT. It's late, and I'll try to be short.

July 19, 2009, 1:15 in the morning, two boats are on Candlewood Lake. One boat has three gentlemen on it; speeding. The other boat is a fishing boat. Both boats pass starboard to starboard.

The fishing boat cuts in about a third of the way down the boat; kills two people on the motor boat and injures a third. Jason Wanat is one of the

JOINT
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PART 12
3606 – 3933

2011

Testimony of Paula Broderick, New Britain resident
In Support of HB 6599, An Act Concerning Discrimination
Judiciary Committee, March 21, 2011

My name is Paula Broderick and I am a registered voter in New Britain.

From 2007 to 2010 I had the great fortune to work with Sara who self-identifies as transgender.

Sara's contributions to the program I coordinate were numerous. She developed curriculum to educate the sexual assault and domestic violence communities; helped create and hold the vision of the program; was a speaker for the certification of Crisis Advocates; and a support to the other team members. In other words, Sara was invaluable.

Hiring Sara was an easy decision to make; she had the education, skills, and heart the position required. Working with other people's prejudices and bias was not easy.

The first day Sara came to my office I received a call asking me a question I won't repeat. At one point, I had a temporary supervisor who told me I could only send Sara on a certain type of assignment. I refused to comply with her request. Another time, I received a call from a location where Sara was presenting at; a remark was made that I will not repeat.

Hiring Sara was the smart thing to do. Standing up for her rights was, and is, the decent thing to do.

What I would have liked to have said when confronted by prejudice and bias was, "Sara is protected under the law from discrimination."

In conclusion: I think it is time for the great state of Connecticut to become one of the growing number of states and municipalities that have extended full civil rights to all residents-including transgender residents.

Thank you for your time.

Paula Broderick

Testimony in support of HB 6599: *An Act Concerning Discrimination*

Honorable Judiciary Committee members,

My name is Konrad Ralph Wainright. I live in Easton, Connecticut, and I stand in **support** of **HB 6599:** ***An Act Concerning Discrimination.***

Why do I support this act?

First, let me tell you about myself: I am fluent in French and love the writing of Ernest Hemingway. I once won an art contest at my school. I love history, impressionist paintings, and sometimes do algebra for fun. I have a deep passion for Star Wars and Harry Potter. Harry Truman was my favorite president. I'm a hard worker and my teachers put good comments on my report cards. I am a cat person. I am a good kid. I stay out of trouble and my parents are proud of me. Someday I want to get married and adopt foster kids.

I am also transgender.

I am only seventeen years old, and I have had to worry about things that most teenagers never give a second thought. I have had to worry about where I am going to live, and if a landlord will even allow me to rent an apartment or a banker will allow me to get a loan because for some reason the birth defect that caused me to be born with two X chromosomes makes me unworthy of a place to live. I have had to cast aside my dream of being a French teacher because school administrators, parents, and other teachers do not want their students exposed to someone like me, because the fact that I had to work harder to match my outer appearance to my inner one makes me a bad influence on children. I worry that I won't be able to adopt kids who so desperately need a dad because regardless of my moral character, my body's shortcomings stand in the way of getting an approval. Because I had to persevere and stay true to myself, I am a second-class citizen. Because I had to fight the odds and go through intense self-loathing, denial, and prejudice, I am at a high risk of hate violence. Because I had to make decisions and know myself better than most teenage boys, I have to be afraid of using a public restroom, of introducing myself, and of going on a job interview.

Because I am forced to use the women's restroom, I have been asked on multiple occasions and with varying degrees of rudeness if I am in the right bathroom. I have been asked invasive and personal questions regarding my body and personal life. I have had to out myself to friends who only knew me as male because I could not risk using the men's room and breaking the law. I have had to worry about which colleges to apply to because I might have to live in a girl's dormitory. I have had to make decisions, have had to face risks, have had to give up dreams that no teenage boy should have to do. I am not told that I can be anything that I want to be, because the world is unkind to people like me. I have to revise my hopes and dreams because of something as personal as a physical defect.

If you need more of an answer, I'd like to invite you to look at my arms. Run your hands over them; feel the bumps of old scars and the roughness of newer ones. There was a time in my life when I would make a new one every time I had to use the women's restroom. There was a time

in my life when I would make a new one every time I was called ma'am in public. There was a time in my life when I would make a new one every time I had to tick the box labeled "female", every time I had to introduce myself under the wrong name, every time I was afraid for my safety when I used the *right* name, every time I thought about the fact that I could not be a teacher or a foster dad and be a transgender man at the same time because the world was going to make it as hard for me as possible. Every time I heard about another hate crime against a transgender person. Every time the laws of this country and this state left me and others like me unprotected when we needed it most.

No seventeen-year-old should have to make those scars. No child should have to have those fears. No parent should be denied children, no enthusiastic educator denied a career. No one should be barred from a bathroom because of the government's own insecurities that people like me will undermine traditional family values when all we really want to do is pee in peace. If I were missing a leg, I would not be denied such basic rights. I'm missing something a little different, but it's no more important to my personality or character. I am not asking for much. I am just asking to be treated like the typical teenager that I know I am. I am just asking for a chance to never have to see another transgender boy or girl make scars like mine, or have worries like mine. I'm not asking for an easier life. I'm asking for a normal one. Thank you.

Judiciary Committee Public Hearing

Monday, March 21, 2011

TESTIMONY OF THE Robert C. / Barbara C.

IN SUPPORT OF HB-6599
AN ACT CONCERNING DISCRIMINATION

Chairman Coleman, Chairman Fox, distinguished members of the Committee.

Depending on where we meet, you may know me as Bob or as Barbara, and very possibly not know that I am transgender. I have known it since I was 5 years old, and have spent half a century in trying to resolve my gender issues. Being transgender is not a social construct. The first 25 years of my life were filled with an absence of vocabulary that would accurately explain my inner most identity and left me with only shame and guilt. I spent 30 plus years hiding in fear that my gender diversity would destroy my career and my livelihood. I have kept a secret that I long ago came to terms with, but have failed to find a way to make others feel comfortable in dealing with. I have failed to find a way to have my acclaimed talents as a male be equally bestowed on me as a female.

There is a persistent argument whether it is a case of nature or nurture, regardless; it is most importantly a journey, not a destination. I have never met a person who wanted to grow up and be transgender. Why would anyone want to elect a second-class life of discrimination and disenfranchisement? I have lived most of my adult life in two directions. As a male, I have won national and international acclaim in my career, yet as a woman who bares the label of transgender, I cannot even get considered for the same employment opportunities.

The opponents to HB-6599 will tell you their perceptions of everything that is wrong with giving someone like me equal rights and accommodations. They will tell you that I am somehow an abomination of their religious beliefs, and that I create an immeasurable disruption in the workplace or in public spaces. I disagree. Passage of HB-6599 will not change the moral fabric of our communities; it will not create any new dangers of morality. It will afford hundreds of citizens of our state, like me, the expectation to fair treatment in their quest for employment, housing, credit and access to public services.

I am one of the lucky ones. I have long since lost my embarrassment for being transgender; I have found a place to live where I feel relatively safe. I have been welcomed into a mainstream faith community who recognizes me as an equal, and has called on me to be part of their state-wide lay leadership. I speak frequently at high schools, colleges and even corporations throughout the state on what it means to be transgender. I feel very fortunate for these few privileges. Yet so many others aren't afforded these simple accommodations. Rather, they forfeit their homes, their jobs, and ultimately their sense of self. Their entire lives are devalued through the discrimination and persecution that HB-6599 would stop.

It is important to note that passage of this law is not exclusively to the benefit of transpersons. It also applies to every individual who doesn't quite fit the norms of gender expression. The flamboyant male and masculine female deserve equal rights and opportunities. To exclude any of us, for whatever reason is to deny us the liberties that are due every citizen of our state.

I urge you to support this bill because so many individual lives depend on it.

Thank you.

To Senator Eric Coleman and Representative Gerry Fox and members of the committee:

RE: Support for HB 6599: An Act Concerning Discrimination

My name is Joshua Delekta and I am writing to you about a very important piece of legislature, HB 6599: An Act Concerning Discrimination. This is perhaps one of the most important pieces of legislature our state can pass this year. This bill deals with equality and fairness for everyone, but especially for those that are gender nonconformists. If we add Gender Identity and Gender Expression to Connecticut's Anti-Discrimination Law, then we are protecting those that do not associate with their own sex, and we are providing them with equality and safety throughout the state.

Without the passing of this bill, those that choose to show their gender in a nonconforming way can be removed from their apartment, fired from their job, or even thrown out of a public place, such as a movie theatre or restaurant. We are all united by being a part of the human species, and we can no longer turn a blind eye when it comes to gender nonconformists. I have a relative in the family who transitioned from being a female to a male and the struggles he went through were astounding. His only crime was not being happy with his assigned sex and having society reject him once he corrected the problem and had the lifestyle he wanted. Who knows, the very person we may be shunning since they do not associate with their sex, could be the doctor that finally finds the cure for cancer, or could be a great and wonderful leader in the field of business.

I have been a lifelong resident of Connecticut have seen this wonderful state go through so much and see the true beauty behind everything. We are one of the many states facing a huge budget crisis and our trying to emerge as a powerful and competitive state again. We were one of the first few states to grant marriage equality to same-sex couples. Now let us use this as a jumping point to extend the right of equality and protection to those that do not conform to the ideologies of their sex. This is the next giant step for the state of Connecticut and I know we can do it.

Thank you for taking the time to read this and thank you for your attention on this matter.

Joshua Delekta
49 Ginger Lane
Torrington, CT 06790

March 20, 2011

The Honorable Sen. Eric Coleman and Rep. Gerry Fox

The Judiciary Committee

Re: Support for HB 6599: An Act Concerning Discrimination

Mr. Coleman, Mr. Fox, and Members of the Committee,

I am writing to show my support for HB 6599: An Act Concerning Discrimination. As a Connecticut resident and supporter of human rights, I stand behind this bill, intended to protect those who may or may not choose to their lives according to the gender and sexual scripts designated by our society. Passing this bill will make it unlawful to treat members of a gender non-conformist community as second class citizens who are punished daily by being denied jobs, exposed to harassment and violence, bullied in school, and often denied adequate healthcare.

As lifelong resident of Connecticut I have always taken pride in living in a state at the forefront of civil liberties. Connecticut, has historically, paved the way for equality by making it illegal to discriminate against several minority groups, based on the color of their skin or biological sex. I would like to see Connecticut continue in its role as a progressive state by extending these rights to those who do not conform to prescribed gender and sexual norms. By doing so, Connecticut will not only solidify its status as a safe state supportive of all human rights, but encourage others to analyze and rethink their own policies and human rights stance.

Thank you for your time and attention.

Laura Sanchez-Garcia

288 West Main Street, Apt. 2

Meriden, CT 06451

Testimony of Andrea Wilson
In support of *HB 6599: An Act Concerning Discrimination*
Judiciary Committee
March 21, 2011

Senator Eric Coleman, Representative Gerry Fox, and committee members, I am writing in support of *HB 6599: An Act Concerning Discrimination*. This bill would extend the protection against discrimination that many groups in Connecticut currently have, based on classes including age, sex, race, religion, and sexual orientation. There was a time when discrimination based on these classes was legal and socially accepted. Now, in 2011, we understand and celebrate each person's unique gender identity and expression. The time has come when we know that equal opportunities based on gender identity and expression are also a basic human right.

This bill would create a safe space for the gender identity and expression of every person in Connecticut. It would protect transgender people, as well as those who are gender non-conforming. Who are "gender non-conforming" people? They are our tomboy daughters who have grown into women applying for jobs. They are our sons labeled as "different" in grade school applying to college and graduate school. They are our parents applying for credit. They are our brothers, sisters, friends, and spouses. They are us; we are them. We all deserve social and economic security.

A lifelong Connecticut resident, I have been an employee of Planned Parenthood of Southern New England and Yale University, which both have anti-discrimination policies that include gender identity and expression. This security would and should be expanded to employees of all companies and organizations by passing *HB 6599.*

I urge you to support the passage of *HB 6599: An Act Concerning Discrimination* in your committee and on the floors of the House and Senate. Close the gap in the state's non-discrimination statutes and protect us all.

Andrea Wilson
Griswold, Connecticut

March 18, 2011

Dear Members of the Judiciary Committee,

Thank you for taking the time out of your busy schedules to read my letter. I am in full support of House Bill 6599, An Act Concerning Discrimination. I'd like to start with a quick description - I am 49 years old and have been working for the State of Connecticut for over 25 years. I am married and we have two lovely children, ages 10 and 15. For all intent and purpose, my life is similar to yours. I go work, own a home, attend church and school events, visit with neighbors and pay taxes. The one big difference is that I am transgender.

Presently, the laws of the State of Connecticut do not *explicitly* protect me from employment discrimination. Thus, I am risking my livelihood by writing this letter and making my story public. The current law also does not *explicitly* protect me from discriminatory actions in housing and public accommodation situations, thus I am opening myself to discrimination by writing you.

Although there is currently a Commission on Human Rights and Opportunities (CHRO) ruling that clarifies that state law protects people from discrimination based upon gender identity and expression, HB6599 would make these protections explicit and uniform. Explicit protection - legislative protection - would protect my employment status as my gender expression and identity differs from that traditionally associated with my assigned birth sex. It would allow me to continue to be a productive public servant and support both myself and my family without the fear of unwarranted repercussions solely in response to my gender expression.

The protections offered in HB6599 will help numerous individuals who are experiencing discrimination because of their gender identity and expression. When passed, the bill will also add the State of Connecticut to the list of 13 states and 130 municipalities that have expanded their non-discrimination laws to include gender identity or expression.

Thank you for considering this bill and I urge you to vote for HB6599. Voting for this act will help to reduce the incidents of discrimination in Connecticut and increase the productivity and safety of employees, consumers and residents.

Sincerely,

Dalia Panke
208 Hany Lane
Vernon,CT 06066

Testimony in support of HB 6599: An Act Concerning Discrimination.

To the members of the hearing committee:

I thank you for your time for reading my written testimony. My name is Kurt Love, Ph.D. I am a lifelong resident of Connecticut. I currently reside in Bristol. I received my preK-Ph.D. education exclusively in Connecticut. I am a graduate of UCONN, and I currently work as an assistant professor and the coordinator for the Secondary Division at Central Connecticut State University in the Teacher Education Department. I am writing to you both as a professor and a father of a 7-month old daughter.

This is a state with a recent unique history with current issues of social justice and civil rights. Civil Rights has been a 100-year struggle beginning in the early 1900s with voices like W.E.B. DuBois and Carter Woodson bringing our attention to social inequalities for Black Americans in society and in schools. Sadly, social injustices and inequalities with schools and *de facto* residential segregation persist making Connecticut only second to Mississippi in terms of racial segregation.

However, in recent years, the Connecticut justice system and State Legislature has made profound and surprisingly just decisions in providing same sex couples the legal right to marry in our state. Where other states have come up severely short with policies of equity for same-sex couples, we have shown a willingness to address inequalities directly. This serves as a beacon of hope for all peoples of all backgrounds. This is commendable on the part of Connecticut lawmakers. Supporting peoples rights is truly at the core of making policy, and its importance cannot be understated.

Gender neutrality is easily missed by those who live a life within the social norms of gender. Transgender peoples have lived as outcasts since the dawn of consciousness in Western societies. As a result, many transgender people live in constant fear of being physically assaulted, emotionally dismantled, or worse. As a society, these shameful forms of abuse and persecution have yet to be addressed in clear language in legislation. Race, age, disability, and male/female gender discrimination are not the only forms that exist. Clearly, gender neutrality for the sake of transgender people needs to be explicitly present in legal policy.

Oppositional arguments to being inclusive of gender neutral language are arguments that have persisted since pre-Civil War. Those that use their religious backgrounds to perpetuate arguments of social inequalities clearly distort meanings of fairness, justice, and morality. Whether it is "God Hates Fags," or "Homosexuality is a disease that can be medically and psychologically treated," these arguments are perpetuating a violence against groups of people, and these are forms of intimidation and bullying that should not be given legitimacy.

Additionally, I want to provide a brief summary of the arguments in academia around gender. I teach about issues of diversity in both undergraduate and graduate level courses. I also sit on the university-wide Faculty Senate Diversity Committee at CCSU. Judith Butler, who is well respected in the community, argued that gender is not only a social construction, but it is also a constant performance of adhering to social norms. As the social norms shift, so do social

behaviors. The current mainstream construction of female, for instance, has certainly been shifting over the last 60 years, and women are "allowed" to be leaders in society in roles that were once only granted to men. Even though gender exists along a spectrum, we have historically constructed gender along a male/female binary leaving transgender people as outcasts. Legislation has historically constructed gender as only male or female, which perpetuates social injustices to those who do not identify in themselves within the confines of the male/female binary.

If legislators only self-identify as being appropriately placed within the binary of "male/female" identities, then overlooking transgender experiences can occur easily and routinely due to their own social privileges. Just as a White, affluent person can overlook experiences of working poor Black or Latino Americans right in their own backyards, males/females who hold office can overlook the experiences of transgender peoples.

Providing peoples of all backgrounds with an equal opportunity is the core principle of lawmakers. Providing gender neutrality in legislation and explicitly identifying discrimination against people regarding gender is not acceptable. Transgender people need the protection of the law just as any other people, and clarity in the language of the law is the primary way of making this possible.

Lastly, as a father of 7-month old daughter, I want her to live in a world that is truly fair, just, and safe regardless of the identities that she forms as she gets older. As a father, I see how gender identities are thrusted upon her by family members, especially. Gender expectations are very high and they start as soon as someone is born. At the very least, policy should avoid perpetuating this process.

Thank you for your time,
Kurt Love, Ph.D.

Assistant Professor
Secondary Division Coordinator
Teacher Education Department
Central Connecticut State University
Barnard Hall, Room 226
1615 Stanley Street
New Britain, CT 06050
860-832-2124
lovekua@ccsu.edu

I write this testimony to show my support for HB 6599. The absence of this bill deprives people of livelihoods and safe working conditions. Discrimination against transgender and gender non-conforming individuals persists, and the necessity for explicit legal protection is imperative. There is a clear record demonstrating the need for these protections: Transgender and gender non-conforming employees are harassed, fired, not hired, and passed over for advancement without regard to their merit. Studies reveal significant levels of discrimination and/or harassment occurring in workplaces across the country including in the state of Connecticut.

In addition to guaranteeing a level playing field in employment, HB 6599 would also ensure that housing opportunities are made available to all, based solely on the ability to pay and other nondiscriminatory factors. Some of my friends will testify about the difficulties faced by transgender individuals in their quest to secure adequate housing. It is well-documented that transgender individuals are shown less desirable properties when they attempt to rent or buy, are quoted higher prices than non-transgendered individuals, receive less favorable customer service, or encounter outright refusal to sell or rent properties.

As a lifelong resident of Connecticut and the best friend of a transgender person, I implore you to pass this bill. As Martin Luther King Jr. said, "Now is the time to guarantee all Americans the God-Given right to be".

Nicole Mitchell

Stratford, CT

Judiciary Committee Public Hearing
Monday, March 21, 2011
TESTIMONY OF RABBI JEFF GLICKMAN, SOUTH WINDSOR, CT

IN SUPPORT OF HB-6599

AN ACT CONCERNING DISCRIMINATION

Chairman Coleman, Chairman Fox, distinguished members of the Judiciary Committee:

My am Rabbi Jeff Glickman of South Windsor, CT. It is an honor to submit this testimony in support of HB 6599, "An Act Concerning Discrimination."

My testimony is very simple. According to the Jewish faith, all people are created in God's image. There is a prayer which attests to this. If we see someone who is so different from us that we are taken aback, the response is not one of fear, but to recite, "Blessed are you, Lord our God, who made us all in your image

The challenge is for us to treat all people as equally created. This certainly applies to transgender people. Yet, transgender people are not included under Connecticut's current anti-discrimination statutes. HB 6599 addresses this injustice by adding gender identity and expression to those statues. I fully support this change and urge you to support it as well.

Thank you.

Testimony in support of HB 6599: An Act Concerning Discrimination

I write this testimony to show my support for HB 6599. The absence of this bill deprives people of livelihoods and safe working conditions. Discrimination against transgender and gender non-conforming individuals persists, and the necessity for explicit legal protection is imperative. There is a clear record demonstrating the need for these protections: Transgender and gender non-conforming employees are harassed, fired, not hired, and passed over for advancement without regard to their merit. Studies reveal significant levels of discrimination and/or harassment occurring in workplaces across the country including in the state of Connecticut.

In addition to guaranteeing a level playing field in employment, HB 6599 would also ensure that housing opportunities are made available to all, based solely on the ability to pay and other nondiscriminatory factors. Some of my friends will testify about the difficulties faced by transgender individuals in their quest to secure adequate housing. It is well-documented that transgender individuals are shown less desirable properties when they attempt to rent or buy, are quoted higher prices than non-transgendered individuals, receive less favorable customer service, or encounter outright refusal to sell or rent properties.

As a lifelong resident of Connecticut and the best friend of a transgender person, I implore you to pass this bill. As Martin Luther King Jr. said, "Now is the time to guarantee all Americans the God-Given right to be".

Nicole Mitchell

Stratford, CT

Testimony in Support of HB 6599: An Act Concerning Discrimination
March 21, 2011

Good morning,

My name is Priscilla. I live in Norwich and I support HB6599. I am a parent of a seven-year-old trans-gendered boy. My son deserves the right of attending school free from fear. He is in second grade and has very strong self esteem. Strong enough to stand up for who he is. What he and all children need are the laws to help our schools provide safe learning environments free from discrimination of any kind.

According to the National Transgender Discrimination Survey children who have expressed a trans-gendered identity or gender non-conformity while in grades k-12 reported alarming rates of harassment 86%, physical assault 38% and sexual violence 14% due to their gender identity/expression.

Harassment was so severe that it led 15% to leave school.

I support my son. The school administration and I are working as a team to ensure that my son receives equal treatment. We are working to ensure that it is a safe place for all students.

It is proven that to help children avoid drugs, alcohol and gang affiliation we need to instill strong self-esteem at an early age and build on it as our children grow. As a parent I am doing my part, as educators the school is doing their part, as law makers it is time to do your part.

My son has, at a minimum, ten years of public schooling ahead of him. The support he receives now will show him how to support others, and when he is an adult male he will be a man of strength, compassion and substance.

In the name of justice and equality for my son and all people in the

Trans gendered community I ask you to add transgender to HB 6599.

Thank you.

I am writing this letter to encourage you to support HB 6599, an act to add gender identity and gender expression to CT's non-discrimination law.

I made a commitment to myself, when I chose to become a teacher, that I was going to be nice and fair, and do whatever I could to allow my students to be the best people they could possibly be. I made a commitment to becoming an advocate for GLBT folks, when my best friend came out to me and I learned what it was like to be a gay person in a world where your family distanced itself from you and your church deserted you, and you feared for your job and maybe your life. That was 40 years ago. In the following years, I became an advisor to my high school's Gay-Straight Alliance and became a member of Parents, Families and Friends of Lesbians and Gays (PFLAG). I consider the work I did helping my school fight discrimination some of the best work I ever did in my long career.

This is 2011, and bill HB 6599 is all about being nice and fair, and all about allowing people to be the best they can be. In a world where there is too much mean-spiritedness, people are living amongst others who are very different from themselves- different races, ages, religions, sexual orientations and gender identities and expressions- and often they don't even see it. By opening our eyes to the wonder and beauty of those differences, folks could learn that people are people, generally good when given a chance and all wanting to be treated with dignity and fairness.

I want to live in a culturally diverse community and state, not a monoculture, and I want that state to be a place where people are equally protected by the law. Equal protection is the right thing to do, a socially progressive goal which will encourage fair-minded people to want to live here. As a retired teacher, this is not only what I want for my state, it is what I want for my school, a place where people are allowed to be the best they can be, protected from discrimination. This is the best step we can take to providing equal protection under the law for all folks. Your support is important. Thank-you for your inclusive vote.

Sincerely,
Barbara Althen
50 Fountain Street
Norwich, CT. 06360

All Souls Unitarian Universalist Congregation
19 Jay Street, New London, CT 06320
Phone (860) 443-0316 Fax (860) 444-2420
e-mail: office@allsouls.net

Reverend Carolyn Patierno, Minister

Mission Statement: All Souls Unitarian Universalist Congregation is a liberal religious congregation that nurtures lifelong spiritual development. We covenant to create a welcoming, caring, justice-seeking community within and beyond these walls.

March 20, 2011

To: Members of the Judiciary Committee

RE: Transgender Civil Rights bill has a number - HB 6599, "An Act Concerning Discrimination"

I write in support of the above named bill. Unitarian Universalism's first principle is a commitment to honor the inherent worth and dignity of all people. Passage of this bill is in keeping with our most valued principle.

Living in harmony with one's gender identity is a most crucial form of self-respect and integrity. The courage exhibited by transgendered individuals cannot be overstated. Their courage must be met with the wider society's commitment to equality and justice for all.

I hope that you will support this bill so that all your constituents will be free from discrimination in all aspects of their lives.

Sincerely,

Reverend Carolyn Patierno

National Association of Social Workers / Connecticut Chapter

2139 Silas Deane Highway
Suite 205
Rocky Hill, CT 06067
(860) 257-8066

Karen Bullock, Ph.D., LCSW
Stephen A Karp, MSW, Executive Director
naswct@naswct.net

Testimony on HB: 6599: An Act Concerning Discrimination

March 21, 2011
Judiciary Committee

Submitted By: Stephen A. Karp, MSW, Executive Director

The National Association of Social Workers, CT Chapter supports HB 6599: An Act Concerning Discrimination. We urge the 2011 Legislature to finally take this long overdue step of fully protecting persons based on gender identity or expression.

NASW and the social work profession have long been concerned with working to eliminate discrimination in all forms. This commitment is embodied in the NASW Code of Ethics (NASW, 2008) that states "Social workers should not practice, condone, facilitate, or collaborate with any form of discrimination on the basis of race, ethnicity, national origin, color, sexual orientation, ***gender identity or expression,*** age, marital status, political belief, religion, immigration status, or mental or physical disability" (emphasis added). It is based on this founding ethical principle that we call for passage of HB: 6599.

Transgender people face real discrimination in a variety of aspects of their lives that have damaging effects to them. Discrimination in employment creates economic insecurity that can lead to seeking public financial supports even though the person is fully capable of, and willing to work. Discrimination of transgender people within health care leads to delays in seeking both preventative and acute health services that can lead to increased costs and longer recovery periods once care is attained. Other aspects of discrimination, such in housing, insurance, and attaining credit again leaves the person wrongfully disadvantaged based not on the person's ability but rather solely on their gender identity or expression.

Discrimination permeates a person's life, negatively affecting their social life, their work life, their health and mental health, their economic security, and their sense of self-worth. In the case of transgender persons this discrimination is heightened by the State of Connecticut's lack of statutory language that specifically prohibits discriminatory practices. Because Connecticut state law lacks a legal remedy for transgender persons who have been discriminated against, the state is complicit in the discriminatory act. This Legislature can rectify this missing element of statutory protection by passage of HB 6599.

There is precedence for this needed statutory revision by the 2000 decision of the CT Commission on Human Rights declaring that discrimination based on gender identity or expression constitutes sex discrimination. Furthermore, thirteen states are already ahead of Connecticut by having non-discrimination laws that cover gender identity or expression, including Maine, Vermont and Rhode Island. Major employers, many of whom have employees in Connecticut, prohibit discrimination in the workplace based on gender identity or expression. A decade ago Connecticut was a leader on anti-discrimination of persons based on sexual orientation, by being the third state in the nation to pass a sexual orientation civil rights bill. All of this precedence resulted in protecting certain person's rights without the loss of rights of other groups or individuals. As a state we can again affirm the rights of a group of people, this time transgender people, at no detriment to non-transgender people.

Connecticut is in the second decade of the 21st Century and societal acceptance of the diversity of individuals in our society has greatly advanced. We now must take the next logical step in that acceptance, and protection, of our diverse community by extending non-discrimination rights to transgender people by passing HB 6599.

Connecticut Sexual Assault Crisis Services, Inc.

96 Pitkin Street · East Hartford, CT 06108 · Phone: 860-282-9881 · Fax· 860-291-9335 · www.connsacs org

Testimony of Connecticut Sexual Assault Crisis Services
In Support of HB 6599 An Act Concerning Discrimination
Anna Doroghazi, Director of Public Policy and Communication
Judiciary Committee, March 21, 2011

Senator Coleman, Representative Fox, and members of the Judiciary Committee, my name is Anna Doroghazi, and I am the Director of Public Policy and Communication for Connecticut Sexual Assault Crisis Services (CONNSACS). CONNSACS is the statewide association of Connecticut's nine community-based rape crisis programs. Our mission is to provide high-quality, culturally competent services for victims of sexual violence and their loved ones. In furtherance of that mission, we support the passage of HB 6599, *An Act Concerning Discrimination.*

HB 6599 would amend Connecticut's existing non-discrimination statutes to prohibit discrimination on the basis of gender identity or expression. It would explicitly and uniformly make this kind of discrimination illegal in housing, employment, public accommodations, and credit.

A 2010 survey of transgender people in Connecticut found that a third of respondents had lost a job, almost half were denied employment, and more than one-fifth of respondents were refused medical care because of discrimination based on their gender identity or expression.[1] These numbers illustrate that without a non-discrimination law that includes gender identity or expression, we allow transgender people to be pushed to the margins of society. When communities are marginalized through discrimination, they can become targets of sexual assault and other forms of violence.

It is not possible to create a world that is free of sexual violence without addressing other forms of oppression and discrimination. By denying basic civil rights to transgender and gender non-conforming people, the state of Connecticut has created a second-class citizenry that is more susceptible to bullying, harassment, and violence. This is not acceptable. When any individual or group is pushed aside and made a target, all of us are less safe.

Ending sexual assault and other forms of violence requires a commitment to equality, and CONNSACS is pleased to demonstrate that commitment by supporting HB 6599. We hope that the Committee will take this opportunity to ensure that basic civil rights are a reality for everyone in Connecticut.

Thank you for your consideration.

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[1] Grant, Mottet, and Tanis *Injustice at Every Turn A Report of the National Transgender Discrimination Survey.* Washington DC. National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011.

Statement by Jennifer L. Levi, Esq.
Before the Joint Committee on Judiciary in Support of Raised House Bill No. 6599
An Act Concerning Discrimination

Honorable Co-Chairs and Members of the Committee:

I am grateful for the opportunity to testify in strong support of Raised Bill No. 5597, An Act Concerning Discrimination, which would add the phrase "gender identity and expression" to all provisions of Connecticut laws that prohibit sex discrimination. I am the Director of the Transgender Rights Project at Gay & Lesbian Advocates & Defenders in addition to being on the full-time faculty at the Western New England College School of Law. As an attorney at New England's leading legal rights organization dedicated to ensuring legal equality for lesbians, gay men, bisexuals, transgender people, and those living with HIV or AIDS, a key focus of my work has been addressing the pervasive discrimination faced by transgender people in housing, employment, public accommodations, access to benefits, education, and other areas. My goal today is to explain why it is so crucial that the legislature add the phrase "gender identity and expression" to Connecticut's non-discrimination statutes.

I. Transgender People Desperately Need Legal Protection from Discrimination

The need to protect people from discrimination on the basis of gender identity and expression is great.

A number of high profile incidents during which transgender people have faced serious discrimination and violence highlight this point. Because of the success of the 1999 movie, "Boys Don't Cry," many people now know about the violence a transgender young man, named Brandon Teena, faced when others learned that he was a biological female with a male gender identity. Upon learning this, two friends of Brandon's girlfriend brutally raped and assaulted him. Rather than appropriately responding to his criminal complaint, local Nebraska police officers treated Brandon like the criminal and delayed in arresting his attackers. As a result, his attackers hunted down Brandon and murdered him.

In a second example of horrifying discrimination experienced by a transgender person, Tyra Hunter was without emergency medical care for a lengthy time because of the bigoted response of the Washington, DC, EMTs who stopped treating Tyra when they learned that she had male genitals. Rather than caring for her, the stood back and made comments such as "This ain't no bitch" and "Look, it's got a cock and balls."

Two other cases of employment discrimination that have received some public attention include those of Lynn Conway, a pioneer of microelectronic chip design, and Dana Rivers, an award-winning teacher in the California public schools. In both of these cases, otherwise well-respected and admired employees lost their jobs when their employers learned that they were transgender. Otherwise exemplary employees were terminated because prejudice

and discrimination as well as outdated notions of appropriate expressions of masculinity and femininity.

Unfortunately, these cases represent just the tip of the iceberg. Transgender people throughout Connecticut, in cases which have not received the attention of those just mentioned, face serious discrimination every day in jobs, housing, lending, and public accommodations. Unfortunately because of pervasive prejudice, discrimination and misunderstanding, transgender people need a law to allow them to do that which most people take for granted – work, take out loans, seek and find housing, and use public accommodations without being subjected to prejudice and discrimination.

II. Connecticut Will Join Other State and Local Jurisdictions That Ensure Freedom From Discrimination Based on Gender Identity and Expression

Connecticut need not fear that by prohibiting discrimination based on gender identity and expression it will be entering into uncharted territory. Instead, Connecticut will join the growing number of state and local governments that have already recognized that preventing discrimination based on gender identity and expression is both necessary and desired and therefore should be addressed explicitly in law. In passing Raised House Bill 6599, Connecticut would become the 14th state to explicitly prohibit discrimination against transgender people joining California, Colorado, Hawaii, Illinois, Iowa, Maine, Minnesota, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, Washington, the District of Columbia.

Over 30 years ago, Minneapolis became the first municipality to adopt transgender-specific non-discrimination language. Since then, the number of additional jurisdictions that have adopted similar measures has grown at a dramatic rate. One study estimates that over 41% of the country's population live in a jurisdiction that has in place some form of explicit protection for transgender people.[1] In addition, there are hundreds of employers and dozens of universities with non-discrimination policies protecting transgender people.[2]

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[1] National Gay and Lesbian Task Force: Jurisdictions with Explicitly Transgender-Inclusive Nondiscrimination Laws, available at http://www.thetaskforce.org/downloads/reports/fact_sheets/all_jurisdictions_w_pop_02_11.pdf [last visited, March 18, 2011]

[2] A small sampling of universities and employers with non-discrimination policies protecting transgender people includes: Lucent Technologies, IBM, Apple Computers, Hewlett Packard, J.P. Morgan, Brown University, Johns Hopkins University, Tufts University, and New York University. For a complete list see http://www.transgenderlaw.org/college/index.htm#policies and http://www.transgenderlaw.org/employer/index.htm [sites last visited, March 22, 2006].

III. This Bill is a Clarification, Not a Change in Law

It bears mention that the proposed bill is a clarification of law, not a change. As the Connecticut Commission on Human Rights and Opportunities ("CHRO") correctly explained in the Declaratory Ruling on Behalf of John/Jane Doe (November 9, 2000), transgender people[3] are already covered under existing state sex discrimination prohibitions. http://www.state.ct.us/chro/metapages/HearingOffice/HODecisions/declaratoryrulings/DRDoe.htm. In response to a request for a declaratory ruling articulating the scope of Connecticut law, the CHRO explained that the statutory prohibitions against discrimination on the basis of sex in Conn. Gen. Stat. §§ 46a-60(a)(1), 46a-64(a)(1), 46a-64c(a)(a) and 46a-66(a) (prohibiting discrimination in employment, public accommodations, housing, and credit practices) include discrimination against transgender persons.

The CHRO's analysis is well-established by current state and federal precedent despite some earlier case law to the contrary. As the Commission explained, a number of cases from the 1970s and early 1980s had suggested that there was some sort of "transgender exception" from existing sex discrimination laws. See, e.g., Ulane v. Eastern Airlines, Inc., 742 F.2d 1081 (7th Cir. 1984); Holloway v. Arthur Andersen & Co., 566 F.2d 659 (9th Cir. 1977); Powell v. Read's, Inc., 436 F.Supp 369 (D.Md. 1977); Voyles v. Ralph K. Davies Medical Center, 403 F.Supp 456 (N.D.Cal., 1975); Sommers v. Iowa Civil Rights Comm'n, 337 N.W.2d 470 (Iowa, 1983).

In those early cases, federal and state courts heard claims brought by transgender individuals who had been terminated from their jobs after notifying employers of their intention to undergo sex-reassignment surgery ("SRS") or when employers learned that an employee had undergone sex-reassignment in the past. The claims brought were straightforward sex discrimination claims. For example, a highly regarded airline pilot (hired as male) was terminated when her employer Eastern Airlines learned that she intended to undergo SRS. Ulane, 742 F.2d at 1084. Karen Ulane argued that because she was qualified when employed as a male and fired when intending to work as a female, the basis of her claim was clearly rooted in sex discrimination. The Seventh Circuit Court of Appeals disagreed. Based on reasoning that many other courts have now rejected as discriminatory, the court created an unprincipled exclusion from existing sex discrimination law for transgender persons. Ulane, 742 F.2d at 1084. For a period of time, several other jurisdictions replicated this analysis. Holloway, 566 F.2d 659; Powell, 436 F.Supp 369; Voyles, 403 F.Supp 456; Sommers, 337 N.W.2d 470.

Earlier cases notwithstanding, as the CHRO explained in the 2000 John/Jane Doe Ruling, the 1989 United States Supreme Court case of Price-Waterhouse v. Hopkins, 490 U.S. 228, changed the legal landscape for transgender people and, as recent courts have explained, "eviscerated" the older exclusion. See, e.g., Smith v. City of Salem, Ohio, 378 F.3d 566, 573 (6th

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[3] The language in the raised bill is drawn from the Connecticut Hate Crimes Law. "Gender identity and expression" is defined in the raised bill, as it is in the Connecticut Hate Crimes Law, to mean "a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's assigned sex at birth" C.G.S.A. § 53a-181i.

Cir. 2004). As the CHRO explained, the high court "ruled [in Price-Waterhouse] that having specific expectations that a person will manifest certain behavior based upon his or her gender is not only conceptually outmoded sexual stereotyping, but also an unlawful form of sex discrimination." CHRO, Declaratory Ruling (November 9, 2000), http://www.state.ct.us/chro/metapages/HearingOffice/HODecisions/declaratoryrulings/DRDoe.htm.

The November 9, 2000, CHRO decision reflects the near-consensus position of contemporary state and federal courts that have considered sex discrimination claims by transgender litigants. See Barnes v. City of Cincinnati, 401 F.3d 729 (6th Cir. 2005); Smith, 378 F.3d 566; Rosa v. Park West Bank & Trust, Co., 214 F.3d 213 (1st Cir. 2000); Schwenk v. Hartford, 204 F.3d 1187 (9th Cir., 2000); Schroer v. Billington, 577 F.Supp.2d 293 (D.D.C 2008); Mitchell v. Axcan Scandipharm, Inc., No. Civ.A. 05-243, 2006 WL 456173 (W.D.Penn. February 17, 2006); Kastl v. Maricopa County Comm. College Dist., No. Civ.02-1531PHX-SRB, 2004 WL 2008954 (D.Ariz., June 3, 2004); Tronetti v. TLC HealthNet Lakeshore Hosp., No. 03-CV-0375E(SC), 2003 WL 22757935 (W.D.N.Y. Sept. 26, 2003); Doe v. United Consumer Financial Serv., No. 1:01 CV 112, 2001 WL 34350174 (N.D.Ohio, Nov. 9, 2001); Lie v. Sky Publ'g Corp., 15 Mass. L. Rptr. 412 (Mass.Super. 2002); Enriquez v. West Jersey Health Sys., 777 A.2d 365 (N.J.Super.Ct.App.Div. 2001); Doe v. Yunits, No. 001060A, 2000 WL 33162199 (Mass.Super. 2000); Maffei v. Kolaeton Industry, Inc., 626 N.Y.S.2nd 391 (N.Y.Sup., 1995).

IV. Laws State A Public Policy In Addition to Providing An Enforcement Mechanism

The purpose of non-discrimination laws is at least two-fold. One purpose is to create a vehicle for preventing and redressing discrimination against vulnerable and targeted communities or individuals. Because Raised House 6599 Bill 5597 codifies existing law, it serves this purpose by clarifying that Connecticut law prohibits discrimination against transgender persons. A second and no less important purpose is to establish a clear statement of public policy in favor of equal treatment of transgender persons. By making this policy clear, the law helps to discourage discrimination and to limit the need for the enforcement mechanisms in place. In other words, part of the goal of adopting clear non-discrimination laws is to give notice to employers, landlords, lenders, and owners of establishments in order to keep discrimination from occurring in the first place.

The supporters of the raised bill ask this Committee and the legislature to add the phrase "gender identity and expression" to Connecticut non-discrimination laws to make clear that existing law protects transgender and gender non-conforming people. While the current scope of "sex" discrimination prohibitions in our laws may be apparent to persons with legal training or background, it may not be clear to ordinary individuals who have no reason to know of the CHRO decision or the courts' interpretation of laws. Raised House Bill 6599 will provide this notice and clarity.

V. Conclusion

In closing, and on a personal note, this legislation is very important to me not just because of the work I do but because of the way it would impact my life. As a visibly gender non-conforming person (and one who identifies as transgender), I have often faced discrimination or adverse treatment because I am a woman who does not look like one. It is, for me, a daily experience to be referred to as "he" or be given hostile stares in the women's department of a clothing store. Shopkeepers and people in the service industry who have reflexively called me "Mr. Levi" often make me the object of their derision when they learn my name is "Jennifer." While the proposed legislation will not and need not change people's understandings of who is male and who is female, it will allow transgender people like me to continue to work, find housing, obtain credit, and use public accommodations, despite others' outdated notions of what it means to be a "real man" or a "real woman."

Submitted by:
Jennifer L. Levi, Esq.

TESTIMONY IN SUPPORT OF HB 6599: AN ACT CONCERNING DISCRIMINATION

Glenn Koetzner
Monica Connor
14 Vanishing Brook Lane
Sharon, CT 06069-2452
(860) 364-9844

My wife, Monica Connor, and I moved to Connecticut with our two children over twenty-five yeas ago. Monica has been employed as a teacher at Sharon Center School for over twenty years, and I am a business owner and privately employed consultant. I am also a member of the Board of Directors of CT TransAdvocacy Coalition.

Most of the time I'm proud to be a resident of Connecticut. I believe that we, as people of this State, try to do the right thing.

Sometimes, like today, I'm hopeful. Today, there is the chance to give residents of this State, my State, the opportunities to pursue their lives without some of the fear of repercussions they suffer due to their gender identity or gender expression.

Things that most of us take for granted--like fairness in housing and equal rights on the job--are not guaranteed to some residents of Connecticut, and it's time we extend to them the same protections.

I want my State to recognize the fact that discrimination is nothing more than adult bullying. I want Connecticut to be a zero-tolerance State when it comes to bullying. It is time to stand up for your fellow residents and pass this bill. Until this bill is passed, we should not pretend that the State of Connecticut is a State embracing equality for all its citizens.

We elect you to lead, and your time to lead us one step closer to real equality is here.

Thank you for your time. Please pass HB 6599: An Act Concerning Discrimination

Glenn Koetzner
Monica Connor

Testimony in support of HB 6599: An Act Concerning Discrimination

Mr. Coleman, Mr. Fox, and Members of the Committee,

I am writing you today to show my support of HB 6599: An Act Concerning Discrimination. This bill is crucial in protecting those daily being discriminated against based on their gender identity and expression.

Having lived in Connecticut the past 11 years I feel proud to be a resident in a state that I consider to be progressive and forward thinking. I believe it is time for CT to no longer ignore the discrimination against those who do not conform to their assigned sex at birth. These individuals are a part of our families and our communities and they deserve the right to a job, have their medical needs met adequately, and a place to live. The fact that they would be denied any of those basic rights based on their gender identity or expression must not be tolerated.
I can't imagine having to live with the fear that I would not be employed based on who I am or that I would be denied medical care or a place to live because of my gender identity or expression. I believe it is time to communicate to our employers, landlords, lenders, and owners of establishments that we will not tolerate anyone being denied equal treatment.

Thank you for your time and attention to this very important issue.

Brittany Fielstra-Solem
383 Whalley Ave #4
New Haven, CT 06515

Testimony of Jacqueline Martone
In Support of HB 6599: *An Act Concerning Discrimination*
March 21, 2011

Senator Eric Coleman, Representative Gerry Fox, and Members of the Committee:

My name is Jacqueline Martone, and I am a student at the University of Connecticut. I am testifying in support of HB 6599: *An Act Concerning Discrimination*. I am a proud citizen of Connecticut and the many progressive laws that have been passed here. However, I am thoroughly disappointed that our state has no laws that protect our citizens on the grounds of gender identity and expression. Currently, 13 states, Washington, DC, and over 130 municipalities have laws that prohibit discrimination on the basis of gender identity or gender expression[1]. I do not believe that there is any excuse for Connecticut to not have these same protections for our citizens. To insinuate that transgendered people are less deserving than any other group of people from discrimination is wrong, and acutely contrasts the values of our state.

As a Planned Parenthood of Southern New England Campus Action Intern, I had the opportunity to partake in several events focused on transgender issues. The first was the Transgender Day of Remembrance, which I attended last December. Many in attendance volunteered to read stories of violent acts committed against the transgender community. I will never forget the atrocities that I heard about, simply based on the victims' gender identity. Earlier this month, we hosted a ctEquality event at UConn, and we were fortunate enough to hear from transgendered people who were unfairly fired from work and faced discrimination based entirely on gender expression. One individual was constantly lied to at their place of employment in order to get them fired, while another, who held a high-ranking position before being fired, was discriminated against behind the scenes and let go with no benefits. During this trying time for our economy, it is absurd that some of the best and brightest individuals are turned away for something out of their control. It is even more disturbing that prejudiced employers are allowed to get away with these malicious practices, and that our state continues to ignore it as though it is not happening.

This bill is not only important for economic reasons, but on the grounds of human rights. Every human being deserves to be protected from violence and prejudice. For our state to still not have a law that defends all citizens from these acts is outrageous. I am a Connecticut resident, and I want to see this bill pass for the LGBTQ members of my community, my family, and throughout the state who are still struggling to be accepted for who they are. Our state is in the unique position to end discrimination for transgendered people. After the tumultuous year the LGBTQ community has faced, which included teen suicides and countless acts of violence and bigotry, passing this bill will show that our state values all of its citizens, and regards discriminatory practices against the community on any level as completely unacceptable. Thus, I advocate the passage of this legislation to show that Connecticut believes in all of its citizens and our inalienable human rights. Thank you.

Jacqueline Martone
5 Pondside Place
Cheshire, CT 06410

[1] http://www.ctequality.com/storage/ctEQ%20one%20pager%202-22-11.pdf

Re: Testimony in support of HB 6599: An Act Concerning Discrimination

Victoria Flagg

Trumbull, CT

To Whom It May Concern:

My name is Victoria Flagg from Trumbull, CT and I am testifying in support of HB 6599, *An Act Concerning Discrimination*. I am an eighth semester senior at the University of Connecticut, and I am passionate about any issues concerning gender identity. I believe that a person should be empowered to express the gender that they feel best exhibits their inner selves and individuality. It's sad that even today people have to worry about job and housing security because they are not accepted or valued. Our society pretends to encourage people to embrace themselves, and embrace the expression of their individuality, but in truth there are very serious and tangible consequences for defying gender norms. Many people who identify as a gender other than the one that society assigns them have lost their jobs because they have not been protected by the law, and many people are in danger of losing housing and not being able to do anything about it. It is bad enough that this economy has put so many people in precarious financial positions, but to be put in more fear of losing security because you need to express who you truly are is deplorable. Everyone should have right to live their lives in a way that guarantees them the most happiness, and I think that everyone can agree that the best way in which to pursue that is to live in a way that supports personal needs and decisions.

This bill is supremely important because Connecticut is too far behind in protecting all of its citizens against discrimination. This is a legitimate issue that seriously affects people who are just trying to live their lives in a way that is most honest to them.

Scott Jaburek
300 summit st.
Hartford, Ct
06106
Testimony in support of HB 6599: An Act Concerning Discrimination

Members of the Committee:

My name is Scott Jaburek and I am a student at Trinity College in Hartford, Ct, and I am writing to support HB 6599: An Act Concerning Discrimination. Originally I am from Chicago, Il and as I have spent more time in Connecticut I have grown to love it very much. I have grown to love the friendly nature of its people and the nurturing and inclusive environment which it possesses.

In my junior year in high school I worked with the Illinois Safe Schools Alliance to amend the Chicago Public Schools non-discrimination policy to include gender identity/expression. As a Student Government Senator at Trinity, every time enumerated classes are listed and gender identity/expression are not included, I speak up. And also when I have the opportunity to include transgender people and gender non-conforming people into the rights and privileges which I enjoy I speak up. Naturally, in this instance as well I felt the need to step up.

I do not feel so strongly about these issues because I have close friends or family who are trans, because I do not. I do not stand firmly for these issues because I am trans, because I am not. I stand so strongly in support of these issues because to me this is simply common sense. For me, it is simply common sense that we should protect those in our society who are most vulnerable to oppression and discrimination. To me, it is common sense to protect the rights of all people to be who they are, or to become the people they want to be.

To me it only makes sense that Connecticut now takes this step. Though it is not always easy, we must not use our own inhibitions and deep-seated prejudices to decide what is okay for others or who should be protected in our state. We must use our ideals. We must use our ideal that all people are created equal. We must use our ideal that in our nation everyone has the chance to succeed. We must use our ideal that no one is free until we are all free.

I ask that you please vote yes. Thank you.

Leif Mitchell's Testimony before the Judiciary Committee, March 21, 2012
Hearing on HB 6599: An Act Concerning Discrimination

Good morning Chairperson Coleman, Chairperson Fox, and members of the Committee, we thank you for your leadership on prohibiting discrimination on the basis of gender identity and expression. My name is Leif Mitchell and I am a Co-Chair at GLSEN Connecticut, a Chapter of the Gay, Lesbian and Straight Education Network (GLSEN). For 20 years, GLSEN has worked to assure that each member of every school community is valued and respected, regardless of sexual orientation or gender identity or expression.

The passage of HB 6599: An Act Concerning Discrimination is critical to ensure the safety and well-being of Connecticut's students. Bullying and harassment has become a serious public health crisis in our nation's schools. Sixty-five percent of teens have been verbally or physically harassed or assaulted based on a characteristic that makes them different from some of their peers, like their race, religion, or gender. Sixty-five percent of junior high school teachers report that bullying and harassment is a serious problem in their school.[1]

Bullying and harassment has often increased adverse effects on marginalized students, including those who identify as lesbian, gay, bisexual, or transgender. According to GLSEN's 2009 National School Climate Survey,[2] nearly nine out of ten LGBT students experience verbal or physical harassment in school. Thirty percent missed *at least* one day of school in the past month because they felt unsafe or uncomfortable. LGBT students who were frequently harassed had grades on average a half a grade lower than their peers and were less likely to want to pursue college. Though these statistics reflect the experiences of LGBT students, consequences like absenteeism, lowered educational aspirations and academic achievement, and poorer psychological well-being can affect all students who experience bullying and harassment.

In order to improve the lives and ability to learn of all Connecticut students, we support passage of HB 6599 which will ensure that "gender identity/expression" is added to all Connecticut statutes addressing discrimination, including those statutes related to schools.

A report issued by GLSEN in 2009, *Harsh Realities: The Experiences of Transgender Youth in Our Nation's Schools*, suggests a significant number of transgender students' education has suffered due to the lack of protection that a statutory amendment could provide.

- Two-thirds of Connecticut transgender students feel unsafe in school because of their sexual orientation and how they express their gender.
- Almost half of all transgender students report skipping a class at least once in the past month and missing at least one day of school in the previous month because they felt unsafe or uncomfortable.

Connecticut has the opportunity to become one of the growing number of states and municipalities that have extended full civil rights to all residents—including transgender residents. Please pass HB 6599 and make Connecticut a safer place for all people who identify as transgender or who express their gender in non-conforming ways. Our students need your support!

If you have any questions, please feel free to contact me at LeifMitchell@hotmail.com. Thank you for your time.

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[1] Harris Interactive and GLSEN (2005). *From Teasing to Torment School Climate in America, A Survey of Students and Teachers* New York GLSEN.

[2] Kosciw, J G., Greytak, E A., Diaz, E. M., and Bartkiewicz, M. J. (2010) *The 2009 National School Climate Survey The experiences of lesbian, gay, bisexual and transgender youth in our nation's schools* New York. GLSEN.

Testimony of Ethan Furious
HB 6599: An Act Concerning Discrimination
Public Hearing of the Judiciary Committee
March 21, 2011

My name is Ethan Furious and I **strongly support** HB 6599: An Act Concerning Discrimination, which would add gender identity and gender expression to Connecticut's non-discrimination law.

I'm writing this letter of unwavering support for HB 6599 not only because I believe that every person should be offered protection under the law from discrimination in housing, employment, public accommodations, credit, and education; but also because the passage of this bill would have an extremely beneficial impact on my emotional well being and financial security.

I'm a female to male transsexual, and the passage of this bill would change my life.

Ethan Furious is not my legal name. Ethan has been my legal first name for over six years, but Furious is merely a pseudonym. We live in a world in which Internet search queries are performed before a job applicant is even considered for an interview and in which a never-ending paper trial follows prospective home buyers throughout every step of the house hunting process. I participate in transgender-related activism and awareness promotion under a pseudonym because if my legal last name was ever linked with me being transsexual, intolerant or non-accepting staff members of employment agencies, credit bureaus, or housing authorities could decline my application because of that information. If I didn't take these extreme precautions, there's no telling what sort of discrimination and mistreatment could result, as protection against discrimination based on gender identity and gender expression under Connecticut state law currently does not exist. A person in their mid-twenties should not have to live in constant fear of their present and future economic stability, especially if this [in]stability is based on who they are. It's heartbreaking that I, and countless others, feel the need to silence our true identities in an effort to keep ourselves on the same level playing field as everyone else. Compromising one's identity in an effort to receive services and opportunities that were worked hard for, deserved, and/or are basic human rights is not the definition of equality.

This constant fear of discrimination, regardless of whether or not this discrimination actually occurs, does not dissipate if and when someone who is transsexual desires to or is able to physically change their body to appear outwardly to others as the gender that they feel inside. I have a beard, a deep voice, and underwent a medical procedure to surgically remove my breasts and create a male contoured chest. I'm never, ever mistaken as a female person. Even though this is true, I still live in constant fear that someone may discover that I'm transsexual and [mis]treat me accordingly. Although all of my government-issued documents, including my driver's license, birth certificate, social security card, and passport, state that I'm male, this fear constantly follows me everywhere.

When I applied for my current apartment, there was a question on the application that asked if I was ever known by another name. The answer was yes, but I checked no. What would have happened if I answered that question honestly and I put my very female-associated pervious name on that application? What if my landlord discovered that my name not only used to be something else, but also that I used to be legally female when my credit check was run?

Or, in the case of many transgender and gender non-conforming individuals, What if I decided that I didn't want to change my name to something more "male", or wasn't able to change my name legally due to lack of resources? Would have I been offered a lease then, regardless of my very desirable credit score?

I'm *extremely* privileged that I had the resources to transition from female to male, especially at such an early age. While my story is important, it's crucial to acknowledge that most transgender and gender non-conforming people are forced to live in much more dangerous and uncomfortable situations than I do based on their lived experiences and access to resources. I'm, by no means, a poster boy of the transgender and gender non-conforming community. However, the fact that even the most privileged transgender and gender non-conforming people are not safe under the current anti-discrimination law illustrates the need for a more inclusive policy that includes gender identity and gender expression.

In 2004, gender identity and gender expression were added to Connecticut's hate crimes law. This bill was passed with an overwhelming amount of support from Connecticut legislators. Connecticut has made it clear that violence based on gender identity and gender expression will not be tolerated. The passage of that bill reinforces that legal protection on the basis of gender identity and gender expression is greatly needed for Connecticut residents. I urge you to consider the impact the passage of HB 6599 would have on the lives of transgender and gender non-conforming people. No individual should be denied from accessing services within the realms of housing, employment, education, or public accommodations because of the biases of others.

Transgender and gender non-conforming people are everywhere – in line at the grocery store, sitting next to you at the movie theater, holding the door for you, helping your college-bound student prepare for a big test during office hours, and providing you with health care services. And, that's where I am, too. But, in order for me to be the most productive member of society, I need to feel safe and economically secure. The protection of all Connecticut residents from discrimination, regardless of gender identity and gender expression, is an issue of equality and safety. I strongly urge you to support HB 6599. The passage of this bill would strongly affirm the state of Connecticut's commitment to fair treatment and freedom from discrimination for ALL of its residents.

Thank you for your time, and for the opportunity to submit this written testimony.

March 21, 2011

The Honorable Sen. Eric Coleman and Rep. Gerry Fox

The Judiciary Committee

Room 2C, Legislative Office Building

Hartford, CT, 06106

Support for HB 6599, An Act Concerning Discrimination

Mr. Coleman, Mr. Fox, and Members of the Committee:

Firstly, I would like to thank the committee for allowing me to write on behalf of HB 6599, An Act Concerning Discrimination. As a life-long Wallingford citizen, Southern Connecticut State University student, and supporter of equality, I urge you in passing HB 6599, as it is a vital piece of legislation that would ensure opportunity for all in Connecticut.

Without the passage of this bill, gender non-conforming and trans-identified individuals remain unprotected under Connecticut law. Currently, such residents are forced to live in fear of losing their rights to education, employment, and housing; basic rights that no resident should have to expect subject to jeopardy. Without the addition of "gender identity" and "gender expression" to Connecticut non-discrimination law, a multitude of this state's citizens remain unprotected from such unheard of prejudices.

Already successfully implemented into more than 100 cities, 13 states, and even nine major Connecticut employers such as Xerox and Pitney Bowes, the addition of "gender identity" and "gender expression" to Connecticut non-discrimination law is a step this state has fallen far behind on for much too long. We need to stop marginalizing the citizens of our state. To stand idly by while Connecticut residents- our friends, our family, our neighbors, and our community- live in fear of discrimination is simply unacceptable.

Please, support equal opportunity and fairness for all in Connecticut by passing HB 6599, An Act Concerning Discrimination. Thank you for your time and consideration on this vital issue.

Amanda Proscino
14 Jackson Avenue
Wallingford, CT 06492

Support Raised Bill 6599
An Act Concerning Discrimination

March 21, 2011

To: Members of the Judiciary Committee

From: Frank O'Gorman
Director, People of Faith CT
West Hartford, CT 06127
860-841-5006

Members of the Judiciary Committee,

Imagine yourself being evicted from your apartment. You're being evicted not because you damaged the property or created a noise disturbance or refused to pay rent. No, you're being evicted solely because the landlord doesn't like the way you express your gender.

This eviction threat was directed against my roommate about 10 years ago. As his family lived out of state, he had to confront the possibility that he might end up homeless. No one should have to live under this fear simply for being oneself.

Now imagine that you are a dedicated, hard-working employee. Your employer thinks highly of you and your performance appraisals are excellent. You wholeheartedly wish to transition to your inherent gender identity but you must live with a big uncertainty: What if your boss dislikes the way you express your inherent gender and fires you? Your job puts a roof over your head, food in your stomach and supports your family. What do you do?

Several of my friends have found themselves in this predicament in the past and one of my friends is currently facing this situation today. No one should have to choose between being oneself and being employed.

So I urge you to support the bill before you today, An Act Concerning Discrimination.

This bill is about supporting good, decent people – indeed some of the finest people you will ever meet -- who live honest, upright, authentic lives and who just want a job and a place to live without fear of being fired or evicted. It's that simple.

This bill is about defending people who live with personal integrity and who just want to be treated with respect. It's about protecting them from discrimination. It's really that simple.

One of the greatest lessons every parent teaches their child is: Be true to yourself and be proud of who you are. This bill affords parents the security that their beautiful gender-variant child will have the full protections against discrimination afforded by the State of Connecticut.

I thank you in advance for your support of this bill.

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LINE 10

Judiciary Committee, in support of HB 6599: An Act Concerning Discrimination

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My name is Daniel Schlorff. I am resident of Hamden, founder and President of the Log Cabin Republicans of CT, and have served as local minister with the Church of the Nazarene, and after that, with the Congregational Christian Church.

We've heard repeatedly that pink is a girl's color. And my partner wears pink shirts.

Kevin works in a public school, and he is excellent at what he does. In his first year directing the Choral Ensembles at Guilford High School, attracted an internationally known conductor to help enhance the talent of his already great choirs. Then, the following year, the Guilford High School choirs were invited to was invited to collaborate with a well-known professional choir—who asked them back! He is loved by his students, colleagues and administrators.

Kevin thrives in Guilford—partly because of his talent, and partly because people in Guilford don't care that he wears pink shirts, and in other ways, expresses who he is in a way that others receive as feminine.

Even if Kevin had equal protection under the constitution, based on his gender presentation, he would not have to think hard before declining a position at a different CT school, where he encountered more idealistic students, colleagues or administrators.

If he worked in a more idealistic public school, his administrator might note Kevin's pink shirts and accuse him of trying to stand out, not fitting in, or not being a team player. if he worked anywhere else, he might find himself on a performance improvement plan, despite his great accomplishments.

Guilford is not revolutionary for hiring a feminine, male choir director, any more than the other schools in CT are revolutionary for hiring a butch, female gym teacher. They just want the best talent, and they got it. Kevin's job might not be secure, however, if his supervisor changes, and the students at Guilford would be deprived of the other opportunities in the works. The kids at GHS are why we need this amendment.

(If time allows, add:)

Connecticut doesn't have much that gives our state an edge in attracting new businesses, and they certainly don't want to be taxed at our current rate. Protecting people of all genders and all gender expressions will provide CT an edge over states with lower taxes, attract more business, and help pay for the programs that have put us in the red.

Rev. Sarah Person
Universalist Church of West Hartford, CT
Testimony in Support of
The Transgender Civil Rights bill, HB 6599, "An Act Concerning Discrimination"
March 21, 2011

I am the Rev. Sarah Person, Associate Minister for the Universalist Church of West Hartford. Thank you for this opportunity to submit testimony on behalf of HB 6599. This small addition to existing legislation, affecting an admittedly small percentage of the population, will have a huge impact on their lives and the lives of those of us who know them, love them and work with them. Transgender individuals, like all of us, have family, friends, allies, teachers, employers and colleagues, health care practitioners, and clergy who they depend upon and who depend upon them for support. When a transgender person is denied employment, a safe workplace, education, health care and housing, it affects not only them but all the people around them.

I know transgender children who are afraid they will be unsafe in their homes, their schools and their churches. I have known adults who are worried they will lose their jobs, who have been exposed to brutality, and who struggle daily with the stress this brings. This is not an issue of non-conformity or illness; it is an issue of identity. The children I know have dealt with this awareness of their transgender nature since they were small. Rather than being a youthful whim, it is a deep and abiding recognition of the essence of one's maleness or femaleness that extends over years. How a person presents one's gender to society in dress, behavior, appearance and mannerisms is a form of gender expression. Gender identity and gender expression have no relationship to maturity, intelligence, emotional state, or integrity. Transgender individuals are as mature, intelligent, adjusted and moral as the rest of us. The fact that they often are not seen as such, and treated badly for it, requires that we offer them protection.

Even with our anti-discrimination laws in effect in Connecticut, transgender individuals are disproportionately more likely to be targets of severe harassment and discrimination in the workplace, in schools, health facilities and accommodations. The consequences can be horrendous; leading to higher rates of depression and suicide and homelessness. Our faith community, as well as many others, has long sought to amend this injustice. We value the integrity and worth of each and every one of us. We are asking Connecticut to join 13 other states and Washington, DC, and over 110 cities and towns that have laws prohibiting discrimination on the basis of gender identity or gender expression.

Your support of this legislation will be fair, will be compassionate and will be right.

COMMISSION OFFICERS
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Connecticut General Assembly

Permanent Commission on the Status of Women
The State's leading force for women's equality

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Testimony of
The Permanent Commission on the Status of Women
Before the
Judiciary Committee
March 21, 2011

Re: H.B. 6599, AAC Discrimination

Senators Coleman and Kissel, Representative Fox and Hetherington, and members of the committee, thank you for this opportunity to provide testimony on behalf of the Permanent Commission on the Status of Women (PCSW) in response to the introduction of H.B. 6599, which would prohibit discrimination on the basis of gender identity and expression.

Individuals are often harassed or discriminated against in several arenas, such as employment, education, housing, public accommodations and credit matters, because of the stereotypical belief about how men and women should act. While there is a Commission on Human Rights (CHRO) ruling[1] that prohibits discrimination against transgender people under the sex discrimination laws, there is no clear statutory protection. This bill would provide such protection.

We oppose, as we are sure that you do as well, all forms of discrimination. Discriminatory acts against transgender individuals are about gender and social expectations about gender. One's gender identity and expression is a personal and private matter. No one should lose a job or be denied entry into school because of the prejudices of others. By including gender identity and expression in Connecticut's anti-discrimination laws, the Legislature reaffirms the principle that people in our state may work and live without fear of discrimination, and reminds those who commit illegal acts out of prejudice that our society deplores their behavior and will not tolerate it.

We look forward to working with you to address this issue. Thank you for your consideration.

[1] *Declaratory Ruling on Behalf of John/Jane Doe.*

18-20 Trinity St., Hartford, CT 06106 • phone: 860/240-8300 • fax: 860/240-8314 • email: pcsw@cga.ct.gov • web: www.cga.ct.gov/pcsw

Rev. Aaron L. Miller
Metropolitan Community Church of New Haven, New Haven CT
Testimony in Support of HB 6599, "An Act Concerning Discrimination"

I am the Rev. Aaron Miller, Associate Minister for Pastoral Care at the Metropolitan Community Church in New Haven, CT. I am deeply grateful to have the opportunity today to submit testimony in support of HB 6599. Adding Gender Identity and Gender Expression to existing Connecticut nondiscrimination laws will ensure equal opportunity and protection are made available to all Connecticut residents, including some of our most vulnerable. What seems like five simple words (Gender Identity and Gender Expression) simply carries the power to change the lives and hopes of those who are gender nonconforming.

I am transgender clergy and therefore know personally the challenges that face the gender nonconforming community. I have lived a life contrary to my nature to conform to societal expectations, based upon physical attributes. I know the bravery it takes to make a decision to live authentically as the "who" that I am, risking the loss of family and friends...those from whom we need the most love and support. And (before called to the ministry), I faced the deep fear that I would lose my 18 year position as a senior manager with a quarter billion dollar New Haven global manufacturing company. That day, I walked into the HR department and made the declaration that I was planning to transition. Knowing there were no Connecticut laws to protect my job, I placed my income, career, home, and family at-risk in that one simple moment, when I claimed my life as my own. The company did not have Gender Identity and Gender Expression protection in its employment policy. **I was lucky**. The company added this protection and supported me through transition; but, the greater point is that we cannot leave fairness, equal opportunity, and legal protection arbitrarily in the hands of our employers. This is not a private matter that can be left to subjectivity and the personal discretion of a select few. Connecticut is known for its fair and equitable laws and protections and so I ask our Connecticut legislators to do the 'right thing' by adding Gender Identity and Gender Expression to existing Connecticut discrimination protections.

As clergy, I now provide pastoral care to those who consider suicide a solution to the hopelessness they face in the form of transgender-related unemployment, underemployment, homelessness, credit denial, and inaccessible public accommodations. Equality is a value that we, as people of faith, hold as a core belief. So, let us stand together on this issue and affirm the inherent respect and dignity that should be afforded to all people. Simply...adding this protection to the existing nondiscrimination laws in Connecticut is the good and right thing to do. As history has proven, civil rights can never be placed in the hands of the common people. Government is *of and for the people*...all people. Ultimately, we will be judged – not by how much or how many succeeded; but rather by how we ensured the most vulnerable among us were given a chance.

Thank you for considering and passing this very important bill. These five words can open a world of possibilities...let us again show leadership by standing firm against discrimination in the fair state of Connecticut. It truly is a simple matter.

With gratitude for your time and consideration,

The Rev. Aaron Miller

Testimony On Behalf Of The
Connecticut Regional Office of the
Anti-Defamation League

IN SUPPORT OF
HB 6599
AN ACT CONCERNING DISCRIMINATION

March 21, 2011

The Anti-Defamation League was founded in 1913 with a mandate to fight the defamation of the Jewish people and secure justice and fair treatment for all. Today the ADL is one of the country's leading civil rights organizations.

We submit this testimony today to express our strong support for House Bill 6599, which would update and clarify Connecticut's anti-discrimination statutes to explicitly protect individuals from discrimination in employment, public accommodations, housing, credit and education based on their gender identity or expression.

A critical element of ADL's mission of seeking justice and fair treatment for *all* people compels us to combat bias and discrimination in whatever form it takes and against whomever it may be directed. Others here today will describe in greater detail how individuals are discriminated against simply because they do not meet societal expectations of what it means to be a man or woman. In our experience, discrimination against *any* individual or group of people not only hurts the individuals it targets, but negatively impacts the environment in which it arises and the community as a whole. Fortunately, Connecticut's discrimination laws provide significant protection to many classes of individuals subject to discrimination as well as meaningful avenues for responding to such discrimination. However, gender identity and expression are not among those protected classes. Discrimination based on one's gender identity or expression is as pernicious as discrimination based on those categories explicitly prohibited by current law such as race, sex and religion, and should receive equal and unambiguous protection under the law.

Although the CHRO has ruled that protection against discrimination based on sex encompasses gender identity and expression, the ruling does not have the effect of clearly protecting transgender individuals by statute, and therefore fails to send a clear message to employers, landlords, educators and the community that discrimination based on gender identity or expression is impermissible. Extending explicit protection from such discrimination will deliver a powerful deterrent signal to those who may contemplate acting on their prejudices.

We urge you to join 13 other states and the District of Columbia that have passed similar legislation. This simple change in the law that will send a clear message that no one deserves to suffer discrimination because of their gender identity or expression.

S.E. Kinsella, Esq.
Portland, CT
Testimony to the Judiciary Committee in Support
of HB 6599 *An Act Concerning Discrimination*

I have come here in support of this bill for many reasons, including obvious personal reasons – but the most important reason is that I have a daughter, Luna, that is transgender.

As early as three years old, Luna showed signs of being transgender – from wearing a blanket as a dress or playing with her stuffed cats instead of her action figures. While she seemed happy, she was in her own world and was very shy and quiet.

As the years went by, Luna exhibit more and more signs of being female and, in September 2009, at 12 years of age, Luna came out to me. I was relieved and elated that she had the courage at twelve years of age to say to me "I just want to be myself; I want to be a girl."

Over the next several months, Luna slowly took the first steps in being herself. In March of 2010 at a Day of Silence Rally at her school, Classical Magnet here in Hartford, she got up before the assembly and told them "I am transgender." She received a thundering round of applause from the crowd and a number of students and teachers came up to her to personally show their support. It was another milestone; Luna's coming out to her school mates and the acceptance she received.

Over that last sixteen months, my daughter has grown in so many ways now that she can finally be herself. She has blossomed and come out of the shell that she had been living in. I have never seen her so happy!

But with every good thing, there inevitably comes some bad as well – and that does not have to be. Luna has had her share of confused encounters with folks not so accepting and that is truly unfortunate. We are a state that has accepted same-sex marriage and yet we do not have protections in place for the transgender community. You would think that we all living in Alabama or Kansas. For a state such as Connecticut to not yet have protections for the transgendered community is a travesty; to continually turn a blind eye towards any type of discrimination, is support of discrimination.

I ask you to please let this be the year that the State of Connecticut puts protections in place for the transgendered community by amending our state statutes to include "gender identity and expression." I ask you to let my daughter grow up in a state that lets her be herself with the protections she and every other transgender individual should have had years ago.

Thanks for listening.

Written Testimony for Anti-Discrimination Bill Hearing March 21, 2011
Submitted by Linda Estabrook
An Act Concerning Discrimination ~ HB 6599
To prohibit discrimination on the basis of gender identity or expression

My name is Linda Estabrook. I am Executive Director of the Hartford Gay and Lesbian Health Collective. Our agency serves transgender individuals in several of our medical, prevention, support and education programs. I am also a recent graduate of the Master's in Public Health Program at the University of Connecticut. The focus of my MPH final project was transgender health and law issues which included producing the first of what has now become an annual conference, Transgender Lives: The Intersection of Health and Law.

Through my work at the Health Collective and my studies in the MPH program, I have developed a much better understanding of the issues faced by friends, colleagues and clients who do not conform to the gender stereotypes. The discrimination faced by individuals in so many facets of their lives is pervasive in our community and devastating for many. These are just people trying to live their lives as who they are. Nothing more.

The "trickle-down" effect of discrimination includes loss of employment or inability to obtain gainful employment. Minimal or no income means that some of these individuals become dependent upon entitlement programs to survive. Not having gainful employment oftentimes means that access to healthcare is significantly limited due to lack of health insurance, as employment and medical insurance are so often tied together. It would be better for our state if these individuals could participate fully in our society which includes being employed and paying taxes.

Being relegated to a "less than" status without the protections this law can provide keeps many gender non-conforming individuals in a "less than" status, without equal access to the many services, employment opportunities, public accommodations and health care access that most of us simply take for granted. Demanding that someone deny who they are at their core to fully participate in society inflicts much damage on that individual.

The World Health Organization defines health as "a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity." It is important to keep this in mind as an important reason to pass this legislation.

I strongly encourage that CT join other states in providing these important protections. Thank you.

Linda Estabrook, Executive Director
Hartford Gay and Lesbian Health Collective
PO Box 2094 , Hartford, CT 06145
860-278-4163

Nicole Fink
Testimony in support of HB 6599: An Act Concerning Discrimination
March 21, 2011

Good afternoon, Senator Coleman, Representative Fox and members of the Judiciary Committee. My name is Nicole Fink and I am currently a resident of Brookfield and a Graduate Student at the UCONN School of Social Work.

I am here today in support of House Bill 6599. Throughout my life, I have always had the security of being protected by Connecticut's non-discrimination laws. I have never had to worry about being denied employment opportunities, medical services or housing because of my identity as an Asian American female, however the transgender population of Connecticut cannot say the same thing, including several of my friends. For example, during his transition, one of my friends was so fearful of retribution in the workplace that he became severely depressed, borderline suicidal, and had to seek intensive mental health treatment. It was difficult watching one of my friends suffer and not being able to help him. He feared losing his job and income and not being able to stay in school because he could not afford to if he lost his job.

According to the National Transgender Discrimination Survey (conducted by the National Center for Transgender Equality and the National Gay and Lesbian Task Force), 83% of Connecticut respondents reported experiencing harassment or mistreatment on the job, 27% lost a job, 24% were denied a promotion and 43% were not even hired. No person should have to be fearful of being fired or denied promotions because of their identity. In today's struggling economy, Connecticut should take extra steps to ensure that all of its residents are given the opportunity to get back to work.

Individuals of the transgender community have also reported harassment, physical and sexual violence at the middle school, high school and college levels because of their gender identity and expression. For some, the harassment is so severe that it results in these individuals dropping out of school. A friend who works directly with transgender youth in CT has told me many stories about the experiences of transgender youth that are like my friend's story...

Because of the lack of education as well as employment discrimination, transgender individuals face a higher risk of unemployment and are more likely to live in poverty. As an ally to the transgender community, I firmly believe that all residents in the state of Connecticut deserve fairness and equality and the opportunity to provide for themselves and their families. Adding gender identity and gender expression would not only make our state's non-discrimination laws stronger and more explicit but also create a policy that is uniform in protections to all. By adding gender identity and expression to Connecticut's non-discrimination laws, Connecticut is upholding our state's commitment to fair treatment and freedom from the discrimination for all its citizens. Connecticut has the responsibility to protect all of its residents regardless of race, color, religion, age, marital status, national origin, sex, or physical disability, and now it has the responsibility to protect those based on gender identity and expression. Now is the time for Connecticut to take a stand and a step closer to equality for all its residents.

Judiciary Committee

Public Hearing 3/21/2011

Testimony of William C. O'Brien, President, Connecticut Right to Life Corporation concerning HB 6599, the "Gender-bender" "Bathroom" bill.

Senator Coleman, Representative Fox, members of the Judiciary Committee, I am here today to speak in opposition to HB 6599, AN ACT CONCERNING DISCRIMINATION, which designates "gender identity or expression" as a protected class.

HB 6599 would make this definition law - "Gender identity or expression means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth."

The law would prohibit discrimination based on gender identity by state agencies, cities and towns, by state contractors, private employers and labor organizations in hiring practices, in public accommodations, resorts or amusements, at golf clubs, by telephone and telecommunications providers, electric companies, by realtors, in housing, home financing and credit matters, and in much more.

The American Psychiatric Association recognizes identification with a non-biologically based gender as an identity disorder.

The American Psychiatric Association permits a diagnosis of *gender identity disorder* if the four diagnostic criteria in the *Diagnostic and Statistical Manual of Mental Disorders, 4th Edition, Text-Revised* (DSM-IV-TR) are met. The criteria are:

- Long-standing and strong identification with another gender
- Long-standing disquiet about the sex assigned or a sense of incongruity in the gender-assigned role of that sex
- The diagnosis is *not* made if the individual also has physical intersex characteristics.
- Significant clinical discomfort or impairment at work, social situations, or other important life areas.

If the four criteria are met, a diagnosis is made under ICD-9 code 302.85. There are other diagnostic codes for *gender identity disorder*.

The International Classification of Diseases (ICD-10) list three diagnostic criteria:

Transsexualism (F64.0) has three criteria:
The desire to live and be accepted as a member of the opposite sex, usually

accompanied by the wish to make his or her body as congruent as possible with the preferred sex through surgery and hormone treatment
The transsexual identity has been present persistently for at least two years
The disorder is not a symptom of another mental disorder or a chromosomal abnormality

Uncertainty about gender identity which causes anxiety or stress is diagnosed as sexual maturation disorder.

Gender identity disorders are real. No doubt they are not easy to live with or to treat. We should all condemn any persecution or bullying of people who have these disorders. Those who have these disorders deserve compassion and psychiatric help.

But this bill would compel all of society to accept this disordered sexual behavior as normal.

I'm sure many women listening today are surprised to hear that men apparently are already using women's rest rooms through out the state. I think most women have an expectation of privacy, that there are no men present, when they use the ladies room, and apparently that is not the case.

Does the same thing occur in changing rooms in department and other clothing stores?

How will this law affect locker rooms - in the schools, and at the YMCA, YWCA or at other gyms, and in country clubs? It would seem to give a person the legal right to enter the locker room of their choice.

In the schools, not only could your child's male teacher come to work dressed as a women, so could your neighbor's high school-aged son. And if your neighbor's son comes dressed as a girl, does that mean he uses the girl's room, and the girl's locker room, to change from his gym clothes into a bra and blouse, or dress? Or does he put on the bra and blouse, or dress, in the boy's locker room? Either way, if a teacher or other student complains and takes action - will they be charged with discrimination? It would seem so.

No doubt this will make its way into public school sex education classes where children will be taught that selecting their gender identity is normal.

This bill ignores science, biology, medicine, and common sense.

Rather than require people with this sickness to conform to society's sexual norms, this bill would require society to conform to the sickness!

Though no one wants to discriminate against another person, when a person has a psychological illness, it is wrong to treat that person's behavior as normal. It is even more absurd to treat those who recognize the symptoms of the illness as though they were the

ones who are sick, or even as criminals!

Though the bill does have a religious exemption, it only applies to religious corporations, and related educational institutions, agencies and associations.

However, the religious exemption does not apply to individuals, their businesses, or their children in public schools!

The U.S. Department of State now allows a person to select which gender they want listed on their passport, which need not be the biological sex they were born with.

If this bill becomes law, would the DMV issue licenses based on a person's birth certificate, or their chosen gender? How will that affect law enforcement when they issue an all points bulletin to watch for a man or woman?

Would birth certificate be changed?

If a man chooses to be a women, can he save on his life insurance rates? What about auto insurance? Health insurance?

How will this affect medical care? When an EMT shows up on scene, will he be told the person is male or female? It may make a big difference in the way the EMTs go about making a diagnosis.

The Canadian Military now requires male soldiers who identify as women, and women soldiers who identify as men, to dress in the uniform of their "target" gender.

How will this bill affect the Connecticut national guard?

This is not a bill that affects only a few people with a disorder. Rather, it will create a disordered society.

Please vote "NO" on HB 6599, the gender bender "Bathroom" bill!!!

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Tony F.
Testimony for the Judiciary Committee in support of
HB 6599: An Act Concerning Discrimination
March 21, 2011

My name is Tony F. , I live in New Haven and I support HB6599 An Act Concerning Discrimination.

In 2005 I transitioned from female to male. At that time I was a Manufacturing Supervisor at a small manufacturing company in Branford CT. The company employs fifty people and thirty of them I supervised. When I made the decision to medical and socially transition, I feared that I would lose my job but I knew I had to do this to keep myself alive.
I went into the HR persons office and told her that I was going out for surgery. She asked if I was OK and I told yes and that I was having gender confirming chest surgery. I went out on medical leave and came back three weeks later. I remember sitting in my car scared to death of what everyone's reaction was going to be. I remember telling myself ... be brave and just go back to work. I walked in to the manufacturing department and headed into my office. I will say that a few jaws dropped, because I had grown a goatee and was clearly presenting male. Twenty minutes later the owner walked into my office, sat down and said " he now, right?" I replied "yes sir, he now". He stood up and told me that he would inform all the managers he ended the conversation congratulating me. At that moment I knew that I was not going to lose my job. He set the tone that discrimination against me for my gender identity was not going to be excepted.

In a Fortune 500 Small Business Magazine article that featured my successful transition at work, the owner of my company said "If you start limiting your choices in staff based on this kind of thing, you're cutting yourself off from a lot of good people". And he was right I became a better supervisor. I was finally comfortable in my body and was more focused and more productive. I was actually promoted to Manufacturing Manager last year.

I also run two transgender youth groups in New Haven. I see the effects of how discrimination beats these children down. From suicidal thoughts to self mutilation. I say this because this is real and this is happening in Connecticut. I hear their cries and know that passing this bill would make a big difference to the lives of these children.

My community is not asking for special right's or special protection. My community is asking for the same protection against discrimination that everyone else receives as a citizen of Connecticut.

Tara Alexander

Testimony to the Judiciary Committee in support of

HB 6599, *An Act Concerning Discrimination*

March 21, 2011

My name is Tara Alexander, I am a resident of Bozrah, and I am a transsexual woman. I thank you for taking the time to read this testimony in support of HB 6599, which seeks to add *gender identity or expression* to Connecticut's anti-discrimination law in the areas of employment, housing, credit, and public accommodations. This small change will make a huge difference for all of our state by reaffirming the value that all residents of the State of Connecticut should be free from discrimination.

As a transsexual, I spent 30 years of my life living with a secret. What the world saw when it looked at me was not reflective of who I knew I was. As a child, I was treated as an outsider, harassed and bullied at school, and the fear of what treatment lay in store for me if my tormenters were to learn of my gender dysphoria kept me from sharing my secret. As an adult, having earned a college degree, found employment, and bought a home in Connecticut, the fear of losing my job and ending up homeless kept me from living an authentic life. At a certain point living a false life, living a lie, got to be too painful and depressing and I was confronted with the realization that many people like myself face; if I am going to continue living I have to be true to myself and live an honest life. I took the biggest gamble of my life and began my transition. My friends and family were very supportive, but their biggest fear for me was whether I'd face discrimination as a result of my transition. I didn't wake up one morning and decide to change my gender. I did wake up one morning and decide to stop living in fear of retribution, stop living a false life, stop hiding from the world and decided to start down the road to living authentically.

No resident of our state should have to fear losing her job, being denied a place to live, or being asked to leave restaurants, stores, or medical facilities because of her gender identity or expression. As a state, we must protect the civil rights and individual liberties of all of Connecticut's residents as a matter of principle. HB 6599 will provide an explicit, uniform protection and affirm our state's value of equal treatment of all its citizens. This addition to our state's non-discrimination law would signal to me and others like me, as well as our families and friends, that Connecticut is a place I can live, work, and raise a family without fear of discrimination that can too easily and too often lead to unemployment and homelessness.

HB 6599 does not just protect transgender and gender non-conforming people. Every person has a gender identity and a gender expression. For most people their gender identity aligns very well with their sex, and they are comfortable expressing their gender in ways that conform to societal norms for their assigned birth sex. For some people, their gender identity may conform to their assigned sex at birth, but they need to express themselves in ways that transgress societal norms for their assigned sex at birth. Take for example a person labeled female at birth, whose internal sense of self is also female, but who dresses, walks, wears her hair, etc in a typically male fashion.

These "tomboys" are tolerated as children, but tend to be shunned as adults because they are not feminine enough. Similarly, a man, labeled as male at birth and having a male gender identity, may exhibit effeminate behavior or speech patterns and because he's not acting "manly" enough, face discrimination. These examples, unlike me, represent people for whom any form of transition is not desired but who may be fired or asked to leave an establishment, if a boss or manager doesn't think they look, talk, dress, etc. in a way that conforms to his stereotype for male or female.

I support HB 6599 and I ask this committee and the General Assembly to support HB 6599 as well. No one should have to live in fear of unfair treatment as a result of their decision to stop hiding and to live an authentic life. All hardworking people in Connecticut, including transsexuals and transgender and gender non-conforming people, should have the chance to earn a living and provide for themselves and their families.

Thank you for taking the time to read my testimony and I hope you can support this bill.

Tara Alexander
Bozrah, CT

Ashley McGuffie: Testimony in support of HB 6599: An Act Concerning Discrimination, March 21, 2011

Madam/Mr. Chairman and members of the committee; my name is Ashley McGuffie; I reside in Fairfield, CT and I am speaking on SUPPORT of HB 6599: An Act Concerning Discrimination.

As a lifelong CT resident, United States Marine Corps Veteran and recipient of the CT Veterans War Time Service Medal, I cannot stress enough my support of HB 6599. I joined the USMC delayed entry program in October 2011 as a 17 year old high school senior from Fairfield High School, as a means of defending my country and the rights of ALL US citizens following the September 11 attacks. From March –June 2002 while most of my peers and class mates were participating in traditional high school rites of passage such as senior prom, applying for college and preparing for graduation I was in USMC basic training preparing to be a defender of my country by honoring the lifetime MC values of honor, courage and commitment and the US values of freedom and justice for all. I stand before you today, 9 years later, to continue my defense of ALL US citizens.

As a member of the LGBT community living in CT, a state that at times can seem like a LGBT rights oasis, it is easy to overlook some issues in lieu of recent rights we have attained, however I cannot stress enough that passing HB 6599 is imperative to the LGBT community's health and existence. We live in a time where it is not enough just to survive as a community but is essential to thrive. In order to do so we must be equally protected under the law as employees, families and citizens regardless of our gender identity or expression. Passing this bill will add CT to a growing list of states that support full equality and will reaffirm our state's commitment to fair treatment and freedom from discrimination for all its citizens, a fight that I have personally waged as a CT student, Marine, a lesbian and as an advocate.

As I look around this room today I see not just friends and loved ones but parents, students, professionals, children, teachers, and most visibly, people who have experienced disproportionate amounts of discrimination based on their gender identity and expression. They deserve the dignity as members of not just the LGBT community but of the entire CT community to have equal protection under the law for housing, employment, and access to services regardless of clothing or other people's perceptions. As a child and adolescent mental health professional and as a LGBT youth leader I have experienced firsthand the tremendous damage that can be done to young people and families who are forced to live in fear of being who they are. But more importantly I have witnessed and experienced the power of resiliency and healing that comes with the validation and security of being protected from discrimination. Many of you are seated here today because of your promise to CT voters to uphold fairness and equality for all CT residents. As I have the honor, courage and commitment to stand here today as an advocate, I expect you to uphold your word of promoting freedom and justice for all.

Thank you for your time.

Ashley McGuffie

86 Rhode Island Ave Fairfield, CT 06824

BOLTON PUBLIC SCHOOLS

Paul K. Smith, Superintendent

March 18, 2011

Testimony/Letter in support of HB 6599: An Act Concerning Discrimination

To the Judiciary Committee,

My purpose in forwarding you this letter is to convince you that our public schools are indeed prepared to support the rights of all individuals in our schools and communities, whether those individuals are staff members, students, or citizens. I am urging your committee to support the addition of gender identity and gender expression to our state non-discrimination law.

The Bolton Public Schools last year published a document titled *Bolton 2020 Vision.* The cornerstone of this project, which was developed by teachers, parents, students, and community members, was a sincere and dedicated commitment to our students to collaborate to encourage learners to become ethical citizens who are innovative, influential leaders in their world. There is no possible way for us to support our students' ethical development if we are willing to omit any section of our population from protection against discrimination.

I urge you to support and pass HB 6599 as written and protect all members of our society, whether they are teachers or community members. As an educator I am well aware that our actions speak very loudly to our students. Your actions on this matter are a voice that will be heard. Please make it a voice that speaks for non-discrimination.

Sincerely,

Paul K. Smith

Paul K. Smith
Superintendent of Schools

108 Notch Road Bolton, Connecticut 06043 *Phone:* (860) 643-1569 *Fax:* (860) 647-8452 www.boltonpublicschools.com

Matt Smith
Alderman, Ward 9
City of New Haven
563 Orange Street
New Haven, CT 06511

March 21, 2011

Judiciary Committee
Legislative Office Building
300 Capitol Avenue
Hartford, CT

Re: HB 6599: An Act Concerning Discrimination

Dear Members of the Judiciary Committee,

I come before you to today to ask that you continue to embrace the values of fairness and equality for all by supporting House Bill 6599: An Act Concerning Discrimination.

My name is Matt Smith and I serve on the New Haven Board of Alderman, representing the ninth ward. I bring with me the voices of the 4,000 people I represent who understand that all persons should be treated fairly and equitably.

All hardworking people in our state, including transgendered people should have the chance to earn a living and provide for themselves and their families. Nobody should have to live in fear that they can legally be fired for reasons that have nothing to do with their job performance.

Many people across our state face the anxiety of worrying that they might lose their jobs or are at the mercy of an unfair boss or company. Similarly, we all believe someone should not be denied housing simply because they are transgendered. However, each and everyday people live with these very real fears which can shattered their lives. Non-discrimination ordinances aim to correct and prevent these injustices.

To this end, I am proud to inform this committee that along with several colleagues, I will be co-sponsoring legislation introducing gender identity and expression protection into New Haven's non-discrimination ordinance. It is my, With the support of my colleagues, New Haven will join the 13 states and over 130 municipalities who already passed and successfully implemented these policies. We will also join colleges and universities in the state, like Yale, Wesleyan, Connecticut College and The University of New Haven. I believe that all people in New Haven and throughout CT should be treated fairly under the law.

Passage of this law, prohibiting discrimination based on gender identity and expression achieves three important goals:
It will create policies with uniform protections.

It makes explicit the scope of coverage to anyone who encounters the law and is subject to its mandates or coverage.

It affirms our state's commitment to fair treatment and freedom from discrimination for all it's citizens.

Sadly, when communities are marginalized through discrimination, they become targets of violence which is why, in 2004, CT legislators voted by overwhelming majority to add gender identity and expression to our state hate crimes law, affirming that CT residents need legal protection on the bases of gender identity and gender expression.

Ultimately, the issue at stake is this: do you believe that all residents should be treated fairly and equally by the laws of our state?

I do.

Thank you for your time and allowing me to testify.

Sincerely,

Matt Smith
Alderman, Ward 9
City of New Haven

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Testimony in support of HB6599
Rev. Michelle Lee LaGrave
March 21, 2011

I am the Reverend Michelle LaGrave and I am here to speak in support of HB6599: An Act Concerning Discrimination. I am currently serving the Unitarian Universalist Church of Greater Bridgeport as its Sabbatical Minister. I am also the partner of a person who is transgender.

My partner, Micah, is a clergy candidate with the Metropolitan Community Church and a chaplain intern at Griffin Hospital in Derby, CT. Together, we live with my mother, Nancy LaGrave, a retired special education teacher. Each of us has dedicated our lives to improving the lives of others. I am proud of my small family.

I also worry about my family a lot. I worry about Micah's physical safety when he goes out alone; sometimes I feel anxious even when I am with him and we find ourselves in a new or unfamiliar situation.

I also worry about Micah when he goes to the pharmacy to fill his prescriptions. I have seen the way the pharmacist stares at him. I worry that one day the pharmacist, who has the power to withhold Micah's life-giving medications, will do so, saying that Micah's identification has not passed the pharmacist's scrutiny.

The stress and anxiety of encountering prejudice and discrimination is not limited to my partner. The two of us live with my mother and whatever difficulties Micah faces impacts us all. I worry about the next time we move. How hard will it be to find housing? If we are denied housing or kicked out, what will happen to us? What will happen to my mom? I worry about our family's economic stability. If Micah can't get employment or is fired because of his gender identity, will I be able to support us all by myself? I am not so sure, not on a minister's salary, and not in these days when so many families find they need two incomes in order to survive.

I speak to you today as the partner of a transgender person who has personally experienced the effects of prejudice and discrimination rooted in gender identity and expression. I also speak to you today as a clergy person who has witnessed the struggles of many others. I am proud to be Micah's partner and I am proud to represent a faith tradition which has long worked to welcome people of all gender identities into our midst.

Please support 6599 and help to end discrimination based on gender identity and expression. It's easy to do, it will help many people, and it's only fair.

Respectfully submitted,

Rev. Michelle LaGrave

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LINE 18

Testimony of Ted Rucci
3L, Quinnipiac University School of Law

On Behalf of
[Quinnipiac University School of Law Q Alliance,
Yale Law School Outlaws, and
UConn Law School Lambda Law Society]

In Support of House Bill 6599

Judiciary Committee
March 21, 2011

Good afternoon distinguished committee members. My name is Ted Rucci and I am a resident of Hamden and a third-year law student at the Quinnipiac University School of Law. The testimony that I will offer today in support of Raised House Bill 6599 is truly a joint effort, because I am here today on behalf of all three of Connecticut's LGBT law student organizations: Quinnipiac University School of Law Q Alliance, Yale Law School Outlaws, and UConn Law School Lambda Law Society. All of us support this bill for four primary reasons: the Civil Rights that it protects, the Consistency that it requires, the Comprehensiveness that it offers, and the Clarity that it provides.

1. Civil Rights and the Bar.

The goal of this legislation is straightforward – it is about protecting the civil rights of all people in Connecticut by prohibiting discrimination based on gender identity or expression. As law students and aspiring members of the Connecticut bar, this bill is important to us. We spend many hours in class each day and many more at home each night, reading about laws crafted by legislators, executed by public officials, and interpreted by courts. We are often called upon in class to answer a very straightforward question – was justice done? By passing HB 6599, this Legislature will send a clear a message that when it comes to civil rights in Connecticut, no one should go without. By passing this bill, this Legislature will make certain that justice is done.

Of course, the legal community's support for this bill extends well beyond Quinnipiac's, Yale's, and UConn's law students – to lawyers throughout Connecticut and the country. As you will hear today, the Connecticut Bar Association's Section on Human Rights and Responsibilities vigorously supports this legislation. Similarly, in fall 2009, the American Bar Association's then president, Carolyn B. Lamm, issued a statement supporting the Employment Nondiscrimination Act, a federal bill protecting lesbian, gay, bisexual, and transgender individuals from workplace discrimination.[1] In her testimony, she noted the prevalence of discrimination against members of the LGBT community and the ABA's consistent support for antidiscrimination legislation protecting this community.

2. Consistency Among Courts.

The rights of transgender people in Connecticut today are, at best, precarious. HB 6599 would reinforce these rights with the much-needed support of the Legislature. As this Committee is no doubt aware, Connecticut's Commission on Human Rights and Opportunities issued a declaratory ruling in 2000 prohibiting discrimination against people based on gender identity and expression. However, this ruling is not binding on Connecticut's courts. A state court could easily rule that discrimination against a transgender person is not prohibited under state law – that discrimination based on gender identity and expression is not "sex" discrimination and is therefore not a violation of the law.[2] No state court has done so, but the point is that they could. The CHRO ruling would not stop them.

Likewise, the Connecticut District Court's determination in the 2008 case of *Morales v. ATP Health & Beauty Care, Inc.*[3] – that the prohibition on "sex" discrimination under Title VII and Connecticut's Fair Employment Practices Act includes discrimination against transgender individuals – is also not binding on Connecticut courts. Here, too, a state court easily could go the other way. HB 6599 would ensure consistent treatment of transgender people in Connecticut's state courts.

3. Comprehensive Protection.

HB 6599 would fill important gaps in legal protections for transgender individuals in Connecticut, and would also bolster existing rights for Connecticut's citizens. As this Committee is aware, the CHRO's declaratory ruling prohibiting discrimination based on gender identity and expression extends only to matters of housing, employment, public accommodations, and credit. The CHRO's ruling does not extend to a host of other activities covered by Connecticut's antidiscrimination laws, including education; licensing; utilities; auto insurance; and state services, contracts, and financing. Transgender people deserve all of their civil rights – not some of them. HB 6599 would ensure that they get them.

HB 6599 would also strengthen existing protections for those who are lesbian, gay, bisexual, and heterosexual who do not conform to gender stereotypes. While people within each of these groups currently enjoy legal protection based on their sexual orientation, none of them are protected from an employer or a landlord who discriminates against them for acting "too feminine" or dressing "too masculine." HB 6599 would fill this gap by expanding Connecticut's nondiscrimination laws to include gender identity and expression.

4. Clarity for Employers and Others.

Lastly, HB 6599 would put employers, business owners, landlords, and other members of the community on notice that they cannot treat a person negatively because of that person's gender identity or expression. "Sex" discrimination is illegal in Connecticut, and most employers know this.[4] But they probably do not know that, according to the CHRO, the word "sex" applies not

only to biological sex but also to gender identity and expression. HB 6599 would ensure that employers and other members of the community clearly understand what is required of them under the law.

In conclusion, Connecticut law should not allow a person to be discriminated against merely because of who they are. The people of Connecticut deserve better, and our laws ought to do better. We urge this Committee to do justice and approve HB 6599.

Thank you very much for your time and the opportunity to present this testimony.

On Behalf of:

[Quinnipiac School of Law Q Alliance
Yale Law School Outlaws
UConn Law School Lambda Law Society]

By: _____
Ted Rucci
3L, Quinnipiac University School of Law
760 Mix Avenue
Hamden, CT 06514

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[1] *See* Letter to Hon. George Miller and Hon. Howard O. McKeon (Oct. 5, 2009), *at* http://www.abanet.org/poladv/letters/additional/2009oct05_endah_l.pdf.

[2] *Cf.* Etsitty v. Utah Transit Authority, 502 F.3d 1215, 1222 & n.2 (10th Cir. 2007) ("[D]iscrimination against a transsexual based on the person's status as a transsexual is not discrimination because of sex under Title VII. . . . If transsexuals are to receive legal protection apart from their status as male or female, . . . such protection must come from Congress and not the courts."). *But see* Schroer v. Billington, 577 F. Supp. 2d 293, 308 (D.D.C. 2008) ("In refusing to hire [plaintiff] because her appearance and background did not comport with the decisionmaker's sex stereotypes about how men and women should act and appear, and in response to [plaintiff's] decision to transition, legally, culturally, and physically, from male to female, [defendant] violated Title VII's prohibition on sex discrimination.").

[3] Morales v. ATP Health and Beauty Care, Inc., No. 3.06CV01430 (AWT), 2008 WL 3845294 at *8, *12 (D. Conn. Aug. 18, 2008).

[4] *See, e.g.*, CONN. GEN. STAT. § 46a-60(a) (2011); Connecticut Commission on Human Rights, *Employment, at* http://www.ct.gov/chro/cwp/view.asp?a=2524&Q=315886&chroPNavCtr=|#45585.

2011 Testimony to the Judicial Committee
An Act Concerning Discrimination HB6452

Honorable chairs, senators and representatives, my name is Diana Lombardi and I live in Berlin. I would like to urge you to vote in favor of HB6599: An Act Concerning Discrimination.

I want to talk to you about my family values.

All my life I hid my transsexualism from my family, I was scared and frightened that I would lose them forever if they found out. However, when I transitioned they would have to know.

One day in 2004, I summoned all my courage and told my brother. I was prepared for the worst... but when I told him, hugged me. He said that he didn't understand, but that he would love me no matter what.

Three years later, just before I transitioned I told my sister-in-law, niece, nephews, and their children. They all accepted me with open arms. I told all my cousins and they have all accepted me. In a reply to my "Coming Out" letter one cousin wrote...

> *"Thank you for sharing your story with us. I, in turn, shared your letter with my children who, as parents themselves, need to be reminded of the importance of accepting their children as they are. Whatever their differences may be."*

2011 Testimony to the Judicial Committee
An Act Concerning Discrimination HB6452

To me that is one of my family values... to love your children.

One cousin who was deeply religious I was worried about coming out to, I was afraid that she would be the one cousin who wouldn't accept me. My brother and sister-in-law accompanied me when I went to tell her. After I told her, she got up, walked across the room, hugged me and said that I was so brave. She was also the first cousin to invite me as "Diana" to a family function.

Since then I have gone to the weddings of my nephews and to the funeral of my aunt, my family has been there with me.

I am a student at UConn's School of Social Work and hopefully, I will be graduating this May with my MSW. When I first attended class, I did not know what to expect, would they welcome me or would I be shunned? My worries were for nothing, they welcomed me with open arms and over the years I have made many new friendships. I will miss them, the students, faculty and the staff when I graduate.

A loving and supporting family plays an important part in the support of a trans-person. Since coming out, I have met trans-people whose families threw them out on the street when they told their parents that they were transgender, many of them ended up working the streets. While trans-children from supporting families have fewer problems with their transitions and have

fewer suicides. The difference between love and acceptance and that of intolerance can be the deciding factor between life and death.

This bill will not change family values, but what it will do is to give hope to those who are trying to find a job to feed their families. Hope to those who are trying to keep a roof over their family's heads. Hope that other children may have an easier time when they come out. All we ask is to have an equal chance at a job. This bill will help families by protecting their jobs and by preventing discrimination in housing, credit and public accommodations.

In closing, I would like to read a quote from George Washington that he made in 1790 in Newport, Rhode Island,

> *"The Government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection, should demean themselves as good citizens."*

Please pass HB6599: An Act Concerning Discrimination and give bigotry no sanction.

Thank you.

Nicole Fink
Testimony in support of HB 6599: An Act Concerning Discrimination
March 21, 2011

Good afternoon, Senator Coleman, Representative Fox and members of the Judiciary Committee. My name is Nicole Fink and I am currently a resident of Brookfield and a Graduate Student at the UCONN School of Social Work.

I am here today in support of House Bill 6599. Throughout my life, I have always had the security of being protected by Connecticut's non-discrimination laws. I have never had to worry about being denied employment opportunities, medical services or housing because of my identity as an Asian American female, however the transgender population of Connecticut cannot say the same thing, including several of my friends. For example, during his transition, one of my friends was so fearful of retribution in the workplace that he became severely depressed, borderline suicidal, and had to seek intensive mental health treatment. It was difficult watching one of my friends suffer and not being able to help him. He feared losing his job and income and not being able to stay in school because he could not afford to if he lost his job.

According to the National Transgender Discrimination Survey (conducted by the National Center for Transgender Equality and the National Gay and Lesbian Task Force), 83% of Connecticut respondents reported experiencing harassment or mistreatment on the job, 27% lost a job, 24% were denied a promotion and 43% were not even hired. No person should have to be fearful of being fired or denied promotions because of their identity. In today's struggling economy, Connecticut should take extra steps to ensure that all of its residents are given the opportunity to get back to work.

Individuals of the transgender community have also reported harassment, physical and sexual violence at the middle school, high school and college levels because of their gender identity and expression. For some, the harassment is so severe that it results in these individuals dropping out of school. A friend who works directly with transgender youth in CT has told me many stories about the experiences of transgender youth that are like my friend's story...

Because of the lack of education as well as employment discrimination, transgender individuals face a higher risk of unemployment and are more likely to live in poverty. As an ally to the transgender community, I firmly believe that all residents in the state of Connecticut deserve fairness and equality and the opportunity to provide for themselves and their families. Adding gender identity and gender expression would not only make our state's non-discrimination laws stronger and more explicit but also create a policy that is uniform in protections to all. By adding gender identity and expression to Connecticut's non-discrimination laws, Connecticut is upholding our state's commitment to fair treatment and freedom from the discrimination for all its citizens. Connecticut has the responsibility to protect all of its residents regardless of race, color, religion, age, marital status, national origin, sex, or physical disability, and now it has the responsibility to protect those based on gender identity and expression. Now is the time for Connecticut to take a stand and a step closer to equality for all its residents.

Testimony in Support of
HB 6599 "AN ACT CONCERNING DISCRIMINATION"
The Rev. Joshua Mason Pawelek
Chairman, Connecticut Clergy for Full Equality
Minister, Unitarian Universalist Society: East, Manchester, CT
March 21, 2011

Members of the Judiciary Committee:

I am the Rev. Josh Pawelek, Chairman of Connecticut Clergy for Full Equality and minister of the Unitarian Universalist Society: East in Manchester, CT. I am deeply thankful for this opportunity to submit testimony in support of HB 6599, "An Act Concerning Discrimination," which seeks a very small addition to Connecticut's anti-discrimination statutes, yet which will make a huge difference not only in the lives of all transgender people in Connecticut, but in the lives of a number of my parishioners and a number of my close, personal friends. On behalf of the three hundred clergy who are members of Connecticut Clergy for Full Equality I want to express to you our conviction that our failure as a state to protect transgender people from discrimination in the way we protect other vulnerable classes of people is shameful. We are long overdue in ending this discrimination. It is long past time that these statutes were amended.

Transgender people face discrimination on a daily basis and need clear and uniform protection. As one who provides pastoral care to transgender people I am very familiar with this discrimination and very aware of the need for reliable protection from the state. I know people who are considering making the physical transition from male to female or female to male, who are terrified of sharing this information in the workplace, especially with supervisors or bosses, with landlords, with healthcare professionals, with their religious communities, and even with family and friends because they know there is a high likelihood of facing discrimination as a result—of losing work, of losing housing, of being erroneously diagnosed with mental illness, of being ostracized from church or synagogue, of losing the support of family and friends, of being assaulted because of their gender identity and then not being taken seriously by police and the courts. I know people who crossdress, who are terrified of sharing this part of their lives for all these same reasons. I know intersexuals who are terrified of their true physical identity being exposed for all these same reasons.

And their fears aren't imagined. They are based on personal experience of losing work and being unable to find work; of having been forced out of housing or of being unable to find housing; of having been mishandled by medical and psychiatric professionals; of not having been taken seriously by law enforcement officials and the judicial system; and of have been exposed to violence and murder.

In the Unitarian Universalist Association we emphasize two very important principles. The first is "respect for the inherent worth and dignity of every person." The second is the pursuit of "justice, equity and compassion in human relations." I support HB 6599—and I ask you to support HB 6599— because it is consistent with both of these principles. In seeking to protect transgender people from discrimination it affirms their inherent worth and dignity. In seeking to protect transgender people from discrimination it promotes justice and equity. In seeking to protect transgender people from discrimination it assures that Connecticut practices compassion in relation to all its citizens.

Passage of HB 6599 will ensure that all people are clearly and uniformly protected from discrimination regardless of their gender identity or expression. Passage will make a huge difference in the lives of transgender people in Connecticut. I thank you for your support of this bill.

Jamilah Tigner - Testimony in support of House Bill 6599 - March 21, 2011

I am Jamilah Tigner, a graduate student at UConn School of Social Work and Intern for ctEQUALITY. I've come to voice my full support of House Bill #6599, An Act Concerning Discrimination.

As a current resident of Connecticut, it has been brought to my attention that our state lacks explicit legal protection against discrimination on the basis of gender identity and gender expression. This leaves some members of our population, especially transgender individuals, vulnerable to discrimination in some of the most important areas of their lives, such as housing and employment. Although I do not identify as transgender, I do understand the importance of basic needs like finding housing, a job and adequate healthcare. Our overall livelihood depends on these things. But for transgender people, their livelihood is constantly at risk due to the potential discrimination that looms around every corner, because they know the law is not necessarily on their side as it would be for others. I expect fairness and equal treatment when I look for a job or a home or a doctor, and if this expectation is reasonable for me it should be reasonable for everyone, regardless of their gender identity or expression.

As a new resident of Connecticut, I have been pleasantly surprised that this state is, in many ways, more progressive and supportive of equality and justice than my home state of Texas. It doesn't seem like such a stretch that Connecticut would agree to extend full protection to all of its residents. Passing this bill makes sense to me, not only personally, but also as a future social worker. My social work code of ethics states that I have an obligation to participate in the prevention and elimination of discrimination based on gender identity or expression. I am here today to fulfill that obligation. Discrimination for any reason is enough to cause a person significant harm, and as a social worker I will do my best to assist anyone who has encountered such unfair treatment. But I can only do so much. We need laws that offer explicit protection, so that not only can there be a legal remedy for those who do experience discrimination, but also to prevent discrimination from happening in the first place – by giving notice to potential employers, landlords, and business owners that Connecticut values all residents and is committed to equality.

Seven years ago Connecticut affirmed the need for legal protection on the basis of gender identity and gender expression when legislators voted to add this protection to our state's hate crimes law. So let's finish the job and take the next step by also providing equal protection in our non-discrimination law—by passing H.B. 6599. As a concerned resident, you have my full support in this matter. Seeking equal treatment isn't asking for much, but for transgender people it could mean a world of difference. Thank you for your time and for this opportunity to speak to you.

Testimony for supported HB 6599, An Act Concerning Discrimination

Senator Coleman, Representative Fox and members of the Judiciary Committee, my name is Ace Ricker, and have always supported HB 6599, An Act Concerning Discrimination my entire life. Having this bill passed will change my life, and save many others that face discrimination everyday. I have known I am transgender since I was 11 yrs old, and came out in the community when I was just 14. I have testified for this bill in 2008; only being able to put my first name, for the fear of back lash from members of society. I have been one out of the 83% that has been harassed at my job for being who I am. Being told I should act a certain way because I am different, and to not be to outgoing in the work place , for it may bring you out as a not so typical {stereotyped} leader. I have worked several jobs all over CT from Shelton, New Haven, Bridgeport, to Trumbull. Seeing how hard it is to just getting a job, let alone maintaining a job { having a high school diploma and in college part-time}, because I'm transgender, still was almost impossible.

I am part of the 86% and 38% of the students that went through school being physically and sexually harassed by there peers and teachers. Being called names/threaten physical abuse, to being physically assaulted by some of my peers. Being threaten " I would regret it , if I went to my own prom because of physical harm to myself". I have faced discrimination my entire life and have had to stand strong to survive that hatred that has been throw at

me over and over again. I feel even in the most public of places I still am not safe, for just being who I am. My parents disowned me and kicked me out the same night fearing the pain I would have to ender with being me; ... they couldn't face it/ nor accept it. What has made me stand so strong here today, has been the people that are in this room and in my community who have been there to help me stand back on my two feet, when I am pushed down by others hatred toward me. My church accepted me with open arms when I came out this past year, and they have /accepted/ respected me to the fullest, as if I am part of their own family. People at my job greet me with smiles and "Hey Ace". I am thankful for those around me that are fighting this fight to pass this bill. For everyone whether tall, short, black, white, non- conforming, conforming, and transgender{ and everyone else}. Everyone deserves to know that any type of discrimination will not be tolerated and that their lives are as important as everyone else's. I am Ace Ricker and I am proud to be who I am and have always been. Thank you.

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Testimony of
Elizabeth J. Deck
To Support
HB 6599: An Act Concerning Discrimination
Before the Judiciary Committee

Good afternoon, Representative Fox, Senator Coleman, and members of the Judiciary Committee. My name is Elizabeth Deck and I am currently a graduate student at the University Of Connecticut School Of Social Work. I am testifying today in support of HB 6599: An Act Concerning Discrimination.

By passing this bill, Connecticut takes a strong stance in affirming and supporting all of its residents. Recent reports have found that transgender people face discrimination in all areas of their lives, from housing, to medical treatment and loss of employment (ctEQUALITY, talking points).

More than 100 cities in13 states including Washington, D.C. have successfully included similar policies (ctEQUALITY, talking points). In Connecticut, eight businesses have implemented non-discrimination policies, such companies include Aetna, The Hartford, and school institutions including Yale and Wesleyan (ctEQUALITY,talking points). But uniform protections to create solidarity throughout Connecticut are still needed.

As an ally, this bill is extremely important to me, not only on a professional level but on a personal level. My profession's code of ethics instruct me to help people in need, address social problems and challenge social injustices (NASWDC.org, 2011). But it is so much more than that, the people that are directly affected are not strangers. They are our friends, our family members, loved ones, neighbors, and coworkers.

Thank you for allowing me this opportunity to speak in front of you all today. I urge all members to help ensure that all Connecticut's residents are given equal opportunity to succeed.

Elizabeth Deck
30 Damen Drive
East Haven, CT 06512

Judiciary Committee

Public Hearing 3/21/2011

Testimony of William C. O'Brien, President, Connecticut Right to Life Corporation concerning HB 6599, the "Gender-bender" "Bathroom" bill.

Senator Coleman, Representative Fox, members of the Judiciary Committee, I am here today to speak in opposition to HB 6599, AN ACT CONCERNING DISCRIMINATION, which designates "gender identity or expression" as a protected class.

HB 6599 would make this definition law - "Gender identity or expression means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth."

The law would prohibit discrimination based on gender identity by state agencies, cities and towns, by state contractors, private employers and labor organizations in hiring practices, in public accommodations, resorts or amusements, at golf clubs, by telephone and telecommunications providers, electric companies, by realtors, in housing, home financing and credit matters, and in much more.

The American Psychiatric Association recognizes identification with a non-biologically based gender as an identity disorder.

The American Psychiatric Association permits a diagnosis of *gender identity disorder* if the four diagnostic criteria in the *Diagnostic and Statistical Manual of Mental Disorders, 4th Edition, Text-Revised* (DSM-IV-TR) are met. The criteria are:

- Long-standing and strong identification with another gender
- Long-standing disquiet about the sex assigned or a sense of incongruity in the gender-assigned role of that sex
- The diagnosis is *not* made if the individual also has physical intersex characteristics.
- Significant clinical discomfort or impairment at work, social situations, or other important life areas.

If the four criteria are met, a diagnosis is made under ICD-9 code 302.85. There are other diagnostic codes for *gender identity disorder*.

The International Classification of Diseases (ICD-10) list three diagnostic criteria:

Transsexualism (F64.0) has three criteria:
The desire to live and be accepted as a member of the opposite sex, usually

accompanied by the wish to make his or her body as congruent as possible with the preferred sex through surgery and hormone treatment
The transsexual identity has been present persistently for at least two years
The disorder is not a symptom of another mental disorder or a chromosomal abnormality

Uncertainty about gender identity which causes anxiety or stress is diagnosed as sexual maturation disorder.

Gender identity disorders are real. No doubt they are not easy to live with or to treat. We should all condemn any persecution or bullying of people who have these disorders. Those who have these disorders deserve compassion and psychiatric help.

But this bill would compel all of society to accept this disordered sexual behavior as normal.

I'm sure many women listening today are surprised to hear that men apparently are already using women's rest rooms through out the state. I think most women have an expectation of privacy, that there are no men present, when they use the ladies room, and apparently that is not the case.

Does the same thing occur in changing rooms in department and other clothing stores?

How will this law affect locker rooms - in the schools, and at the YMCA, YWCA or at other gyms, and in country clubs? It would seem to give a person the legal right to enter the locker room of their choice.

In the schools, not only could your child's male teacher come to work dressed as a women, so could your neighbor's high school-aged son. And if your neighbor's son comes dressed as a girl, does that mean he uses the girl's room, and the girl's locker room, to change from his gym clothes into a bra and blouse, or dress? Or does he put on the bra and blouse, or dress, in the boy's locker room? Either way, if a teacher or other student complains and takes action - will they be charged with discrimination? It would seem so.

No doubt this will make its way into public school sex education classes where children will be taught that selecting their gender identity is normal.

This bill ignores science, biology, medicine, and common sense.

Rather than require people with this sickness to conform to society's sexual norms, this bill would require society to conform to the sickness!

Though no one wants to discriminate against another person, when a person has a psychological illness, it is wrong to treat that person's behavior as normal. It is even more absurd to treat those who recognize the symptoms of the illness as though they were the

ones who are sick, or even as criminals!

Though the bill does have a religious exemption, it only applies to religious corporations, and related educational institutions, agencies and associations.

However, the religious exemption does not apply to individuals, their businesses, or their children in public schools!

The U.S. Department of State now allows a person to select which gender they want listed on their passport, which need not be the biological sex they were born with.

If this bill becomes law, would the DMV issue licenses based on a person's birth certificate, or their chosen gender? How will that affect law enforcement when they issue an all points bulletin to watch for a man or woman?

Would birth certificate be changed?

If a man chooses to be a women, can he save on his life insurance rates? What about auto insurance? Health insurance?

How will this affect medical care? When an EMT shows up on scene, will he be told the person is male or female? It may make a big difference in the way the EMTs go about making a diagnosis.

The Canadian Military now requires male soldiers who identify as women, and women soldiers who identify as men, to dress in the uniform of their "target" gender.

How will this bill affect the Connecticut national guard?

This is not a bill that affects only a few people with a disorder. Rather, it will create a disordered society.

Please vote "NO" on HB 6599, the gender bender "Bathroom" bill!!!

Jennifer Ann Paradis
Columbia, CT
Testimony in support of HB 6599, *An Act Concerning Discrimination*
March 21, 2011

Senator Coleman, Representative Fox and members of the Judiciary Committee, my name is Jennifer Paradis, a resident of Columbia, CT and I am honored and grateful to have this opportunity to submit testimony in support of HB 6599: An Act Concerning Discrimination. An Act Concerning Discrimination, if passed, will ensure the livelihood and equality of some of Connecticut's most vulnerable residents by adding gender identity and expression to Connecticut's anti-discrimination statutes.

As an active, life-long resident of Connecticut, I am horrified by the current maltreatment and discrimination faced by the transgender and gender non-conforming community in our state. Growing up in Connecticut and attending a state school for my undergraduate degree, I have experienced first-hand what devastating impacts discrimination can have on an individual. As an executive board member of our LGBT gay-straight alliance, I found myself listening to the stories of hate crimes and discrimination faced daily by our members that often times had to be brought to administration and campus security, however there is one story that will stay with me forever. It is the story of a friend and a peer who is the first person in her family to graduate high school and attend college. In fear of being harassed and assaulted she presented herself as male, the sex she was as assigned at birth, although she has known since birth that her gender identity is female. Having to lie about her true identity is disrespectful and demeaning enough, but her story is far from over. On the second day of school, she walked into her campus apartment to find that the kitchen, bathroom and shower had been covered in fish oil. My friend, deathly allergic to fish oil, had to leave the apartment immediately and seek asylum where she could until maintenance could come and put the room back in order. The most heartbreaking part was learning from her that her roommates were responsible for the act and did so to express their feelings towards having a transgender roommate. The University had no obligation to respond to the incident, as a state school follows state laws which currently do not prohibit discrimination on the basis of gender identity or gender expression. The resolution of the administration was to have a mediation meeting with my friend and all of her roommates to resolve tensions and to have all parties return to their room. Two weeks later my friend dropped out of school and has not returned. During the course of that semester, university faculty, staff and students banded together to create the Pride Room initiative a functioning safe haven for LGBT students with the mission to educate and advocate our campus on the LGBT community in hopes to prevent future attacks and hate crimes on campus, but our protections must go further than individual campus initiatives. Adding gender identity and expression to Connecticut's Anti-Discrimination laws will prevent unfortunate and unfair situations such as this one. It gives notice to employers, landlords, lenders, owners of establishments and all institutions following the state's anti-discrimination laws in order to keep discrimination from occurring in the first place protecting the basic human rights of Connecticut residents.

The principle behind adding gender identity and gender expression to Connecticut's non-discrimination laws could not be clearer. These are our family members, friends, co-workers, neighbors and love ones who are targets of discrimination in many areas of their lives and this marginalization exposes them to social and economic insecurity. The fact is protecting these citizens through our anti-discrimination laws is a no-cost way to close a gap in our state's non-discrimination statues ensuring that all hardworking people have the chance to earn a living and provide for themselves and their families.

All Connecticut residents deserve fairness and equality. Passage of HB 6599 will ensure that all people are clearly and uniformly protected from discrimination regardless of their gender identity or expression. Simply put, it is the right thing to do. I thank you for your time and I urge you to support this bill.

The Judiciary Committee

Testimony in Support of House Bill No. 6599 An Act Concerning Discrimination

Submitted by Thomas N. Shusterman, MS Journalism

March 21, 2011

Good Afternoon. My name is Thomas Shusterman, a graduate student at the UConn School of Social Work I am here today to voice my unequivocal support for House Bill No. 6599 An Act Concerning Discrimination. I consider myself a deeply committed ally of those men and women who identify as transgender and indeed any population in need of protection under the law. Your willingness to bring H B. No. 6599 under consideration is a testament to your commitment to justice and equality and it is an honor to be here before you today.

An Act Concerning Discrimination is simple enough with regard to its purpose. If passed, House Bill No. 6599 would add gender identity and gender expression to the list of protected classes covered in our state's non-discrimination law, thereby stopping employers, landlords, and others from turning away qualified and dedicated residents simply for being true to their identity and living their daily lives.

There is a critical need to protect those who identify as transgender individuals in the state of Connecticut. The passing of House Bill No. 6599 is crucial to preserving the safety of this class, encouraging tolerance from the moment a child steps into the classroom and out into the world, and ultimately reaffirming Connecticut's dedication to upholding the basic human rights afforded to every resident

On the issue of safety, there is a growing body of empirical research which shows that transgender individuals face violence everywhere One such study, conducted by Dr. Emilia L. Lombardi of UCLA, describes the horrors in which transgender individuals are confronted with each and every day, from interactions with teachers, medical staff, police officers, and indeed any random person they may meet while walking the streets of their local community This is a sad and troubling matter. What perhaps is even worse is how some groups and individuals are comparing transgender folk as pedophilic predators who, if given the opportunity, would harm those in restrooms. This contention is groundless and entirely fear-based. The simple truth is that the bathroom is a place of privacy and safety; it is not a breeding ground for sexual assault. And there is absolutely no empirical research to support otherwise.

Tolerance, for any individual begins in the classroom History has taught us some painful lessons here We are not far-removed from a time when a teacher would be shunned and ultimately fired for even suggesting that African Americans deserved the same rights as Caucasians. A research study headlined by Kim A. Case and Briana Steward of the University of Houston-Clear Lake, shows that what it means to be transgender is vastly misunderstood across all levels of academia Additionally, current research concludes that by infusing school curriculum with information about the transgender class would significantly increase social tolerance and further promote equality over hate and fear And despite the arguments to the contrary, there is no better way for someone to learn what it means to be transgender than being taught by a transgender teacher

I would like to conclude my testimony with a few brief words about the preservation of human rights because that is after all what H B. 6599 is all about. Laws are meant to protect those in need, even at the expense of political popularity; it is the right and responsibility of every legislator to see beyond the "now" and remain one step ahead of public perception, especially when it comes to promoting safety and equality Those who identify as being transgender deserve the right to have access to employment and fair housing opportunities. Above all else they deserve the inalienable right to feel safe and be respected.

For these reasons I urge you to support House Bill No 6599 Thank you for your time and consideration

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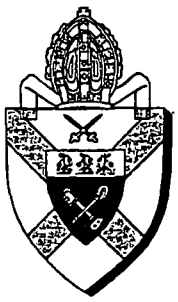

the
Episcopal Diocese
of Connecticut

The Rt. Rev. James E. Curry
Bishop Suffragan

Judiciary Committee Public Hearing

Monday, March 21, 2011

TESTIMONY OF THE RIGHT REVEREND JAMES E. CURRY, BISHOP SUFFRAGAN OF THE EPISCOPAL DIOCESE OF CONNECTICUT

IN SUPPORT OF HB-6599
AN ACT CONCERNING DISCRIMINATION

Chairman Coleman, Chairman Fox, distinguished members of the Committee. My name is James Curry. I am one of the bishops of the Episcopal Diocese of Connecticut. I speak in support of HB-6599.

A key underlying principal of the Baptismal Covenant of the Episcopal Church is that we promise to strive for justice and peace among all people and respect the dignity of every human being. We believe that discrimination based on gender identity and expression is in direct conflict with that principal. My faith teaches me that it is necessary to provide legal protections for those who as a group are targeted for discrimination. In 2009 the General Convention of the Episcopal Church, the governing body of my denomination, comprised of laypersons, clergy, and bishops from every diocese, specifically affirmed its support of the extension of existing federal laws that prohibit employment discrimination to include discrimination because of gender identity and expression. The Annual Convention of the Diocese of Connecticut has affirmed that position as it applies to extending the anti-discrimination laws of the State of Connecticut.

The Episcopal Diocese of Connecticut supported Connecticut hate crime legislation in 2004 that included gender identity and expression as a class. HB6599 takes the important next step to provide legal protection for those who are discriminated against simply because of who they are.

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Some opponents of this bill are trying to stir up fears by equating the phrase 'gender identity and expression' with criminal and predatory behavior. Their assertion has been used at other times in our country's history against other groups of people simply because of who they were. It wasn't true for those groups and it is just not true in this case.

What is true is that all people should have the chance to live without fear of discrimination and to earn a living in order to provide for themselves and their families. I have seen the devastation done to individuals and families who have been victimized by job discrimination because of gender identity and expression. Our society is diminished when this discrimination is allowed to continue. Access to employment and promotion, as well as protection from being fired, need to be based on a person's skill set and ability to do the job at hand.

HB 6599 affirms basic fairness in the workplace and underscores our society's value of civil rights for all persons. I urge that you recommend it for consideration by the whole General Assembly.

Connecticut Joint Committee on Judiciary in Support of Raised House Bill No. 6599

"An Act Concerning Discrimination"

Prepared Oral Testimony of

Meghan Stabler

March 21, 2011

Thank you Chairman Senator Coleman, Chairman Representative Fox, and Members of the Committee for allowing me the opportunity to testify before you today. I am a strong supporter of Raised House Bill No. 6599, an Act Concerning Discrimination, which would add gender identity and gender expression to existing Connecticut non-discrimination statutes.

My name is Meghan Stabler I am an IT business executive, a transsexual woman, and a transgender fairness and equality advocate. I serve on the Board of Directors for the Human Rights Campaign, the largest national LGTB civil rights organization. I am also a member of HRC's National Business Council, which is a group of business executives that provides real-world examples, advice and expert counsel on LGBT workplace issues based on corporate experience and knowledge, to the Human Rights Campaign.

The need for the protections offered in HB 6599 is real. There is extensive evidence that transgender employees are regularly harassed, fired, not hired, and passed over for advancement without regard to their merit. A recent 2011 study from the National Gay and Lesbian Task Force and NCTE, titled Injustice at Every Turn, found that transgender workers saw:

- Double the percentage rate of national unemployment, with rates for people of color up to four times that.
- Experience widespread mistreatment at work: Ninety percent (90%) of those surveyed reported experiencing harassment, mistreatment or discrimination on the job.
- Forty-seven percent (47%) said they had experienced an adverse job outcome, such as being fired, not hired or denied a promotion because of being transgender or gender non-conforming.
- Over one-quarter (26%) reported that they had lost a job due to being transgender or gender non-conforming.
- Respondents who had lost a job due to bias also experienced ruinous consequences such as four times the rate of homelessness compared to those who did not lose a job due to bias.
- Yet when supportive States, and Companies have inclusive laws the vast majority of those who transitioned from one gender to the other reported that they felt more comfortable at work and their job performance improved. I can personally attest to this fact.

Discrimination here in Connecticut mirror those of the survey and are equally alarming; indicating widespread discrimination based on gender identity/expression:

- 83% reported experiencing harassment or mistreatment on the job

- 27% lost a job
- 24% were denied a promotion
- 43% were not hired

Today, in 38 states, it is legal to fire someone because of their gender identity or gender expression. Let me repeat that. In 2011, in 38 states, I can be fired because of my gender identity regardless of my job performance or merit. Connecticut is one of those 38 states. But twelve States and the District of Columbia currently prohibit discrimination based on gender identity, and the clear trend is in favor of extending nondiscrimination laws to prohibit discrimination on the basis of gender identity and expression. In addition to these twelve states, hundreds of local municipalities and cities have enacted similar ordinances and many American companies have policies protecting their LGBT employees.

Adding "Gender Identity and Expression" to the existing Connecticut nondiscrimination statute does not create "special rights." It simply affords protection from discrimination based on irrational and meritless prejudice. This legislature has already recognized the need for such protections and the appropriateness of such protections by passing and expanding the nondiscrimination statute over many years. All that is at issue today is whether people who are transgender or gender nonconforming are entitled to be free from discrimination, or whether Connecticut will continue to allow discrimination against such people without providing any statutory recourse.

The importance of nondiscrimination laws cannot be overstated. Symbolically, they say to citizens of Connecticut, judge your fellow citizens by their integrity, character, and talents, not their gender identity, or their race or religion, for that matter. These laws also say that irrational hate or fear have no place in Connecticut's work place.

Chairman Coleman, Chairman Fox, members of the committee, in recent polls, 71% of Americans agree that job performance should be the standard for judging an employee, not whether they are transgender, or gay or lesbian. Americans rightly believe that their hard-working friends and neighbors should not be denied job opportunities, fired or otherwise be discriminated against just because of their gender identity. Yet law and society has lagged behind the reality of American life. It is time to bring Connecticut laws in line with the reality of American life. Connecticut will not be pioneering with the update to this statute, but following what so many other States, local municipalities and city governments have enacted over the last decade. It will also bring State law in line with the corporate world here in this great state.

Transgender people are Americans who lead incredibly successful, stable lives, are dedicated parents, contribute immeasurably to their communities, this state and their country.

I know, I am one of them.

Work is central to all of our lives. Our jobs enable us to support our families, develop our talents, contribute to our communities and our country, and realize our dreams. We all share the challenges of an economic downturn. But for far too many hardworking transgender people, those pressures are intensified by the fear that they can be denied job opportunities, fired or otherwise be discriminated against just because of whom they are. Transgender Americans, like everyone else, want

their success to reflect their skills, ambition, performance and dedication. But this modest goal is not a reality for many transgender people.

Because an employer in this state may legally fire, refuse to hire, or fail to promote an employee based upon gender identity or gender expression, transgender people are at a great disadvantage in the workplace.

America's top corporations and businesses know, in order to remain competitive, they must recruit and retain the best possible talent, including members of the transgender community

We are a country predicated on equality, occasionally road blocked by discrimination which is overcome through courage and fairness. Over the years, we evolve and embraced a more inclusive vision of what that means for this great country.

Given our country's current economic condition and unemployment rates, it is even more absurd than ever to marginalize an entire group of workers based on gender identity. Passing HB6599 will ensure that everyone can enjoy the freedom of life, succeed in the workplace and contribute to the state of Connecticut.

Some major corporations located in this state have adopted non-discrimination policies that protect their transgendered employees including, among others:

Aetna Inc.	Hartford
Boehringer Ingelheim USA Corp.	Ridgefield
Diageo North America	Norwalk
Hartford Financial Services Group Inc., The	Hartford
UBS AG	Stamford
United Technologies Corp.	Hartford
Xerox Corp.	Norwalk

These employers set dress and grooming standards for their transgender employees consistent with the employees job function, and based on the employees affirmed Gender Identity. They join over 337 Fortune corporations across America including BP America, Citigroup, Coors Brewing, Ernst & Young, Deloitte, General Mills, General Motors, Kaiser Permanente, Marriot International, Microsoft, Nike Starbucks, and Time Warner, who through policy, and real-world practice, have already assured workplace fairness and equality for transgender employees. These corporations understand that fairness and diversity are good for business. Companies that are located here in Connecticut, and that are within the scope of the bill, should meet the same standards.

I humbly and respectfully ask the members assure workplace fairness by passing HB6599 out of committee.

I sincerely appreciate the opportunity to testify today and look forward to addressing any questions you may have.

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*Injustice At Every Turn - http //www transequality org/PDFs/NTDS Report pdf

I would like to thank the Chairs, Senator Coleman and Representative Fox, ranking members Senator Kissel and Representative Hetherington and other distinguished members of the Judiciary Committee for allowing me to speak in support of H.B. 6599, An Act Concerning Discrimination.

My name is Tasha Schaedler and I am a 15 year old Avon High School Student. I am here to speak on behalf of my legal guardian Jerimarie Liesegang and all other transgender people everywhere, but from a teenager's point of view. As a teenager living with my mother Anja and Jerimarie, you may think that I have been corrupted by Jerimarie, or influenced by her. I will swear that everything I say is of my own thoughts, feelings, and experiences, if it pleases you.

I should probably start with a little background. I lived with my grandparents for nine or more years since I was either three or four. They were Catholic, extremely straight, and had no love for anything out of the ordinary, including the LGBT community. My father is the same way, as is my stepmother. Sadly, they have no love for Jerimarie because she is "different." While a custody issue for my two brothers and I was in full swing, my father and stepmother did everything in their power to stop me from going to live with my mother because she lived with a transgender. However, that notion failed. Come August, I will have lived with Mom and Jerimarie for three years.

Let me tell you that I am still the same person I have always been, although my life skills have improved thanks to Mom and Jerimarie. Jerimarie is a great help with my math and science homework if there's something I don't understand. She is an astounding woman who has done so much for the community and state, but she doesn't get the recognition and respect she deserves.

In school at the moment, there is no protection for those in the LGBT community. It is not as common in Avon schools as in other places, but those who identify themselves outside the normal male- female "straight" community still get hassled and bullied, or talked about behind their backs. One day in school, we had the comedian Michael Pritchard come to our school. He pointed directly at the boys, and said, "Guys, one in every ten of your friends is probably gay." The response? Laughter. Mocking laughter and disbelief. Only when he started making bullies and bullying victims come up did they realize how common it is, even in our school. Even still, I know of only two friends, both girls, who observe the April 16th Day of Silence for the LGBT in the school. For the Civic Virtues Project, which is required of all taking Civics and American Government, I decided that I would advertise an idea to make Avon High School a no- bullying zone for the LGBT community, if the idea is approved by my teacher. I also try to advertise the Transgender Lives conference, which is coming up at the end of April, to the faculty and seniors, since they are the ones old enough to go without interfering with TrueColors. In fact, my workshop for the conference is "Living with a Transgender: Life Through a Teenager's Eyes," one that I also gave last year.

I will admit that the first time I met Jerimarie, I was a nervous wreck because I had no idea what she would be like. But as the court got closer to making its decision, we spent a lot of time together. I found out that she was an amazing person with a vast amount of knowledge and wisdom, but she also liked to have fun, too. My homework math problems gave her a good challenge to her scientifically analytical brain, and we take time to play games or go out to dinner, even.

There was a time, when it was considered dangerous to give women an education. There was a time, when giving African Americans freedom was ridiculed. Now it is decreed that all men and women shall be free and given an equal education. They are protected from harassment, bullying, and ridicule. Now it is your time. You must decide what you want the future for your children to be. Do you want them to be afraid of the LGBT community because those people are different? It's like saying you want your child to be afraid of a zebra because it has stripes and a horse doesn't. Remember, it is *your* time. You are deciding the future for me and my peers. What do you want to see the future as being?

Ralph Waldo Emerson says, "Do not go where the path may lead. Go instead where there is no path and leave a trail."

Thank you,
Tasha Schaedler

Testimony in support of 6599: An Act Concerning Discrimination

My name is Nicolette Laume, I am a Connecticut voter and will complete my undergraduate education at Trinity College this May.

I am here to urge you to vote in favor of HB 6599: An Act Concerning Discrimination. This bill will do only what 13 other states and the District of Columbia have already done: approve legislation that prohibits discrimination so that all citizens will be treated with fairness and equality!

I firmly believe that this issue affects EVERYONE. One's sense of being a man or a woman, and how a person shows that to society is shared by EVERYONE. Regardless of their gender, everyone has a gender identity and a gender expression. Protecting everyone's right to express their identity should be protected without exception.

My own gender identity and gender expression tend to match the sex that I was assigned at birth. For this, I am very lucky in light of the incredible discrimination that my Connecticut peers are facing because gender identity and expression are not expressly included in our anti-discrimination legislation. Even though my sex assigned at birth and gender identity and expression are typically viewed as normative, I have not escaped discrimination based on gender identity and expression. As an out member of both my high school and college's LGBTQIA student groups, my gender identity was and is frequently questioned in an effort to invalidate my efforts of educating my peers.

But again, I'm lucky, because unlike me, my friends whose gender expression does not match the sex with which they were assigned at birth, have had to face far more than just insults. My friends who have received death threats, been physically attacked, been denied work, been denied access to bathrooms, parties and places of business, and kicked out of home, need this legislation. I need this legislation. The young people who are no longer with us due to suicide needed this legislation, and died because our state has not yet passed a law prohibiting discrimination based on gender identity and expression.

Please support this bill so that more young people like myself in our state do not have endure the harassment, violence and isolation that comes from such discrimination. This bill is one huge step towards creating a safe place all people, and particularly for young people attending schools in our state. We all need this legislation so that harassment, discrimination and violence and the related lack of education, unemployment, homelessness and poor health do not have to be a part of growing up for Connecticut's youths.

Thank you very much,

Nicolette Laume

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TESTIMONY

Judiciary Committee Public Hearing
March 21, 2011

Senate Chairman Eric D. Coleman
House Chairman Gerald M. Fox

H.B. No. 6599 (RAISED) AN ACT CONCERNING DISCRIMINATION

Distinguished Members of the Judiciary Committee:

Thank you for the opportunity to submit this testimony in support of the essential civil liberties and individual rights of the citizens of Connecticut. I urge you to support and pass Raised Bill No. 6599, "An Act Concerning Discrimination." This bill will make it clear that discrimination because of someone's *gender identity or expression* is illegal and that I have the same protections as every other citizen in our state. I believe that this bill is about basic fundamental human rights – freedom, human dignity and justice. It's about equality. In the words of Martin Luther King: "injustice anywhere is a threat to justice everywhere."

Transgender people are integral members of our society. We work in corporate boardrooms and on factory floors; in academia; and preaching from pulpits. We're in hospital operating rooms and in court rooms; working as nurses, doctors, lawyers, managers, artists, research scientists, and politicians. We are in schools, on trains and buses; and standing next to you in the grocery store checkout line.

Transgender people face serious discrimination in the workplace, housing and public accommodations. Too often transgender people are fired the moment their employers learn of their background; targeted as they try to find a place to live; asked to leave restaurants, hotels, stores, medical facilities and educational institutions; and are subjected to embarrassment, public humiliation and even physical harm. This discriminatory and hateful conduct exists because of a lack of education and understanding and it flourishes because we let it.

As an attorney practicing law in Connecticut I have represented a number of transgender individuals threatened with the loss of their jobs because they decided to transition (change

their gender identity and/or expression). Prior to the year 2000 every one of those clients lost their jobs. On January 31, 2000, I filed a petition with Connecticut's Commission on Human Rights and Opportunities requesting a Declaratory Ruling confirming that as a matter of law existing statutory prohibitions against discrimination based on sex includes discrimination of transgender people. On November 9, 2000, the CHRO adopted such a Declaratory Ruling. The Declaratory Ruling has helped. Unfortunately most people and employers in our state are not aware of the Ruling and a few choose to disregard it.

When an employer or employee looks at the "Discrimination is Illegal" poster they won't see the words "gender identity or expression" – because the words are not in the statute; and when a landlord or tenant looks at the "Equal Opportunity Housing" brochure or flyer they won't find the words "gender identity or expression" for the same reason. By passing H.B. 6599 you will get those words in the posters and the flyers and the brochures; you will make the law in Connecticut explicit and uniform.

Many Business leaders understand the importance of diversity and recognize the value of their transgender employees and customers. You don't have to sacrifice diversity for excellence. Today more than 470 private companies, employing more than 11 million Americans, have Equal Employment Opportunity policies prohibiting discrimination based on gender identity or expression. That list includes many important companies here in Connecticut (Aetna, The Hartford, Pitney Bowes, Xerox, UBS and Boehringer Ingelheim). But the list of employers without such policies is far longer.

Nine (9) years ago I transitioned on the job. It was my good fortune to live and work in a place where performance and professionalism was the relevant standard. Most of the people with whom I interact in the performance of my job have been professional. But even nine years later there are some who disapprove of my personal choices. H.B. 6599 is necessary.

It's time for Connecticut to make it clear that discrimination will not be tolerated in our state. Pass this bill and give notice that the legal rights and protections enjoyed by Connecticut citizens apply equally to transgender people. Fairness, dignity, and safety are good for all citizens - and good for Connecticut.

Change the words on the poster. Support and pass Raised Bill No. 6599, An Act Concerning Discrimination.

Respectfully submitted,

Rachel Goldberg

Jerimarie Liesegang, PhD; Director Ct TransAdvocacy Coalition

I would like to thank the distinguished members of the Judiciary Committee for allowing me to speak in unequivocal support of HB 6599, An Act Concerning Discrimination. My name is Jerimarie Liesegang and I am Director of the Connecticut TransAdvocacy Coalition. I am here to speak both on behalf of the Ct TransAdvocacy Coalition as well as a Transsexual Woman who has faced significant discrimination within the State of Connecticut.

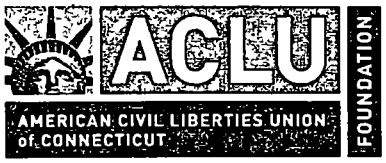
I founded the Connecticut TransAdvocacy Coalition many years back as a result of the severe discrimination against, and minimal visibility of, the Transgender community. In Connecticut my organization routinely receives calls from transgender people in distress of having just lost their job or not able to secure employment because of they are transgender. Just over the last two weeks, I was contacted by a trans person who was concerned that since she just transitioned her State pension and medical coverage would be in jeopardy; I was also contacted by a case worker called me trying to locate a transitional housing facility (most likely a homeless shelter) that would not discriminate against her transsexual client and finally I was contacted by a transsexual person who was being harassed at their place of employment and the employer was not stopping it. A recent Greater Hartford survey we did supports the national statistics that 50% of transgender persons experience employment discrimination, and for the remaining minority fortunate enough to be employed, most realize annual salaries of less than $15,000; that housing discrimination exceeds 40% and that nearly 50% lack any type of health insurance. These statistics truly represent the extent of the discrimination that trans people in Connecticut face every single day! And sadly it is highly unlikely many will be able to testify here today simply because they are struggling to find shelter and food to exist, let alone secure transportation for a day of testifying at the Capitol.

Personally you have heard my story in prior testimony of discrimination. I had a thriving business in Ct that employed up to 12 technical programmers and sadly when I transitioned I lost all my contracts due to discrimination and had to shutter my business. Though I searched for a new job, it took me over three years to find an employer that would look beyond my being a transsexual and recognize that I could be of value to them. I also lost my family and in a divorce any custodial access to my children. I lost so very much in my life simply because I am a transsexual, yet I also learned about true friends and people who did not judge me simply upon a stereotype or vicious statements by bigots but rather took the time to see that I am an intelligent and warm human being.

I will also say that there is light in all this misery. The company that finally did hire me realized the value that a trans person can be to a Corporation and two years ago modified their EEO policies to include Gender Identity. The City of Hartford, which has experienced several Transgender employment discrimination lawsuits', passed an ordinance in January of this year that included Gender Identity or Expression in its anti-discrimination policies. DCF modified its policies to not discriminate against Transgender people. Transsexual parents are not treated as "sick" people any longer within our divorce and child custody courts. Numerous companies, churches, universities and colleges modified their EEO policies to include Gender Identity or Expression.

Sadly however, we are still here each year asking the State of Connecticut to align its non-discrimination laws with the many major and small businesses in Connecticut, the many human services organizations, Churches and citizens of Connecticut who have already said that it is WRONG to discriminate against any person and specifically Transgender people! I urge you all to hear my story, the story of all those who testify today or have submitted written testimony in support this legislation; and to support the Transgender Community in being productive, useful and contributory citizens of this wonderful state! This legislation is not about Special Rights; it is about **basic Human Rights**!

Jerimarie Liesegang, PhD; Director, Ct TransAdvocacy Coalition



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WRITTEN TESTIMONY IN SUPPORT OF
HB 6599 AN ACT CONCERNING DISCRIMINATION

Good afternoon Senator Coleman, Representative Fox and distinguished members of the judiciary committee. My name is David McGuire. I am a staff attorney at the American Civil Liberties Union of Connecticut and I urge you to vote in favor of House Bill 6599, AN ACT CONCERNING DISCRIMINATION.

Transgender people often face pervasive discrimination in virtually every aspect of life. Discrimination based on gender identity or expression is a serious and real problem in Connecticut. At the ACLU-CT, we respond to phone calls and letters from transgender people and their families regarding discrimination. People who do not perfectly fit into conventional ideas of male or female gender roles are often victimized when engaging in activities most people take for granted, such as checking into a hotel, attending school, eating at a restaurant, and using public transportation.

In 2004, the Connecticut legislature demonstrated its understanding of the challenges faced by transgender people when it passed a transgender-inclusive hate crime law. In 2000, the Connecticut Commission on Human Rights and Opportunities (CHRO) issued a declaratory ruling indicating that transgender people are protected under existing Connecticut sex discrimination laws. These are important steps to protect transgender people but more is needed.

It is fair to say that most people in Connecticut are not familiar with CHRO declaratory rulings, let alone the significant ruling referenced above. Connecticut has no explicit law protecting transgender people from discrimination in employment, education, housing, and public accommodations. Adding the phrase "gender identity or expression" to current non-discrimination laws will codify statutory protection for transgender people. This addition will formalize protection for transgender people and educate the people of Connecticut that it is unlawful to discriminate against people due to their gender identity or expression.

A growing number of states, cities, and towns prohibit discrimination against transgender people. Thirteen states and 110 cities and counties have laws that protect transgender individuals, including California, Colorado, Hawaii, Illinois, Iowa, Maine, Minnesota, New Jersey, New Mexico, Oregon, Rhode Island, Vermont and Washington, as well as the District of Columbia. These laws cover 40% of the U.S. population.

Please vote in favor of this important bill that adds gender identity and expression as a protected characteristic to Connecticut's non-discrimination law. This action will ensure a more fair and just Connecticut.

Robin McHaelen

Testimony in Support of HB 6599: An Act Concerning Discrimination

March 21, 2011

Senator Coleman, Representative Fox, Distinguished members of the Judiciary Committee, I am honored to have the opportunity to speak in favor of HB 6599: An Act Concerning Discrimination. My name is Robin McHaelen. I am Executive Director of True Colors, the only agency in Connecticut solely dedicated to the needs and concerns of lesbian, gay, bisexual, transgender, intersex and questioning youth at home, at school, in out-of-home care and in the community at large.

I believe that HB 6599 is a matter of basic freedom and equality, that it provides much needed protections to some of the most vulnerable among our citizens, and that it is fundamentally in everyone's best interest to pass this bill. Here's why.

I have been working with LGBT youth for nearly 20 years. Over that time, one thing has become clear to me: the primary issue is gender. The more gender non-conforming the child, the more serious the sanctions – everything from name-calling to harassment to murder. I have worked with kids who have been thrown out by their families, rejected by their foster parents, harassed out of school and victimized on the street, simply because they express their gender in non-traditional ways.

At 16, *Crystal went to school in a town that supported her identity as a girl, even though her foster mother didn't. The foster parent's abuse increased to the point where the home had to be closed and Crystal was sent to a new placement in a different town, in a different school that had no interest in supporting her identity and no laws that compelled them to do the right thing. She hasn't been to school since and she is now 19. *Tim came into placement at 15 because his step father beat him for refusing to dress like a girl. He went to four different schools, four different placements before we found a school and a placement that would affirm and support his male identity. Research demonstrates that each new placement costs a child 6-8 months in emotional development. Look at what the lack of statutory protections cost these young people!

But gender stereotypes don't just impact and constrain the transgender kids – they impact everyone of us. Think about it. Can't everyone of us tell a story about a time in our lives when we were told we couldn't or shouldn't do something because of our gender? Boys who shouldn't feel or cry or show any emotion except anger. Girls who shouldn't excel at math or science or sports or be "too" good at anything.

Gender biases impact every aspect of our lives – from our clothes to our toys to what jobs or leisure time activities we are 'supposed' to want to participate in. And even though many, maybe even most, children find a way to fit in, you have to wonder at what cost? With gender non-conforming children and adults, I know the cost in lost families, lost jobs, and lost lives.

I support the passage of HB 6599 because it protects our most vulnerable citizens. I support it because human decency, basic fairness and constitutional equality demand its passage. And I support it because when we loosen the rigid boundaries of our gender rules, we are really creating more room, more freedom for every one of Connecticut's citizens. And that makes doing the right thing even sweeter, doesn't it?

Thank you.

* names changed to protect their identity

March 21, 2011

Re: Support for HB 6599, An Act Concerning Discrimination

Honorable Committee Members:

I am writing to express my unequivocal and steadfast support for HB 6599, An Act Concerning Discrimination. This bill is not only important for protecting the rights and freedoms of transgender individuals but also ensuring that everyone is equal under the law, regardless of gender identity or expression.

On a community level, I serve as a board member of the Gay, Lesbian and Straight Education Network of Connecticut (GLSEN Connecticut), an organization committed to providing safe schools for all students, regardless of sexual orientation and gender identity/expression. Transgender students are major targets of bullying and harassment all over the state and country, and few teachers and administrators are educated on how to handle these types of issues. I believe this bill will help facilitate the process of treating transgender individuals with respect and acceptance in their schools and communities so that they may make a difference in the world and inspire others to commit to the universal goal of social justice and equality.

On a more personal level, I have had the pleasure of working with various individuals who exist outside of society's prescribed gender norms and conventions in both community and professional settings. I have come to realize that they are no different from people who subscribe to more traditional gender norms and expectations. My transgender friends and colleagues all strive for a well-rounded education; solid career; and sustaining relationship with family and friends. The only way they are different is in how they are regarded in a prejudicial and discriminatory manner by various state agencies and institutions. This is clearly unacceptable. This bill would help all of us find common ground and realize that gender identity and expression must be included in any effective and comprehensive anti-discrimination law.

Thank you for your time, and I hope you will support this invaluable and necessary bill.

Alberto Cifuentes, Jr.

835 Elm Street, Apt. C2

New Haven, CT 06511

Re: HB 6599: An Act Concerning Discrimination

Abbey Willis
37 Main Street
Manchester CT
06042

I am submitting this written testimony in regards to Connecticut HB #6599: An Act Concerning Discrimination. I first became familiar with this bill in 2007 when I was interning at the Connecticut Women's Education and Legal Fund during my final semester at the University of Connecticut. Back then it was named HB #1044 and part of my internship was to help collect written testimonies urging the bill to be passed. I am in disbelief that I am submitting this testimony four years later—this bill should have been passed years ago.

Not only are we behind the times, but as a community in Connecticut we are all doing a disservice to ourselves and our fellow citizens by not instituting this non-discrimination statute. It seems pretty simple to me—all this bill calls for is that folks not be discriminated against because of their gender identity and/or expression and that this be made clear in a non-discrimination statute. We have statutes in places to protect folks from discrimination due to skin color, age, religion and so forth. Why not gender identity and expression? The only reason for not passing this into bill into law would be that we, ourselves, as a society, currently discriminate against non-normative gender expressions. Passing a bill that would make discrimination against folks based on their gender identity and expression is a step toward opening up our society to be accessible to everyone and to help craft more viable lives for those of us who don't fit into identities that function more as cages than descriptors.

The good folks helping to organize support for this bill are arguing that having a non-discrimination statute in place helps protect those who are discriminated against and also helps to prevent discrimination in the first place by letting employers and landlords know that discrimination based on gender identity and/or expression is in fact illegal. I agree with those organizing in support of this bill—but I see this bill as one step amongst many that must be taken to rid our society and our lives of an oppressive culture that marginalizes and does violence to anyone who doesn't fit into the status-quo. There's a hell of a lot of work to be done on the structural level, but also on the cultural and conceptual levels if we are really serious about freedom and equality. Freedom can't be fully realized by any of us until every last one of us can partake in the experience of freedom. Getting fired—legally, mind you—due to your personal gender identity and/or expression belongs to the Dark Ages.

Until our society and our culture is free of oppression, we will need statutes like this in place so that folks who are discriminated against have some sort of recourse, and we can only hope that the statute will in fact prevent discrimination in the first place. We need to remember the message that is being sent if Connecticut doesn't pass this bill. The message would be something like: You don't count, and we don't care.

I therefore urge you to pass HB #6599

HB 6599

March 19th, 2010

Dear right and honorable ladies and gentlemen of our state legislature, it is with earnest hope and concern that I present these words and thoughts in testimony on behalf of the cause of equality for all persons regardless of gender identity, gender expression, or gender orientation. As a citizen of the fine state of Connecticut and this country of the United States, I feel it is my obligation and responsibility as a citizen to exercise my right to hold my government representatives accountable for their actions or lack thereof in the cause of the promotion of freedom, equality, and prosperity for all who claim citizenship of this state and country.

As a citizen, it is to my understanding that we as a unified but diverse people of various races, cultures, religions, creeds, personalities, and ideologies can and must transcend these individual distinctions for the sake of promoting and defending our most universal natural, inalienable, human rights. It is to my understanding, as a citizen of sound mind and fair judgment and understanding of our nation's history that we as Americans, as a people not bound by any one particular, dominant religion, one particular, dominant political ideology, one particular, dominant race, or one particular, dominant voice of authority have held dear these established truths through a democracy of dialogue and weighty debate: That *all men are created equal,* that they are endowed by their *Creator*, whomever or whatever that Creator may be, with *certain unalienable Rights* that among these are *Life, Liberty and the pursuit of Happiness.* That to secure these rights, Governments are instituted among Men, deriving their just powers from the *consent of the governed*, That *whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it,* and to *institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to affect their Safety and Happiness*. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. *But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.*

It is with these words and principles established from the birth of our nation's government that I write in support and defense of my rights not only as a citizen of Connecticut and these United States, but as a *transgender* citizen of Connecticut and these United States. In regards to the matters at hand, as a citizen, I am entitled to these certain inalienable rights of Life, Liberty, and the Pursuit of Happiness. I am entitled, as a native-born citizen of Connecticut, (born in Hartford, Connecticut on August 17th 1975), and native to these United States, to the rights, protections, privileges, and responsibilities and obligations of citizenship. If we as a people hold it to be true that all men are created equally, than I am no more or less a citizen than any other citizen here today. Therefore, I cannot, in good faith or conscience, grant my consent to a government that would act in defiance or neglect of these statements and deny me and other transgender individuals and communities these inalienable rights. It is my right as one of the people, to seek and call for a government that will alter itself or abolish itself until it can institute a policy where the principles of equality for *all* its citizenship is recognized,

defended, protected, and unilaterally applied justly, fairly and equally across all parameters, distinctions, definitions, and spectrums of humanity.

By definition of these inalienable rights and by definition of what we may commonly understand and agree upon as the rights, protections, obligations, and responsibilities of citizenship, as a transgender citizen, I am entitled to the safety and shelter of my own home if I am able to own a home or rent a home or have even a room in which to live in granted me by the generosity of a friend. I am entitled to pursue gainful employment for the purposes of providing for the prosperity and happiness of myself and those of my choosing, and for the purposes of payment of taxes for the support of local, state, and federal necessity—provided that employment is available to me as a member of the transgender community that does not endanger my safety, well-being, or limit or hinder my potential or dehumanize and denigrate my worth as a productive citizen. If employed, I have the right to my dignity, integrity, intellect, skills, talents, and pride. I am entitled to protect and defend my state of employment through due process and legal means if a labor dispute were to unfortunately arise. I am entitled to choose and pursue a respectable profession or occupation I feel most suited to, provided that such employment is available to someone identifying as transgender. I understand that employment opportunities are available to all citizens meeting the requisites of their chosen profession or occupation. I am entitled to pursue an education in any public institution of my choosing, provided that I have the means to pay for said education and abide by the policies and admissions processes of the educational institution. I am entitled to an education in an environment of safety, pursuant to my right to life and liberty and pursuit of happiness. I am entitled to receive the same level of public services, utilities, and public benefits as my tax money and financial contributions to society provides for. I am entitled as a transgender citizen to fair and equal care and treatment in matters of law, personal safety, health, security, and employment. I am entitled to the same measure of personal freedoms as any other citizen. I am entitled to the same rights and protections as defined by our U.S. Constitution and the constitution and legal statutes of our state of Connecticut as well, if it is understood and can be established that I was born in Connecticut, in the United States, and that I am not the child of an illegal immigrant.

It must be made clear that as I write these words and state my own declaration of my rights as a citizen, this declaration and this understanding I have does not seem to reflect the reality in which I and other transgender individuals live. Currently, the right to pursue and maintain gainful employment is not guaranteed me in fair and equal terms as it is other citizens. I can be fired or terminated and discouraged from employment solely on the basis of my gender expression, gender identity, or gender orientation regardless of my merits, academic background, credentials, or work performance and potential productivity. There is no legal recourse in place to protect my right to pursue fair employment or to protect my right to work and be employed.

The right to fair and just treatment in matters of health, legal recourse, my education, my right to safe housing, and my right to equal services for the pursuit of personal safety, security, health... life, liberty, and happiness are not afforded the same level of support, defense, or seriousness as other fellow citizens. As a transgender citizen, I have been told that I may never hope to be hired as a full-time elementary school teacher. Yet teachers are expected and mandated to teach all children regardless of race, culture, gender, sexual orientation, religion,

ethnic background, socio-economic background, cognitive ability, and so on. We understand and commonly believe that no child should be left behind or turned away from attending school and from the best educational opportunities that can be reasonably provided. We are aware though that a child may be bullied, harassed, or tormented if they are gay, lesbian, bisexual or especially transgender. What message does it send to the transgender student that they can attend school but only at great risk? What message does it send if we tell the transgender student that they might be asked to learn and develop in an environment that is hostile to them? And what message is sent then to that transgender student fortunate enough to have attained their high school diploma or degree? Do we tell them that they may never be able to aspire to be anything but homeless, jobless, disenfranchised, and disregarded as a human being? Can we honestly tell them that they, as transgender, can aspire and achieve like anyone else here in the country that has often prided itself on being the "Land of the Free and the Home of the Brave"? Or must we hold our tongues or lie to the transgender community and ourselves because we must judge people's worth and value as citizens on their gender identity or gender expression? What message is conveyed if people are judged not on their intellect, character, creativity, morals, and personality but on whether or not they are male enough to be male or female enough to be female?

As a member of the transgender community, I may be brave for striving to be myself. I may be intelligent, thoughtful, articulate, creative, passionate about my goals of becoming an educator, and may be regarded as brave for being honest. However, as circumstances now stand, can any member of this state's legislature or of our nation's Congress assure me with full confidence that I am as free and equal and they are? If it can be said that I am a citizen, can it also be said that I am free to benefit from the rights of a citizen as an equal? Or have I been lied to and misled? Has it been made explicit that *all* citizens are free of discrimination and therefore equal, regardless of gender expression and gender identity?

I have been told that the unemployment rate for transgendered persons is at least three times as high as that of the national average, perhaps even higher. I have seen police and medical personnel refuse to treat, help, or assist members of the transgender community on the basis of their gender identity or expression. I have come to understand that businesses have routinely denied services and products and business to the transgender community based solely on their gender expression or gender identity and their inability or preference not to conform to gender specific stereotypes. Banks can refuse to provide loans to potential transgender homeowners. Landlords can refuse to provide apartments or housing to transgender individuals despite the equal housing lender provisions and current equal housing statutes in place. Hospitals and clinics can refuse to treat transgendered patients on the basis of their gender identity. Insurance companies can refuse to provide health coverage for transgendered individuals in need of necessary medical care, medical treatments, and even routine medical visitations.

Many rights and privileges most citizens take for granted or enjoy without thought, conscious awareness or concern are being earnestly fought for and yet denied by the transgender community. As an enlightened nation, these United States have acted in the past to correct our errors of judgment and re-establish our sense of morality. When we determined that slavery was abominable and disgraceful, we abolished the institution of slavery. We recognized that the

hundreds of years of bigotry, racism, and the subjugation of a proud and dignified people worthy of respect had to end. We as a nation recognized the importance granting equality, dignity, and respect to women, recognizing the grave errors made in denying women the right to vote and to live as freely and equally as men. We have acted to correct the errors following the attack on Pearl Harbor, when we wrongfully interred 110,000 law-abiding Japanese Americans in camps like Manzanar and Minidoka and Tule Lake for the duration of World War II. We have acted to correct for past neglect of the physically and mentally challenged, the elderly, the disadvantaged, and the returning veterans home from serving in foreign wars.

We once recognized that the strength of our nation can best be determined by how we treat those least fortunate and most suffering among us. We have often opened our arms to the poor, tired, hungry, and downtrodden of the world. Yet more work is clearly required if we as a people are to hold true to our most universal pledge: *liberty and justice for all.* If we are the land of the free and home of the brave, we must do more than just state this. We must *act* in accordance to it. I urge the state legislature to set an example to the citizens of Connecticut and to our fellow states in this country of ours that here all persons are equally free, equally protected, equally valued, and most importantly, equally respected. For if there are some who are not then we are not the land of the free and the brave and have no justification for making such a claim. And if we do so make such a claim and continue to neglect the rights and freedoms of our own, we should be shamed for making such a claim and bear the disgrace of a profound lie.

I thank you for your considerations,

David "Rachel" Conlin McLeod, a proud transgender citizen of Connecticut.

March 21, 2011

The Honorable Sen. Eric Coleman and Rep. Gerald Fox

The Judiciary Committee

Support for HB 6599, An Act Concerning Discrimination

Mr. Coleman, Mr. Fox and Members of the Committee:

Up until two months ago I did not know much information about the LGBT community and specifically this bill on adding gender identity and expression to Connecticut's non-discrimination laws. After attending several presentations by CT Equality and CWEALF I have become educated about the goals of the bill and the transgender community. I have been inspired by people I have met at these presentations and have learned of the struggles they face yet they possess this amazing amount of courage.

A classmate of mine in graduate school has been very open to talking about her experience and a father who was concerned about his daughter being bullied at school. How human beings choose to express themselves doesn't completely define who they are. Everyone deserves equal rights under the law and people being denied housing and employment opportunities based on their gender identity and expression is wrong.

I will continue to be an ally to the transgender community and I hope the State of Connecticut will not stand for tolerating anything less than fairness and equality for all of its residents.

Thank you for your time and attention to this important matter,

Laura Saponare

20 Textbook Ave.

Rocky Hill, CT 06067

Testimony of Marichris Cariaga
In Support of HB 6599: *An Act Concerning Discrimination*
March 21, 2011

Senator _____, Representative _____, and members of the Judiciary Committee, my name is Marichris Cariaga and I am a sophomore nursing major at the University of Connecticut in Storrs, CT, a native of Norwich, CT, and a campus action intern for Planned Parenthood of Southern New England. I am testifying in support of HB 6599: *An Act Concerning Discrimination* as an addition to Connecticut's non-discrimination law which will ensure that the fundamental opportunities to life are accessible to all Connecticut residents, regardless of gender identity and expression.

As an ally of the LGBT community, I have heard multiple personal stories from trans-folk who have faced explicit acts of discrimination in the workplace and in accessing housing, harassment at school, and even concerns of discrimination and/or harassment in a healthcare setting. The lack of policy specifically targeting discrimination on the basis of gender identity and expression allows for the perpetuation of discrimination toward Connecticut residents who are transgendered, transsexual, genderqueer, and all other persons who do not "fit" into society's constructed gender binary. Thus, trans-folk hesitate to apply for jobs or housing, attend school, access healthcare, and avoid many other basic opportunities from fear of being discriminated against or harassed. This bias has resulted in economic insecurity, marginalization, and lack of appropriate representation and/or adequate aid to a population of some of the most outstanding, well-abled persons.

Currently, 13 states, Washington, DC, and over 130 municipalities have laws that prohibit discrimination on the basis of gender identity or gender expression[1]. It is time that Connecticut joins this overdue progressive movement of policies. As a young and somewhat impressionable voter in the state of Connecticut, I have faith that the officials I vote for will support bills that affirm the protection, rights, and liberties of all of Connecticut's citizens, regardless of creed, nationality, race, sexuality, sex, gender identity/expression, or any other integral part of an individual that makes that person an *individual*. I firmly believe that it is my officials' responsibility to provide fundamental sanctions for the citizens that they are elected to represent.

By not supporting HB 6599: *An Act Concerning Discrimination,* not only does this ensure that certain citizens of Connecticut are oppressed of their basic rights to opportunity (which is the complete converse of what laws *should* enact), but it is a deliberate act of exclusion toward an already marginalized and seemingly invisible population of *human beings* who are struggling for the mere right to be recognized and treated as such. It is further the neglect of those with positions of power to effectively practice what they were originally elected to do: represent and ensure that the needs and rights of *all* of their citizens are acknowledged and met. I have faith in my legislators in that they make powerful, substantially life-changing decisions on the basis of what is not only morally right, but on the benefits that will come from their decisions and that their decision making is a direct response to the appeals of the citizens that they care about and represent.

You are our voice. Please vote "yes" on HB 6599: *An Act Concerning Discrimination* and end the silence. Thank you.

Marichris Cariaga
79 Mohegan Park Rd
Norwich, CT 06360

[1] http://www.ctequality.com/storage/ctEQ%20one%20pager%202-22-11 pdf

Written Statement of Tammi Dee Voytek, 125 Parklawn Dr., Waterbury Ct. 06708-2347

I stand in support of HB 6599: An Act Concerning Discrimination

Honorable Judiciary Committee members,

My name is Tammi Dee Voytek, and I thank you for hearing my testimony today. I'm here to give support to the anti-discrimination bill HB 6599.

I grew up in the fifties when being different in even small ways could cause one to be ostracized and bullied, so over the coarse of years I painfully learned to blend enough to get by while never quite fitting in. I graduated high school in 1967, and got married in February of 1969. Having joined the Navy reserves in 1967, I served in Vietnam from Sept 1969 to Sept 1970 and was honorably discharged in 1973. During the 31 years we were married, I along with my spouse raised three wonderful children.

In 2000, after four years of therapy, I finally learned to accept myself as I am and began my transition. Although my marriage ended, I had a family that stood by me and gave me support. I have five grandkids now who are the joy of my life and I assure you my being transgender has not affected them in any negative way. My grandson doesn't want to turn female and my granddaughters are happy being girls. If they learned anything from their experience with me and others in the LGBT community; it's that the world is filled with all kinds of people, and to chose friends for the type of person they are inside. They're growing up in a family environment where they feel free to be themselves and not under pressure to be who they are not.

I would have loved being able to be myself growing up. That's why it's so important to put religious bigotry and prejudice behind us. There are wonderful, creative and knowledgeable transgendered people in our community that are being denied

the right to earn a living or live in housing they can afford. All of us have contributed to society in every field of endeavor. So why should we become worthless, because we live to live our lives as we really are? My Na-Na used to say, people would be a lot happier if they kept their noses out of other peoples business. Why my surgical correction of a birth anomaly should be deemed any less righteous than any other medical procedure is beyond me. We need our human rights now.

Thank you for your attention in this matter.

Testimony of Austin Longendyke
In Support of HB 6599: *An Act Concerning Discrimination*
March 21, 2011

My name is Austin Longendyke, and I am testifying in support of HB 6599, *An Act Concerning Discrimination*. I am a sophomore at the University of Connecticut, double majoring in Women's Studies and American Studies, and a resident of Norwich, CT. As a member of the LGBTQ community, I am well aware of the discrimination that non-heterosexuals face in their everyday lives. Adding gender identity and expression to Connecticut's non-discrimination law would be a step in the right direction toward a more safe and equal state for all of its citizens.

Not having gender identity and gender expression explicitly on the state's non-discrimination law makes it permissible for workplaces, landlords, educational institutions, etc. to discriminate against individuals whose gender does not match their biological sex. According to a survey of transgendered Connecticut residents, 27% of the respondents lost a job due to their gender non-conformity and 38% of transgendered students reported a physical assault against them[1]. Adding gender identity and expression to the non-discrimination law will allow these individuals to live their lives knowing that they cannot be denied a wage or protection against physical attack because they do not meet society's expectations for gender. It is essential that the state provide these very basic protections for all of its citizens, and I urge all legislators to support this vital act.

The discrimination that transgendered people experience in their everyday lives is the result of society's refusal to recognize anyone outside of the male/female gender binary, and passing HB 6599 will not result in immediate societal acceptance. What it will do, however, is make it more difficult for individuals to act on their bias against gender non-conforming citizens, and that is a good start toward equality for all Connecticut residents. Just as it is unlawful to discriminate against one because of his or her race, sexual orientation, sex, and national origin, it should be unlawful to discriminate against one because of his or her gender identity or expression. Everyone deserves the same opportunities in life regardless of who they are, and the state should strive to make sure that these opportunities are always accessible.

Thank you very much for your attention on this matter,

Austin Longendyke
19 Ann St., Apt. 1
Norwich, CT 06360

[1] http://www.ctequality.com/storage/Connecticut%20NTDS%20State%20Report%20FINAL.pdf

Honorable Judiciary Committee members,

My name is Brenda Jean Louise. I live in Waterbury, and I stand in support of **HB 6599**: ***An Act Concerning Discrimination***.

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands: one Nation under God, indivisible, With Liberty and Justice for all. .... I recited this pledge every morning in school, and never stopped believing in the last line **"With Liberty and Justice for all".** But as I grew older, there seemed to be a love affair going on within the American public with the word **discrimination**. It's because of this problem that the Federal and State governments made laws that made discrimination illegal. The problem for me and others, was that the law makers didn't feel it necessary to include the Transgender population in their anti-discrimination laws. You give me three minutes to speak my testimony of discrimination. That's impossible for me, because in order to tell you fully of my experience with discrimination, I'd need at least a half hour. I've been here at the

Public Hearings 3 out of the 4 times it's met in the past regarding this type of bill. I've introduced a CD filled with 40 printed testimonies from other Transgendered people such as myself along with two American medical reports about being transgendered. In short, ...we exist, ...we're legitimate, ...and we need protective laws to guarantee our basic human rights.

Basically it's the management that seeks to discriminate against us. They feel that we won't fit in. That was the same excuse that they said against people of Native American Indian decent and Afro-Americans in the 1700's. Then it was the Irish and the Afro-Americans. Then it was the Italians and the Afro-Americans. Today, the Afro-Americans, the Hispanic, the Asian, the working women, and the Gays have laws that protect their Human Rights. What about us. Don't we count? Listen, we know very well how to conduct ourselves as an employee. It's like the bosses think that we'll show up wearing pink tights and a tutu on the job. I'm sorry, like everyone else we dress to fit in, not to stand out.

According to one State Senator, he's seen all the transgender people in the jail system and purports to know about us. Well he's wrong. Because every one that he can show in the jail system or street, I can easily show him 8 Trans-people who are out there gainfully employed and another 7 out trying to get hired as an employee. It's of these 7 that I mainly speak for the need of their basic human rights guaranteed them by law.

Lastly, every time a bill like this has come up for a vote in the House, somehow someone's managed to filibuster it. ... If that isn't discrimination, then I don't know what is. .... Well, here we are again, and perhaps this time we can say the fifth time is the charm.

ctEQUALITY

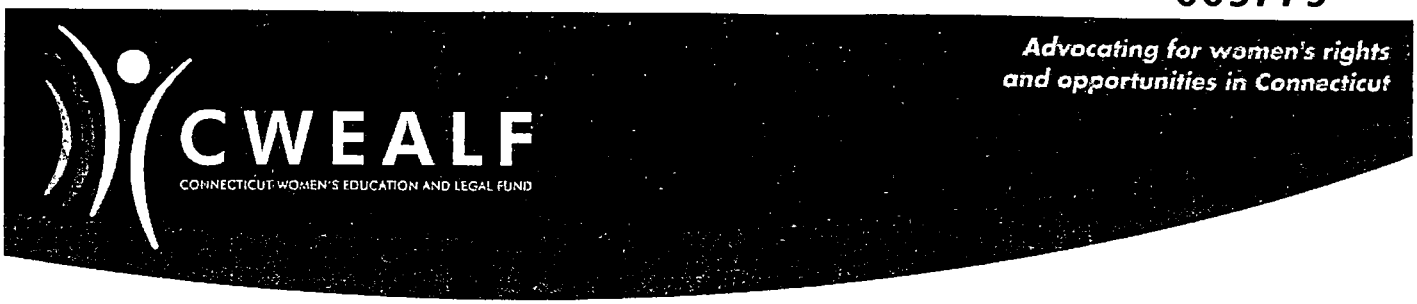
Testimony in support of House Bill 6599: *An Act Concerning Discrimination*
Submitted Sally Tamarkin, Connecticut Women's Education and Legal Fund and ctEQUALITY
March 21, 2011

I am submitting this testimony on behalf of CWEALF, a statewide, non-profit organization dedicated to empowering women, girls, and their families in order to achieve equal opportunities in their personal and professional lives, and ctEQUALITY, a coalition of organizations from all over the state working to add gender identity and gender expression to our state non-discrimination law. For over 34 years, CWEALF has worked to ensure that all people, regardless of their gender or sexual orientation, receive equal rights and treatment. CWEALF is a leading organization in ctEQUALITY. Today I am here to urge you to support HB 6599: *An Act Concerning Discrimination.*

If enacted, HB 6599 would simply add gender identity and gender expression to our state's non-discrimination laws, thereby making protections set forth by a 2000 CHRO ruling explicit and uniform. As we know, it is not sufficient to protect the rights of a vulnerable population with only an agency ruling. To ensure that our fellow citizens are protected from discrimination, we enact laws that make those protections explicit and uniform.

Currently, in the state of Connecticut, discrimination on the basis of gender identity or expression in employment, education, housing, lending and public accommodations is not prohibited by law. HB 6599 would do for transgender and gender non-conforming individuals what our state's non-discrimination law does for a great many vulnerable populations—ensure that their rights are protected by a state law. This is simply a matter of fairness—no one should have to live in fear of losing their job for any reason other than job performance, including transgender people. Passing HB 6599 affirms CT's commitment to treating all of its citizens equally, while bringing us one step closer to being a place where all residents have equal access to the basic necessities of life and livelihood–employment, shelter, a steady income, and the freedom to live as who we are without fear of being denied access to the most basic building blocks of everyday life.

At CWEALF we receive calls from individuals who have been fired or contracts not renewed when their status as a transgender individual is discovered. If you know anything about filing a complaint with the CHRO, you will understand that the energy and time that is necessary to complete this process can be overwhelming. Often the people who come to us just want their jobs back. They have already experienced much humiliation and do not want to, nor often can, expend the time to see through a discrimination complaint because it will continue to highlight their 'otherness.' Not only would this bill, if enacted, guarantee a means of seeking legal remedy against discrimination. Additionally, if Connecticut had non-discrimination law which included gender identity and gender expression, the process for educating businesses and communities would be easier and bring about greater change. A law prohibiting discrimination on the basis of gender identity or expression would educate employers, lenders, landlords and all others subject to obey the law on what practices are acceptable and which are not. Currently,



because there is no state law with explicit protections, what constitutes discrimination based on gender identity or expression may be unclear or only partially understood.

If this bill is becomes law, Connecticut will be following the lead of 13 other states, Washington, DC, over 130 municipalities, and a variety of both private and public employers and institutions throughout our state and country who have laws that offer protection from discrimination based on gender identity or expression. In passing these laws, these entities understand that communities, workforces, campuses, and a variety of other institutions are at their strongest, healthiest and most efficient when all their members' livelihoods are protected from discrimination.

Finally, state laws send important signals about the state's values, it is important today for you to poss this legislation so that our transgender brother, sisters, friends can live with basic human dignity. I urge you once again to pass HB 6599.

Thank you for your attention to this matter.

One Hartford Square West, Suite 1-300 Hartford, CT 06106 t 860 247 6090 f 860 524 0705 www.cwealf.org

CONNECTICUT AFL-CIO

56 Town Line Road, Rocky Hill, CT 06067
860-571-6191 fax. 860-571-6190

Testimony of Lori Pelletier, Secretary-Treasurer
Connecticut AFL-CIO

Before the Judiciary Committee
March 21, 2011

Senator Coleman and Representatives Fox and members of the Judiciary Committee, my name is Lori Pelletier and I serve as the Secretary-Treasurer of the Connecticut AFL-CIO and I am here to testify on behalf of our 900 affiliated local unions representing 220,000 members who reside in all 169 of our cities and towns.

I am here to testify in favor of H.B. No. 6599 (RAISED) AN ACT CONCERNING DISCRIMINATION.

Thirty seven words in this bill make all the difference to a worker in Connecticut.

(21) "Gender identity or expression" means a person's gender related identity, appearance or behavior, whether or not that gender related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth.

Why? Because this bill is about basic human rights, it's about fairness and justice and most importantly it's about respect. No worker should be faced with the possibility of losing their job, being singled out just because of who they are. We don't allow it when it comes to the religion we chose to follow then we should not allow it for being who we are born to be. This bill when passed will not create any "special rights," but simply affords to all Connecticut workers and citizens the basic protection from employment discrimination based on gender identity or expression. It is based on the labor principle that every worker should be judged solely on his or her merits as a worker.

Opponents of this bill are the same people who oppose many of the rights that protect people everyday. Their ignorance is hurtful and is used as a weapon against hardworking Connecticut citizens. We have all seen this type of furor before. In 1919 it was used to against women wanting the right to vote, and in 1964 it was used to perpetuate hate as the Civil Rights Act was being passed and in 2007 this type of ugliness raised its head to try to undermine basic marriage protections.

The Connecticut AFL-CIO has been and will continue to be at the forefront of ending workplace discrimination that's why we were so proud to pass a resolution unanimously at our 2010 convention supporting the protection of workers from discrimination based on gender identity and expression. We urge the members of this Committee and the entire General Assembly to support this bill as well. In 2011 no worker should be a victim of discrimination.

We appreciate the Committee holding this public hearing and we look forward to working with you to see that this bill is passed and signed into law.

PRESIDENT
John W Olsen

SECRETARY-TREASURER
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Testifier: Mike Klinger, Opposing HB 6599, AN ACT CONCERNING DISCRIMINATION

Dear CT Judiciary Committee,

As a father of two children and a concerned citizen of the State of CT, I am deeply troubled by HB 6599, entitled, 'An Act Concerning Discrimination'. This bill would raise a cluster of various transsexual related behaviors, under the title of gender identity and expression, to a 'protected class'. It would make transsexuals equal to constitutionally protected classes such as race, color, religion and national origin.

- Let me remind the Committee, that your job is to:
- Uphold the current law, not create new ones;
- Uphold current protected classes of citizens, not interpret new ones; and,
- Protect the Common Good of ALL Connecticut citizens (especially our children) not impose on the majority, the deviant life-style choices of the few;

Further, what does House Bill 6599 really mean?

1. It means that a man who is a sexual predator could claim to be "transgendered" and enter a women's public bathroom.
2. It means that your son or daughter would be exposed to teachers in their schools who on one day will be a man and the next day could decide to be a woman . . . and this would be protected.
3. It means your child could be forced to learn that their teacher, say Mr. Jones, has now become Mrs. Jones--and that this is perfectly normal.
4. It means that court-ordered same-sex "marriage" is just the first step in a campaign to force children in our public schools to be exposed to "alternative lifestyles" even if their parents disapprove.
5. Above all this legislation means that those who see "gender" as something to be changed at will, are trying to deconstruct the most basic of natural categories--male and female- in our society.

Let me close by asking each of you on the Judiciary Committee, is this what the forefathers of our country envisioned as freedom, or is this rather an abuse of freedom turned into license, with no moral compass left to protect the Common Good of our citizens and children anymore as a society?

Very Respectfully,

Mike Klinger

CT Citizen

Written Testimony

Judiciary Committee Public Hearing
March 21, 2011
HB 6599 An Act Concerning Discrimination

Senate Chairman Eric D. Coleman
House Chairman Gerald M. Fox

For the past five years, many of us have been coming before you to offer testimony in support of HB 6599 –An Act Concerning Discrimination. As your constituents, we have shared many personal stories of what that discrimination looks and feels like and how it impacts our lives. I would like to thank my Representative, Melissa Olson, for her unwavering support and also the Members of the Judiciary Committee over the past few years who have worked tirelessly to pass this bill. This bill has introduced me firsthand to the legislative process and I have the greatest respect for the work that you are asked to accomplish in each session. Thank you.

Each year I review the statements submitted by so many of your constituents who plead for passage of this bill and I am moved and very impressed by their determination and their courage. As a mother of a transgender person, I have also come on several occasions to share my family's story. This is painful work. It is not easy to fight discrimination.

The pages of testimony that you see before you today only represent part of the truth. One needs to examine the findings of the National Transgender Discrimination Survey (available at www.thetaskforce.org and www.transequality.org) to understand the statistics for the 88 respondents from Connecticut. This survey helps us all recognize that discrimination is widely practiced in the workplace, in schools, in housing, and in health care. We can view the level of economic insecurity that is experienced and the amount of harassment and discrimination with regard to public accommodations or services, including hotels, restaurants, buses, airports, and government agencies. The results are astounding!

In the year 2000, the CT Commission on Human Rights and Opportunities (CHRO) declared that discrimination based on gender identity and expression was, in fact, sex discrimination. In 2004, CT legislators voted by overwhelming majority to add gender identity and expression to the hate crimes law, recognizing that there is a definite need for legal protection.

In 2011, we continue to present the testimony and ask that you acknowledge the urgency of this bill by insuring its passage this year. As a mother, I continue to support my son hoping that the State of Connecticut will provide the legal protections for his well-being that he deserves. As a retired teacher, I feel that this Act Concerning Discrimination will go a long way to help define the parameters of our Anti-Bullying efforts and be an important component of our education initiatives that teach tolerance, build respect, and recognize the diversity of all. As a citizen, I will be proud to know that the State of CT has joined the 13 other states and Washington, DC to prohibit discrimination on the basis of gender identity and expression. Thank you in advance for your efforts regarding this important legislation.

Sincerely,

Virginia Levasseur

Virginia Levasseur
357 New London Tpke.
Norwich, CT 06360

Rev. Sarah Person
Universalist Church of West Hartford, CT
Testimony in Support of
The Transgender Civil Rights bill, HB 6599, "An Act Concerning Discrimination"
March 21, 2011

I am the Rev. Sarah Person, Associate Minister for the Universalist Church of West Hartford. Thank you for this opportunity to submit testimony on behalf of HB 6599. This small addition to existing legislation, affecting an admittedly small percentage of the population, will have a huge impact on their lives and the lives of those of us who know them, love them and work with them. Transgender individuals, like all of us, have family, friends, allies, teachers, employers and colleagues, health care practitioners, and clergy who they depend upon and who depend upon them for support. When a transgender person is denied employment, a safe workplace, education, health care and housing, it affects not only them but all the people around them.

I know transgender children who are afraid they will be unsafe in their homes, their schools and their churches. I have known adults who are worried they will lose their jobs, who have been exposed to brutality, and who struggle daily with the stress this brings. This has a profound effect on their families and colleagues. This is not an issue of non-conformity or illness; it is an issue of identity. The children I know have dealt with this awareness of their transgender nature since they were small. Rather than being a youthful whim, it is a deep and abiding recognition of the essence of one's maleness or femaleness that extends over years. How a person presents one's gender to society in dress, behavior, appearance and mannerisms is a form of gender expression. Gender identity and gender expression have no relationship to maturity, intelligence, emotional state, or integrity. Transgender individuals are as mature, intelligent, adjusted and moral as those who are not trans. The fact that they often are not seen as such, and treated badly for it, requires that we offer them protection.

Even with our anti-discrimination laws in effect in Connecticut, transgender individuals are disproportionately more likely to be targets of severe harassment and discrimination in the workplace, in schools, health facilities and accommodations. The consequences can be horrendous; leading to higher rates of depression and suicide and homelessness. Our faith community, as well as many others, has long sought to amend this injustice. We value the integrity and worth of each and every one of us. We are asking Connecticut to join 13 other states and Washington, DC, and over 110 cities and towns that have laws prohibiting discrimination on the basis of gender identity or gender expression. Your support of this legislation will be fair, will be compassionate and will be right.

TESTIMONY OF JAMES BAILEY BRISLIN

Sen. Coleman, Rep. Fox, Sen. Kissel, respected members of the Judiciary Committee, good afternoon.

My name is James Brislin. I am a resident of Enfield and a 2L in the evening division at Western New England College School of Law.

I appear before you today to testify in opposition to the Bathroom Bill, H.B. 6599, also known by the Orwellian title, "An Act Concerning Discrimination".

First and foremost, Mr. Chairman, I wish to decry to procedural tactics employed to raise this legislation. For much of the session, I had been tracking this bill as H.B. 5901. Suddenly, last week, it was raised as H.B. 6599 on March 16 and scheduled for today's hearing, the following day. In essence, supporters of this measure were provided with less than a week's notice of the only public hearing on the matter.

Given how long we have waited for the committee to address this legislation, I fail to understand why it needed to be fast-tracked in this manner— why a hearing later on in the month wouldn't be better.

Certainly, this procedure has the appearance of trying to pull a fast one over the general public. This lack of transparency and openness was the calling card of the prior committee chairmen, and was best exemplified by their handling of S.B. 1098, the bill to restructure the Catholic Church. With the committee under new management, many of us hoped to see a new era of openness and transparency. The committee's handling of this measure has been a disappointment to me and to others and has not lived up to the high standards we should expect from our elected officials.

I oppose H.B. 6599 because it creates a new civil rights classification, "gender identity and expression", that is overbroad and reflects a flawed understanding of human sexuality. The "sex" classification has its basis in anatomy and physiology. The proponents of this measure are seeking to use the long arm of the law to redefine sexuality as a social construct, instead of as a matter of biology. In essence, if I wake up tomorrow and decide that I'm a woman, I would be able to act like a woman even though I have a male physiology. If this measure is codified as law, it will be confusing to children and promote an understanding of human sexuality that the vast majority of state residents strongly oppose.

I particularly object to Section 9, on page 8. If Section 9 is implemented, there is nothing to stop schoolchildren from being exposed to cross-dressing teachers. Likewise, there is nothing to stop a teacher from starting the year as Mr. Jones, going to have an operation, and returning as Ms. Jones. This is not right for the kids. Certainly when I was a child, my parents would not want me exposed to such gender confusion. I do not want that for my future children.

If this legislation passes, anyone who decides they are a member of the opposite sex would be able to use opposite sex restrooms. Connecticut General Statutes §46A-64(b) enumerates exceptions to the discrimination laws. Among the exceptions noted are exceptions for restrooms and locker rooms for the classification of "sex". The proposed legislation does nothing to extend that exception to "gender identity and expression" Consequently, transgendered men will be allowed to use the women's restroom, regardless of physiology. Sexual predators who want to prey on women and children will have a new tactic at their disposal: pretend to be transgendered and obtain access to the women's restroom.

We are counting on you, the members of the Judiciary Committee, to reject HB 6599 and protect the innocence of our children and the safety of our girlfriends, wives, and mothers. Thank you for your consideration.

2011 Testimony to the Judicial Committee

HB 6599: An Act Concerning Discrimination

Honorable Chairs, Senators and Representatives, my name is Jaclyn Garuti and I live and am a registered voter in New Hartford, Connecticut. I am a graduate student at the University of Connecticut School of Social Work in West Hartford and I would like to urge you to vote in favor of HB 6599: An Act Concerning Discrimination.

It is outlined in the NASW (National Association of Social Workers) *Code of Ethics* that as social workers, we "should engage in social and political action that seeks to ensure that all people have equal access to the resources, employment, services, and opportunities they require to meet their basic human needs and to develop fully." Aside from my identity as a student studying social work or my ethical obligation to participate in political action that concerns any oppressed group, this bill is mostly important to me because it would provide better protection for my friend, Diana Lombardi.

Diana Lombardi is a peer of mine at the University of Connecticut School of Social Work. Diana is the first and only person I have ever known in my life to identify as transgendered. I have gotten to know Diana, both in and out of class and through her I have learned the significance of codifying HB 6599 into law, but more importantly, I have gotten to know her as a person. Diana has allowed me the opportunity to challenge what I thought I already knew about civil rights in our state, but I understand that not everyone has the chance to get to know someone like Diana. I have heard before that it has been evidenced through research that if you personally know someone from an oppressed population, you are much more likely to support policies that better protect such people. I know when I graduate and look for a job, I have the basic protections that prevent employers from discriminating against me based on my

gender, and if I suspect that I am being discriminated against based on my gender, I have the necessary protections that allow me to take action; Diana, however, does not enjoy this right.

Connecticut is a state that has been at the forefront of civil rights and is highly regarded as a state that practices progressive politics in order to ensure social and economic justice for all residents. Passing HB 6599 would add our state to a growing list of states (more than 100 cities, 13 states, and Washington D.C.) which have already put this protection into law. At the heart of HB 6599, is a bill that concerns a most fundamental civil right. A. Philip Randolph, a leader in the African American Civil Rights Movement once said, "A Community is democratic only when the humblest and weakest person can enjoy the highest civil, economic, and social rights that the biggest and most powerful possess." Voting in favor of HB 6599: An Act Concerning Discrimination is a step forward in helping to guarantee that all residents in Connecticut are fairly and equally protected under the law, and that all residents have a fair chance to secure employment and housing; basic needs which allow us to enjoy productive and successful lives.

Thank you.

Testimony of Tina R.
In support of HB 6599, *An Act Concerning Discrimination*
Judiciary Committee
March 21, 2011

Dear Senator Coleman, Representative Fox and Judiciary Committee Members,

My name is Tina. I wanted to impress upon you today how important I believe it is that HB 6599: An Act Concerning Discrimination passes. I am female. Born and raised. I have been fortunate enough to never have questioned the gender I was assigned at birth. Nor have I summarily rejected society's insistence that being of that particular gender requires me to look, sound and act a certain way. I am at peace with the gender I was assigned and the trappings that come along with it.

My husband was not. Born female, he spent his entire lifetime attempting to bend his mind to fit into the boxes laid before him by society to conform to the female body he was randomly granted at birth.

After many years of struggle and heartache, like many others before and after him, he finally came to the conclusion that he could no longer be the person he was expected to be and that he would be who he has always felt he should have been. I watched and supported him in this struggle to find his true self.

Now, though I am happy to see the joy he has regained in himself, I must wonder at what future awaits our family because of it. What unforeseen prejudice will lay waste to our livelihoods, self-esteem, self-worth and family structure should we find ourselves at the mercy of someone's narrow-minded world view, and denied access to something because of it?

This bill, however, does not only protect the transgender among us. It protects every tomboy, sensitive boy, experimental teenager, short-haired woman, long-haired man and every other person who casts away the demands that the social order inflicts upon us all.

I realize that there are those that will minimize this important bill to make it about something that is inconsequential and selfish to try to dissuade you from offering the simple protections of safety and fairness in housing, employment and life in general. I ask you today to not be swayed by rhetoric. Instead, I ask you to consider that discrimination of any one, for any reason should never be tolerated. Not in a society such as ours.

I pray that each of you be counted among the forward-thinking leaders that would bring justice to those denigrated by senseless and mean-spirited acts committed against those who would only seek to harmlessly live their lives as they may in a country that purports to guarantee our freedom.

I believe Martin Luther King said it best: "Injustice anywhere is a threat to justice everywhere." Therefore, we ask only that from you, our appointed representatives. Justice.

Thank you for your time,
Tina R.
Fairfield, CT 06824

Quinton M. Johansen
371 Woodford Avenue
Apt. 32
Plainville, CT 06062

March 21, 2011

Regarding: HB 6599: An Act Concerning Discrimination

To the Chairmen and Members of the CT Judiciary Committee

I am a Female to Male Transsexual, who 99.99% of the time simply considers myself to be a man.

I am one of the lucky ones. I have worked for the same employer for almost 20 years, and successfully transitioned from a female gender identity to a male one, keeping my job. I had the great good fortune to have an employer and co-workers who accepted the change smoothly.

However, it is my considered opinion that their acceptance was made easier because I was going from female to male, not male to female. Our society still gives an edge to men as "more valued" than women, despite much progress made by women toward full equality. Our society and our courts have for a while now accepted that women can wear pants and other elements of perceived masculine attire and keep their jobs.

I have personally known Male to Female transsexual persons, in highly technical fields, who were treated by fellow employees as if they had lost half their brains when they transitioned. They most certainly did NOT lose half their brains. What does that say about attitudes to women in those same fields, and genetic women work in them, too? I testified at a school board meeting when another was fired. I did it to show the other face of transgender. She had support from her students and their parents, but the school board had already made up their minds.

I will add here that I am a Roman Army Reenactor. That means I wear "dresses and open toed-sandals" on occasion in public. I am not always in armor. I can get some pretty odd looks.

We, here in Connecticut, have already expanded our Hate Crimes legislation to include gender identity and expression, but that does not protect a person's right to have a job or a place to live. While the CHRO ruling several years back was a help, we need broad anti-discrimination protections with the force of law to include gender identity and expression.

Other people deserve the same good fortune I had and continue to have. We are valuable members of society, with much to contribute as workers and as residents of this state, and don't lose our value due to our gender identity or expression.

I ask that you vote to move this legislation forward as it stands.

Sincerely,

Quinton M. Johansen

Testimony in support of HB 6599: An Act Concerning Discrimination

My name is Dr. Laura Saunders and I have been asked by ctEQUALITY to speak about the impact of gender non-conformity on children.

I am a licensed psychologist specializing in child and adolescent development and psychopathology. I have been working in this field for over 20 years.

The issues of greatest concern when we discuss the impact on young children are their social, emotional and psychological health. First, we need a more clear understanding of the relevant developmental issues. Gender identity is the child's identification of himself or herself as male or female. By age 4 to 5, gender identity is stable and, in typical development, a child's internal feeling of maleness or femaleness is congruent with their biological sex. Multiple factors determine core gender identity including biological, genetic and experiential influences. Epidemiological studies suggest that 1/350-500 children born in the United States are gender atypical and that one is born into one's gender. One does not CHOOSE to be one gender or another. By the time a child enters elementary school at age 5, their gender identity is firmly secure and is not subject to undue influence by others.

There was a seminal study by GLSEN (Gay, Lesbian, and Straight Education Network) in 2009 called the National School Climate Study. Key findings include:

- 63.7% of LGBT (Lesbian, gay, bisexual and transgendered) students reported being verbally harassed, 27.2% reported being physically harassed and 12.5% reported being physically assaulted at school in the past year because of their gender expression.
- Nearly two-thirds (61.1%) of students reported that they felt unsafe in school because of their sexual orientation, and more than a third (39.9%) felt unsafe because of their gender expression
- The reported grade point average of students who were more frequently harassed because of their sexual orientation or gender expression was almost half a grade lower than for students who were less often harassed (2.7 vs. 3.1).
- Being out in school had positive and negative repercussions for LGBT students. Outness was related to higher levels of victimization, but also higher levels of psychological well-being.
- Students attending schools with an anti-bullying policy that included protections based on sexual orientation and/or gender identity/expression heard fewer homophobic remarks, experienced lower levels of victimization related to their sexual orientation, were more likely to report
  that staff intervened when hearing homophobic remarks and were more likely to report incidents of harassment and assault to school staff than students at schools with a general policy or no policy

There is a need for protection for our gender non-conforming youth and young adults who are most vulnerable. Specific protection against discrimination may cause teachers and administrators to make a concerted effort to better protect gender variant youth. A minority of LGBT students report having adequate support in school, which may explain why there have not been greater improvements regarding in-school victimization There

needs to be greater leadership and commitment to addressing anti-LGBT bias and behavior before these students will feel safe in our schools.

In regard to the research on transgender teachers and their impact on children, the research is non-existent. What exists is mostly single case studies and anecdotal stories. There is a small body of research done on the children of transgender parents. These studies conclude that children of transgender parents are NOT negatively affected by their parent's gender identity. Additionally, none of the children of transgender parents developed any characteristics of their own gender identity disorder. Thus, no child raised by a gender non-conforming parent had any negative psychological impact. This is far greater contact and influence than a teacher.

There is no scientific evidence to support the fear that transgendered or gender variant teachers would create anxiety or confusion or create gender confusion in students. Additionally, there is no evidence that children have been traumatized by exposure to gender variant adults.

It should also be noted that the transition for gender non-conforming adults is a long-term process. It takes months and years to transition, which is more than adequate time to help others adjust to the transition.

An age-appropriate explanation of gender non-conformity can be easily produced for those children who are educated by transgender teachers. Positive interactions with gender non-conforming people increase positive attitudes, break down stereotypes and increase awareness and understanding; these interactions do not damage our children, their development or their education.

It is important to remember that children are tolerant and flexible in their thinking and can understand experiences different than their own. This only serves to enhance children's empathy and their appreciation of diversity.

Respectfully submitted,

Laura M. I. Saunders, Psy.D.
Licensed Psychologist
Child and Adolescent Services
Institute of Living/Hartford Hospital
200 Retreat Avenue
Hartford, CT 06106
(860) 545-7009

Testimony submitted to the Judiciary Committee
By Melissa Spear
In Support of HB 6599: An Act Concerning Discrimination
March 21, 2011

Senator Coleman, Representative Fox, Members of the Judiciary Committee,

This is not the first time I have testified before many of you but it is without doubt the most important testimony I have ever delivered - because today it is personal. Today I am testifying as the mother of a beautiful transgender son. My son Skylar is 15. He has brains to spare, and uses them to get straight As. His teachers love him because he is respectful, intellectually curious and hardworking. He is kind and generous to his friends. He loves his dog and the band OK Go. His room generally looks like a bomb went off in it and like most teenagers he can be at times absolutely exasperating. In fact, at this point in his life he finds pretty much anything I have to say somewhat annoying (but I love him anyway). He is well on the way to becoming a productive member of our society, and is excited to think about what contribution he will make to the world.

Every parent fears for their children as they prepare to venture out into the world – but those of us with transgender children unfortunately have good reason to fear. It is not just that our children will have to deal with people who choose not to understand them, are intolerant of them, and often even hostile toward them because of who they are. It is that our children - my child - is growing up in a society that does not extend to him the same protections against discrimination that are extended to almost every other person in this room. My child can be fired or kept out of a job, denied housing, be turned away from public accommodations, be refused membership in a professional organization, all without recourse, all based not on what he does or does not do, but simply because of WHO HE IS.

If discrimination based on gender identity did not actually ever occur it would be easy to sit here and say that perhaps HB 6599 is unnecessary. But in fact, as many of you heard in testimony delivered in 2005 and again in 2007, and I am sure again today, transgender people are very actively and egregiously discriminated against. I worry every day that this is the world I am about to send my son into. But with your help we can take an important step toward making the world a better place not just for my son but for ALL people by ending this type of discrimination. That is why I am here today: not just to urge you, but to plead with you to support HB 6599. It is pretty simple today to say that passing the Civil Rights Act of 1964 which prevents discrimination on the basis of sex or race was the right thing to do. I can assure you that extending those same basic protections to my child and all transgender children is also absolutely the right thing to do. It is not only the right thing to do; it is the moral and ethical thing to do. It is in the best interest of our society. It will be a powerful expression of our humanity. These children, many of whom have displayed the utmost courage in the face of bullying, harassment, humiliation, and even physical assault in order to remain true to themselves don't just deserve the rights this bill would grant them – they are entitled to them. Please don't let them – or my son down. We are all counting on you.

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Testimony in support of HB6599, *An Act Concerning Discrimination*
Judiciary Committee
Carrie Kline
March 21, 2011

Senator Coleman, Representative Fox, and members of the committee,

My name is Carrie Kline; I am a life-long resident of Bridgeport, CT and a student at the University of Connecticut pursuing my MSW. I am here today to strongly support HB 6599, *An Act Concerning Discrimination*. The addition of gender identity and expression to non-discrimination policy would protect people from being discriminated against because of their gender-related identity or how they choose to express their gender.

When policies are not in effect to protect people from discrimination there can be devastating consequences. Currently in the state of Connecticut a person's most basic human rights can be violated due to the lack of robust non-discrimination legislation. Transgender or gender non-conforming residents can be denied the rights of healthcare, housing, credit, employment, and public accommodation, simply because of their gender identity and expression.

By not having gender identity and expression in the non-discrimination legislation, the state of Connecticut is covertly approving of this discrimination and sending the message to its residents that discriminating based on gender identity and expression is acceptable and condoned. Not only as a resident of Connecticut and as a social work student concerned with equality, but as a person who has friends and loved ones who are transgender, I want my state to take a strong stance and protect its residents against discrimination.

Thirteen other states, along with several large companies and universities have already added gender identity and expression to their non-discrimination policy. This law does not seek to give individuals "special" treatment or in any way infringe on religious rights. It is meant to protect people from harmful discrimination. That is exactly what the passage of HB 6599 would do. It will add Connecticut to the growing list of states and businesses that stand up against discrimination. It will ensure the rights of people who are being discriminated against because of their gender identity or expression. It will guarantee that my friends and loved ones do not have to fear that their human rights can be taken away.

Thank you for your time and consideration.

Carrie Kline
Bridgeport, CT, 06606

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Testimony of Gretchen Raffa, Manager, Public Affairs & Community Organizing
Planned Parenthood of Southern New England, Inc.
In Support of HB 6599, *An Act Concerning Discrimination*
March 21, 2011

Senator Coleman, Representative Fox and members of the Judiciary Committee, my name is Gretchen Raffa, Manager of Public Affairs and Community Organizing at Planned Parenthood of Southern New England testifying in support of HB 6599, *An Act Concerning Discrimination*. Planned Parenthood of Southern New England serves over 63,000 patients yearly for reproductive and sexual health services. As health care providers we are committed to taking necessary steps to ensure a non-discriminatory environment for everyone. To promote the health of our lesbian, gay, bisexual, transgender and queer (LBGTQ) patients we are continuously looking at our policies, clinical practices and staff training to improve access to quality health care for all individuals who come to our health centers.

Transgender people are underserved in our health care system and this is only one form of the discrimination they face in our society. Transgender, transsexual and gender non-conforming people face discrimination in health care for a number of reasons including lack of knowledge of their specific health needs, lack of qualified and trained medical providers and lack of health insurance and/or coverage for specific health needs. A 2010 study of transgender people and health care access found participants reported that when they were sick or injured, **many postponed medical care due to discrimination (28%) or inability to afford it (48%).** The same study showed **19% reported being refused medical care** due to their transgender or gender non-conforming status, with even higher numbers among people of color in the survey.[1]

Because of the urgent need for health care providers who can address the specific needs of the transgender community we are committed to having a non-discriminatory environment. In our mission to provide quality and sensitive health care we have made changes on health forms and continue to examine ways to make our health centers more welcoming and open to transgender patients. We have made it an agency wide policy to have gender neutral/private restrooms in our health centers and administrative office. To address the specific health needs of patients who identify as transgender and may be in the process of transitioning we have added hormone therapy for transgender clients to our medical protocols and offer this service in our New Haven health center. We believe all Connecticut residents deserve fairness and equality, not only in accessing health care but in accessing employment, housing, education, public accommodations and all of their basic human rights.

In addition, Planned Parenthood of Southern New England has a non-discrimination hiring policy which includes gender identity/expression. We realize that not everyone has yet come to an appreciation of these concerns, which is why it is so vital that transgender people have places where they can feel safe and welcome, along with allies who can meet their needs with understanding, not judgment.

As an Organizer working on this issue for many years I continue to hear heartbreaking personal stories from transgender and gender non-conforming people who shared with me barriers they have faced not only in receiving appropriate and sensitive health care but also other discrimination they encounter in their everyday lives, including violence and hate. Connecticut has the opportunity to become one of the growing number of states and municipalities that have extended full civil rights to all residents-including transgender residents. We urge you to support HB 6599 *An Act Concerning Discrimination*, to protect the basic human rights of all people in Connecticut by including gender identity and expression among the protections Connecticut guarantees its citizens. Thank you.

[1]Grant, Jaime M., Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling. *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*. Washington: National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011. http://transequality.org/PDFs/NTDS_Report.pdf

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LINE 20

Testimony for HB 6599: An Act Concerning Discrimination

Submitted by: Jamiah Tappin

March 21, 2011

Senator Coleman, Representative Fox, and members of the Judiciary Committee, my name is Jamiah Tappin and I am a resident of East Hartford and a graduate student at the UCONN School of Social Work. I am here to voice my support for HB 6599: *An Act Concerning Discrimination.*

My decision to testify today is not only as an ally, but as a Black woman, who represents the legacy of a struggle for equality and acceptance, not too far from the one transgender, transsexual, and gender non-conforming people are fighting today.

Although racism towards African Americans in this country can be seen as a unique form of discrimination, in my opinion, the feeling of being stigmatized based on physical appearances and stereotypes are similar. I know what it is like to walk into a room and hear people whispering about me, to be stared at and have little children point at me and say "Mommy, why does she look like that?" I know what it is like to not feel worthy or valued as an individual, but judged by something I cannot change. Fortunately, I also know what it is like to have protection under the law when I am discriminated against in the areas of housing, healthcare, and employment for my race or gender. I know that I can walk on this earth and stay true to myself.

My friendships and dialogues with transgender people, have given me the opportunity to broaden my life experience. I can only imagine the personal struggle they have had to endure and then, in the end, be denied the rights that should be inherent to all. How can we live in a society that encourages self-determination, yet punishes you for being "different?" Our laws should protect every one of us. Are transgender people not living, breathings beings? Do they not deserve respect and dignity by having the same safeguards as every other citizen in this state?

As a social worker it is my duty to ensure that all people have equal access to resources, employment, and services, but as a human being it is my honor to testify today and stand alongside transgender people in their fight for equality. I urge you to support HB 6599 and protect the basic human rights of all people by including gender identity and expression in Connecticut's non-discrimination laws. Thank you for your time.

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LINE 12

Testimony of Jesse R.
In support of HB 6599, *An Act Concerning Discrimination*
Judiciary Committee
March 21, 2011

Senator Coleman, Representative Fox and respected members of the Judiciary Committee, my name is Jesse andI am a fouth generation Connecticut resident, born and raised in Waterbury and have been a Fairfield resident for the past six years. I am here to testify in support of HB 6599: An Act Concerning Discrimination.

I am a happily married man with a beautiful and supportive wife and two amazing step-children. I have been employed full time in a management capacity by a Fortune 100 corporation for the past six and a half years and I have served as a board member of the TCC, Fairfield County's only LGBTQ community center, for the past two years.

I am proud to live in a state where lawmakers have historically had the best interests of its residents in mind, passing laws to protect many minority groups from discrimination in the workplace, in schools, from financial institutions and when seeking housing. The transgender and gender-non-conforming residents of CT need and deserve these securities.

This isn't only about protecting transgender people, this law would protect all Connecticut residents gay, straight, boy, girl, man, woman, someone who is both and those who are neither.

I know firsthand that growing up feeling that your gender identity is in conflict with the sex that you were assigned at birth is an overwhelming and painful process emotionally for many people on the transgender spectrum. The fear of being discriminated against, or worse the lack of civil protections when we are discriminated against can be harmful and prevent people from living in peace, safety and happiness which is something that all humans deserve.

As a transgender man and a resident of Connecticut, I have been fortunate enough that I have not faced discrimination based on my gender identity. I transitioned in my current job and felt safe to do so because my company includes gender identity and expression in their non-discrimination policy but I still worry about my future and whether or not I'll join the ranks of those who have faced discrimination. What if the next time I apply for credit, or try to find housing I don't get the loan or apartment just because I'm transgender? What if I end up working for a smaller company that doesn't have an anti-discrimination policy that includes gender identity or expression? I could be fired just for being me.

I can't stress how important it is that the Judiciary Committee supports the passage of HB 6599 and that it is passed expeditiously in the House and Senate so that my friends and I can move on in peace knowing that our rights are just as important as anyone else's. It's time to make living in fear of legal discrimination for this community a part of history.

Thank you,
Jesse R.
Fairfield, CT 06824

March 21, 2011

Testimony in support of HB 6599: An Act Concerning Discrimination

Senator Coleman, Representative Fox and members of the Judiciary Committee:

I'm Don Arsenault, my 19 year old transgender daughter and I, live in Stratford with my father. I am here in support of House Bill 6599: An Act Concerning Discrimination and to answer any questions that may promote better understanding.

I am an original member of a rapidly growing support group with 40 parents of transgender children from Connecticut. We exist not because there is anything wrong with our children, but because of challenges society presents them. Children whose goals and potential are no different from any youth. We share stories of challenges as well as success, when schools do provide equality, and protection. My daughter's story may illustrate why legal protections are needed for gender non-conforming youth, and adults.

When my daughter's appearance began to align with her female identity her grades dropped dramatically with the challenge of constant taunts...and tears. The school's first solution was to have her sit class out in the guidance office when the harassment was excessive, removing her from the educational opportunities inherently expected in a classroom. I was told, "well you know how kids are...and your child is just so different."

It was suggested she might prefer getting a GED, attending night school with adults, or entering the Job Corps at an out of state campus. Next was a program for students with behavioral problems, although I was told that she was never a behavioral problem. No one told us a student that had physically assaulted her would be starting there the same day. She tried transferring to a smaller high school but no longer felt safe. She spent her last 2 ½ years on homebound instruction.

When I first asked that the teachers call her Rose and use female pronouns in correspondence, it was suggested I not make a big deal about it. We soon changed her name legally, and within 2 hours of receiving the Probate documents, the school abided by the ruling with no big deal occurring. It seems that legal rulings do make people feel accountable to follow them.

Rose made honors 4 of her last 6 marking periods. Her tutor, a former art teacher, had to cram instruction for 8 courses into 2 hours per day. Despite receiving only 30% of the time with a teacher that other students received my daughter graduated and attends community college.

It's ironic that her rough start kept her from qualifying for 4 year colleges in Connecticut – yet while still on home bound she was called in to help educate students at UCONN, Central CT, Southern CT, 3 community colleges, and a classroom of DCF workers regarding her gender identity journey. She has spoken here at the Capitol, and helped other schools with transgender students.

The message we had received, and that Rose may face in the work place, is that my daughter is less than. The message I learned watching her courageous journey to participate in life, to attend college, and become a reasonably happy, productive member of society ...is that my daughter is enough. She is more than enough, not only for I as a father to love and cherish, but for society and the State of CT to provide her with the basic human rights of dignity, opportunity and yes, equal responsibility. Please pass House Bill 6599, don't let my daughter and others like her down, and I assure you they will not let the State of CT down.

Thank you for this opportunity,
Don Arsenault

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LINE 18

Kallista H. Solyn

Testimony in support of

House Bill 6599: An Act Concerning Discrimination

March 21, 2011

Senator Coleman, Representative Fox and members of the Judiciary Committee,

My name is Kallista Solyn and I live in Bozrah, Ct. I am a constituent of Connecticut State Representative Kevin Ryan and Connecticut State Senator Edith Prague. I'm here today in support House Bill 6599: An Act Conceming Discrimination.

I am a transsexual woman and began my transition in 2005. I started living full time as a woman in 2006 and had Gender Reassignment Surgery in the fall of 2007. Like most transsexuals I began my transition with the understanding that I would likely face a great deal of adversity. I prepared for the possible eventuality that I would be abandoned by both my family and my friends. I was pleasantly surprised. Although far from a walk in the park, my transition went remarkably smoothly. With only a few exceptions, my family and friends were very understanding and accepting.

I was hopeful that my transition in the workplace would go equally well, but I was quickly disappointed. At the time of my transition I was working for a privately owned, aviation related business Located in southeastem Connecticut. While the vast majority of my co-workers seemed to handle my transition well, there were some exceptions. Unfortunately, among these were my immediate supervisor, and the owners of the firm. Within several days of disclosing my intention to transition I was asked, by the firm's owners, to "do the right thing for the sake of the company, and resign". I refused, and explained that it was my belief, that remaining and continuing to perform the duties of my position was the right thing to do for the company. In a subsequent, closed door and private, meeting with my supervisor I was told that he believed that my transition would result in a company-wide exodus, with my co-workers quitting in large numbers. He went on to say that he felt "very protective of the company" and that he would "do whatever was necessary to protect the company" including if necessary, my termination. None of my co-workers in fact quit, and the vast majority appeared to have little difficulty with my transition.

Additionally, I was on more than one occasion, required to meet, again in closed door private meetings, with my supervisor. I was told in great, and uncomfortable detail, how I should dress to best minimize any expression of femininity, and downplay the obvious effects of my gender change. As a woman I was made to feel very uncomfortable by these conversations, and I verbalize this. In response he said that he" was within his rights as my supervisor to dictate how I should dress on the job". It was painfully clear to me that I was not being asked to adhere to a company dress code, but

rather I was being asked to adhere to an expression of gender that was not my own. I was being asked, as a woman, to adhere to a stereotypically male gender expression.

I loved my job and I was fond of the vast majority of my co-workers. I was in the process of transition with associated medical expenses that were both daunting and seldom covered by my medical insurance. For these reasons I continued to work in what was an increasingly hostile and difficult environment. I was good at my job and learned to live with the undermining and unnecessary difficulties that were continuously thrown in my direction. In my optimism, I honestly believed that I could weather these difficulties and return to some reasonable degree of employment normalcy. I believed that given time, those few individuals within the firm that seemed to be so averse to my transition, would learn to accept me as the person that I had always been, but once again, I was wrong. The recent economic downturn caused a slowdown in our business and I became, (I believe), a target of opportunity. The nature of our business was such that the slowdown had not affected my office, nor would it have for some time. Additionally my position within the firm was, in fact, mandated by the Federal Aviation Administration, and could not be eliminated. I was none the less, after 14 years of service, and without a dime of severance pay, unceremoniously dismissed. "You no longer work here" I was told by one of the firm's co-owners, followed quickly by "how soon can you clean out your office and be off the premises?"

At the urging of a close friend, and with a glimmer of hope that I could possibly reclaim my job, I consulted an attorney. He was highly recommended and specialized in labor law. He listened patiently as I explained, in great detail, my situation. His response was disappointing, if not surprising: "If the state of Connecticut had added gender identity or expression to the anti-discrimination law, you would have a case against your former employer" he said. "But without that protection you have little or no recourse. I would simply be wasting my time and your money to take this case".

I have now been out of work for over two years. I've had to sell my home to avoid foreclosure, and I've lost my medical insurance. I am now on the brink of bankruptcy, and were it not for the kindness of friends, I would almost certainly be homeless. My situation is unfortunately, far from unique. Stories like mine are all too common in the transgender community.

Being transgender is not a "phase or a lifestyle". I was born this way and I can no more change my gender identity than I could change the color of my skin. Transgender people like me are routinely fired, denied jobs and promotions, denied housing and accommodation, and denied credit by organizations that enjoy complete impunity in their actions. I'm not asking for "special rights or privileges". I'm only asking for fairness, and freedom from discrimination for all Connecticut residents.

As a transsexual woman, a lifelong Connecticut resident and as a Human being I would like to thank the honorable members of this committee for hearing my testimony and to urge you to support House Bill 6599: An Act concerning discrimination.

Thank you.

Testimony on H.B. 6599
An Act Concerning Discrimination

Honorable chairs, members of the Judiciary committee, my name is David Sant and I am a Masters student at the University of Connecticut's School of Social Work and I am here to speak in support of H.B. 6599, An Act Concerning Discrimination. I recently relocated to Connecticut from the state of Idaho because I was so impressed by the great legislative record here regarding human rights. However, I was surprised to learn that Connecticut was not one of the states that included gender identity and expression in their non-discrimination policies.

This piece of legislation is vital to the continued progress of this state. It goes beyond putting in writing non-discrimination laws but deeply impacts Connecticut residents in a profound way. It is a statement to every person in this state that they are allowed to feel safe and comfortable in their own skin.

I say every person in the state because every person, including those in this room, has a gender identity and expression. This law protects not just the transgender and gender non-conformist community, but all individuals and families who reside in Connecticut.

It is also important to note that gender rights, especially the protection of transgender rights, are different and separate from gay rights. Gender identity and expression and sexual orientation, while they are parts that make up the whole of a person, are distinct in their definitions and are not synonymous as many people think.

I will close by stating that back home, the progressive community has a saying. Idaho is too great for hate. Well, ladies and gentleman, Connecticut is too great for hate also. Thank-you for your time.

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LINE 13

3/21/11 Testimony of Peter Wolfgang, President of FIC Action, on H.B. 6599

Good afternoon members of the committee. My name is Peter Wolfgang and I am the President of the Family Institute of Connecticut Action, an organization whose mission is "to encourage and strengthen the family as the foundation of society and to promote sound, ethical and moral values in our culture and government." I am here today to ask you to oppose H.B. 6599, An Act Concerning Discrimination.

H.B. 6599 would raise a cluster of various transsexual related behaviors, under the title of gender identity and expression, to a protected class. It would make them equal to constitutionally protected classes such as race, color, religion and national origin. This would mean that a person's son or daughter could be exposed to teachers in their schools who one day will be a man and the next day could decide to be a woman and this would be protected. Under this bill your child could be forced to learn that their teacher, say Mr. Jones, has now become Mrs. Jones--and that this is perfectly normal. It would mean that court-ordered same-sex "marriage" is just the first step in a campaign to force children in our public schools to be exposed to "alternative lifestyles" even if their parents disapprove. Above all this legislation shows the hubris of those who see "gender" as something to be changed at will, of those who are trying to deconstruct the most basic of natural categories--male and female.

Boards of education would be forbidden from disciplining or declining to hire a male teacher who wants to wear a dress while teaching the public's children. Businesses would be equally hamstrung when hiring people who must deal with the public—say, a salesperson or receptionist—which would likely hurt their sales.

If this bill were to become law, the consequences would be serious. Women and children would be put at risk since anyone, regardless of their biological sex, would be allowed access to sensitive areas such as single-sex bathrooms and locker rooms as well as college dormitories. Nothing would prevent a male sexual predator from pretending that he is confused about his sex to gain access to a woman's bathroom or to join a female-only fitness club. The law could also affect sex education classes in school, suggesting that sex change operations are mainstream and confusing children even more.

To this day, gender identity confusion is considered by professional psychology to be a mental disorder. It should not be raised to the level of a protected class. For all of these reasons, I ask you to oppose H.B. 6599. Thank you.

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LINE 9

Testimony in support of HB 6599: An Act Concerning Discrimination

Thank you for the opportunity to appear before you today. My name is Anne Faith Beon, and I am here to ask for passage of HB-6599; an act concerning discrimination. I am one of many Transsexuals who live within your districts. We live and work as anyone else. Unlike the rest, we have little protection under present law against discrimination. I spent last week in Washington DC with Important leaders of the Transgender community. And it was there that we were briefed by The Justice Department on the amount of cases of discrimination, hate crimes, even murders of those like us throughout the United States. Now is the time for Connecticut to join the 12 other states (and 100 major cities) and enact this legislation, and give us the same protection that the rest of our Countries' population enjoys. At one time we hid behind closer doors, living in shame, unable to understand why we were as we were. . Today Modern Medical research has given us both the answer as to why we were Born This Way and a path to living a life true to ourselves. It is a hard, expensive and often dangerous path, but it is ours What we need from our representatives is the legal protection given all other Connecticut residents. Time has changed things radically for us as Trans Folk. We are living out and proud of who we are. There are many more of us then you may think, we exist in all cultures, and throughout human history. Today in our United States we have Transgender Support groups in High schools, Transgendered children in our grammar schools and now preschools for Non Gender Conforming toddlers We are here for them. We are here for the hundreds if not thousands of young Connecticut residents who face bullying, physical abuse, and discrimination for no fault of their own I ask you in their name to extend this protection. I would be happy to answer any questions or give any explanation you may require. And again, thank you for the opportunity to have my voice heard.

- ANNE BEON

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LINE 2

STATE OF CONNECTICUT
OFFICE OF THE CHILD ADVOCATE
999 ASYLUM AVENUE, HARTFORD, CONNECTICUT 06105

Jeanne Milstein
Child Advocate

TESTIMONY OF JEANNE MILSTEIN, CHILD ADVOCATE
March 21, 2011

Good morning, Senator Coleman, Representative Fox and members of the Judiciary Committee. My name is Jeanne Milstein. I am the Child Advocate for the State of Connecticut. I thank you for the opportunity to testify in support of Raised Bill # 6599, "An Act Concerning Discrimination."

This proposal simply adds gender identify or expression to Connecticut's non-discrimination law. This is another important part of the safety net for our children, particularly those who are most vulnerable. It will help ensure their safety and well-being. It is also a matter of fairness and equality. We don't want children harmed for who they are.

Today I ask you to think for a moment if your child, niece, nephew, grandchild was subjected to relentless harassment, bullying and discrimination because of who they are, or who they are perceived to be.

Certainly you would not want this child to be a victim of bullying, harassment and discrimination. You want your child to have all the opportunities to achieve his/her full promise and potential. You want them to grow and thrive and to have all of the necessary ingredients to become successful on life's journey. What I've come to know if my years as Connecticut's Child Advocate is that children need love, support, acceptance, understanding and a sense of safety and well-being. They also need laws as an essential aspect to help protect them. Again, this proposal assures the same fairness and protections for children who express their gender identify differently.
CGS 46a-51 already sets the foundation for assurances that provide protection of the law from discriminatory practices for the protected and vulnerable members of our communities, including children. These same protections should hold true for discrimination based on perceptions of gender identity or gender expression. It would be devastating and unacceptable.

And, I think that all of us can agree that any form of discrimination is simply not acceptable for our children. Issues of fair treatment have been at the forefront of my efforts on behalf of children.

These children are at greater risk of bullying, name calling, suicide and murder. The more gender non-conforming an individual is, the more extreme the sanctions-in the form of everything from name-calling to murder. For youth, gender difference is connected to harassment; abuse at home and at school. As Chairperson of the State Child Fatality Review Panel, I have seen the tragic consequences of bullying for children who may be perceived as different and not conforming to the norm. Adolescents, which we know at best is a difficult time for children, can be devastating for children who stand out, whether they dress differently, are too short, too tall, etc. etc. Adolescence is a time where conformity and acceptance are the norm. For children who are questioning gender identity or expression, adolescence can be unbearable.

Let me reminder you of the tragic suicide of Joseph Daniel S, an 11 year old boy who committed suicide several years ago because he was so devastated as a victim of bullying.

The loss of promise hits home here in Connecticut. We are currently investigating two recent deaths of children to determine if bullying or harassment were contributing factors to their suicides. Please. Let's try and prevent these tragedies.

In addition to our child fatality work, over the years the OCA has been contacted regarding several children who were experiencing significant discrimination based upon their gender identity. Let me share with you the story of Jordan. Jordan is a wonderfully talented, compassionate and insightful individual. Jordan needed the advocacy support of my office to help with the issues associated with gender identify. We worked with community partners to ensure that Jordan was included in relevant school activities, was treated fairly and got the supports necessary to face many complicated life choices. The road for Jordan was not easy, nor the advocacy path, because no law fully protected Jordan from the significant discrimination encountered along the way.

Jordan has said that having the right people in her corner was key, but also having the law to support her could have made life so much less difficult. When one of our staff told Jordan that I was going to testify today and use her story as an example, she asked Jordan if she would like me to tell you anything. She wanted you to know that there were dark times when she thought that no one would accept her and that people just need to accept each other for who they are.

I urge you to pass this bill. It will offer and important safeguard to all children and adults. Please ensure the continued promise and potential of our vulnerable citizens. I believe that by supporting the measure you will be affirming and acknowledging that discrimination based on gender identity or expression will not be tolerated in Connecticut.

Thank you.

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LINE 2

Dannel P. Malloy
GOVERNOR
STATE OF CONNECTICUT

Testimony of Andrew J. McDonald

In support of House Bill 6599

An Act Concerning Discrimination

March 21, 2011

Good morning Sen. Coleman, Rep. Fox and other distinguished members of the Judiciary Committee. My name is Andrew McDonald, and it is a pleasure to be here before you testifying for my first time as General Counsel to Governor Malloy. Governor Malloy has asked me to share with you his strong support of House Bill 6599, "An Act Concerning Discrimination." The Governor has been a longstanding supporter of this legislation, and he very much looks forward to signing it. In fact, that personal privilege for him is the only good reason this legislation hasn't passed in prior years. That is my own way of saying the passage of this bill is long overdue.

Legislation adding gender identity and expression to the list of protected classes in our antidiscrimination statute has come before this committee many times before. And every time it has been raised, the Governor, then the Mayor of Stamford, submitted testimony expressing his heartfelt support and urging the members of this committee to vote in favor of this important legislation.

As Mayor of the city of Stamford, Governor Malloy had the opportunity to witness how little effect an individual's transition in his or her gender expression need have on the workplace. Rachel Goldberg, who you will hear testify later today, was an attorney for the city of Stamford when she transitioned. She had been identified as a man all her life, while struggling with her own identity as a woman. I remember all too clearly the day Rachel, then known as Bruce, came into my office to tell me she was transitioning. At the time I was serving as Corporation Counsel for the City of Stamford, and I knew Bruce to be a good, smart, and hard working lawyer who was dedicated to his job. We were talking about some legal matters and when we finished he told me he needed to tell me something else. Before he did so, I saw something change in his eyes. His eyes went from a bold, confident and business like look to an unsure, nervous and even fearful stare. I knew he was scared. The trepidation he had in telling me was even more significant because I considered him not only a colleague, but a personal friend. And he was still

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scared about what this would mean for him and his career. Imagine what it would take to tell someone in a position of authority over you who wasn't a friend, but perhaps might even be hostile towards you.

After he told me his very personal story, and I assured him that it changed nothing about our personal or professional relationship, he asked how Mayor Malloy would react to the news. I'm sure Rachel will tell you that story, but suffice it to say she remains a very valuable asset to the city of Stamford as an attorney, and she remains a personal friend of both the Governor and mine. In fact, she has helped both of us grow in our understanding, outlook and appreciation for what it takes to transition. She and the other transgendered individuals the Governor and I have come to meet in our professional and political lives are brave and courageous people.

You will hear testimony today from individuals who face fear and discrimination everyday from employers, neighbors, medical providers, landlords, and others solely due to the fact that the way that they present themselves does not conform to what some people expect. And you will hear statistics about how this affects their personal safety, emotional welfare, and social and economic security. To avoid giving you information you are sure to hear from others, I offer you my perspective as a former chair of this committee on how close we have come to providing a protection that 13 states, over 130 municipalities, the District of Columbia and over 400 of the Fortune 1000 companies have already provided.

As many of you will recall and some of you will hear for the first time, this legislation has historically enjoyed overwhelming bipartisan support in this committee. Of the three votes taken, it passed by margins of 28:8 in 2006, 29:4 in 2007 and 37:6 in 2008. I urge you to continue that legacy and support our state's tradition of safeguarding an individual's right to be free from discrimination.

This legislation has previously made it through the committees on Judiciary, Government Administration and Elections, Higher Education and Education. On the one occasion it was called to the floor, it passed the senate by an extraordinary 30:4 votes before lengthy debate in the final days of the session stalled it on the house floor. As Judiciary Committee members, you have the opportunity to hear the impassioned testimony of individuals who need the protections that this legislation offers. Unfortunately this subject is one that your fellow legislators know less about, and they will understandably have questions. I implore members of this committee to take the opportunity today to ask questions of those who testify and learn all that you can so that you may in turn educate your fellow legislators, who will not have the benefit of hearing testimony on the importance of this legislation. Through education comes understanding.

The equal treatment of individuals under the laws of our state has been an issue of continuing importance to me throughout my career in public service. And I sincerely thank you for the opportunity to speak before you on this issue today.

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CONNECTICUT
GENERAL ASSEMBLY
SENATE

PROCEEDINGS
2011

VOL. 54
PART 16
4951 – 5268

of business for this evening.

THE CLERK:

Mr. President, call from page 20, Calendar Number 545, House Bill Number 6599, AN ACT CONCERNING DISCRIMINATION, as amendment -- as amended by House Amendment Schedule "A" (LCO 6685), favorable report of the Judiciary Committee. And the Clerk is in possession of several amendments.

THE CHAIR:

Thank you, Mr. Clerk.

Senator Coleman.

SENATOR COLEMAN:

Thank you, Mr. President.

I move acceptance of the Joint Committee's favorable report and passage of the bill in concurrence with the House.

THE CHAIR:

You may proceed.

SENATOR COLEMAN:

Mr. President, the bill before us prohibits discrimination on the basis of gender identity or expression.

In many areas of life here in the state of Connecticut, it provides to the Commission on Human Rights and Opportunities to -- the jurisdiction to receive and prosecute discrimination complaints, and it authorizes people who are transgendered individuals to file discrimination complaints with CHRO. And CHRO, again, has jurisdiction to enforce antidiscrimination laws in specified areas.

The principal part of the bill is the definition of -- of gender identity for expression. And that definition is incorporated -- incorporated in the first section of the bill, and defines gender identity or expression as a person's gender-related identity, appearance or behavior, whether or not that identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth.

The definition specifies that gender-related identity can be shown by providing evidence in various ways that include medical history, care or treatment of the gender-related identity, consistent and uniform assertion of such an identity, or any other evidence that the identity is sincerely held, part of a person's core identity, or that the person is not asserting such an identity for an improper purpose.

We, in the state of Connecticut, I do believe, ought to be enthusiastic and zealous about not denying opportunity to any group of people. And, in fact, ought to, and I think do endeavor, to make certain that life, liberty and the pursuit of happiness are available to everyone.

The bill before us advances and furthers that objective for a group of people who, principally, in areas like employment, housing and public accommodations may have received discriminatory treatment. I would urge passage of the bill, Mr. President -- Madam President.

THE CHAIR:

Will you remark further?

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Madam President.

I know that there will be some amendments forthcoming, but I wanted to comment briefly on the proposal as it stands.

I have grappled with this issue over the last several years. And I have to say, at the outset, for those individuals that have come to the judiciary public hearings seeking transgender rights, I have the utmost respect for and admiration.

On any bill proposal, it is not easy to come before a public hearing. But for this particular issue, it must have been particularly uncomfortable, because, like many matters, as each year progresses, we learn more and more of their cause, of their desires, some of the strengths of their arguments, and some of their weaknesses of their arguments.

I believe individuals that fall into this category have been perceived to have what's called gender dysphoria. Whether their gender identity rises to the level of a medical term, I don't have the medical background to make that determination. I will say this, that over the years, I have voted in favor of this bill, or a bill substantially similar, and opposed.

I really go back and forth on this issue. But over the last, probably, two or three years in particular, I have heard more and more from my

constituents, and their questions have led me to ask further questions, and have brought me to the position where I am today. And it is not one borne in any way by malice towards individuals that have come to testify before us, and it's not borne out by the fact that I don't believe that they believe sincerely in the cause for which they are espousing.

In my heart of hearts, I'm a live-and-let-live individual, and I wouldn't want to see anybody not given rights that truly deserve rights. But when it comes to something fundamentally subjective in many, many ways, I have a concern as to the appropriate way to put that into statute.

There were individuals at the public hearing this year that if they did not testify that they were a different gender at one point in their life, I would have a very difficult time believing it. There were some women that stated that they were born men, and there was nothing in their appearance, demeanor, vocalization to cause me to believe that they were anything but women from the very point of birth to their adulthood. And the exact converse was true as well; there were individuals that appeared as men that I would have thought were born male and had been that way their whole lives.

From my perspective, that's probably the easiest case. And what I had originally thought years ago was all this discussion was about, that these were transgender individuals, and that they were seeking rights that others had. And for whatever reason,

folks in our society were discriminating against them. But as the years progressed, I've come to the conclusion that that is -- those individuals represent the easy case regarding this debate.

There were other individuals over the years, and while some years you see folks you haven't seen before, there are dozens of individuals that over the last six or seven years in the Judiciary Committee have been dogged enough in their pursuit of this to continue to come before us so you would recognize them and come to friendly terms with all of them.

But there was another group of individuals that were expressing a gender but not to the extent that they were assuming that gender. These were individuals that were expressing themselves in such a way that they felt comfortable with the gender they were expressing, but there was no element of hiding what gender they were born with. So they were, to all appearances, from my observations, folks that were born as women that were taking on traits of a man and wanted to be perceived as a man; and there were folks that were born as a man that were taking on traits of a woman and wanted to be perceived as a woman.

And the dilemma regarding the proposal is that regarding many of these individuals, there's a long continuum, and that individuals' gender expression can take on any spot in this entire continuum. And over the years, I've asked more and more questions, and I've gotten to a point now where I perceive that in this discussion, there's almost a socioeconomic

element. Because when some of my colleagues asked some of these individuals regarding medical treatment and gender change, some of these individuals stated that either, a, they had no desire to go through a medical process where their gender would actually change from male to female or female to male, based on physiological characteristics or, b, for financial reasons, they did not have the wherewithal to go through any kind of medical transformation. And they were expressing an affront, stating that because they wanted to express themselves in a certain way, that folks in society had no right to expect that this was a process along a path from point a to point b.

This has changed my perception of the subject. When I first began going to the public hearings that we've had on the Judiciary Committee regarding this years ago, it was during a period of our -- of the last 10 to 15 years, where we were going through hearings and the primary focus regarding interpersonal rights and things such as this was the march regarding -- that culminated in same-sex marriage, and that's -- that tended to be where the focus of attention was. And the elements of these public hearings seemed to be somewhat secondary. And that's not a -- a valuation, it's just that it seemed like most of the oxygen in the room was taken up by this, this other debate, this very rigorous debate regarding a societal change, regarding how -- how we as a state would look at marriage. And that was a long -- and many, many numbers of years of permutations and debates in this

Chamber, as well as the House, and here we are in 2011.

And much of those other issues now are off the stage, allowing me to really drill down deep regarding this issue. And as we've drilled down deep and studied the issue, and this will probably come up down the road in the form of a proposed amendment, it's that we do have, for lack of a better term, certain carve-outs regarding certain rights here in the state of Connecticut. And one might scratch one's head and say, well, how could that be; don't, don't we look at this exactly the same for race and ethnicity and religion and creed? And regarding all of those characterizations, we do. We do.

We don't have separate but equal in our state, except for one area. And that area is regarding sex. And it's not sex as far as relationships such as same sex or that kind of sex, but how we treat certain areas regarding sex in terms of equal to gender; sex meaning a person's sex, male or female.

And we have, for over a decade, created a construct where certain areas have certain delineations so that everything isn't free and easy, because that's what we, as a society, we, as a state, have determined to be appropriate, not only for ourselves, but for the public as a whole, and with an eye toward appropriate for our children. And those areas are bathrooms and locker rooms and certain housing facilities that are denominated for either men or women. And it's commonplace.

I guess, if certain private individuals wanted to do something other than that, they could. But in terms of the laws of the state of Connecticut, we have men's rooms and women's rooms. And if you go to a high school, there is the girls' locker room and the boys' locker room. And that is the reasonable expectation of society in 2011. And when I go out and I talk to all of my constituents, the vast majority do not have a problem with that, fully expect that. And in the vast majority of cases, if they're moms and dads, they would be concerned if it was anything other than that. And the only time people even contemplate a variation thereon, is if their child is about to go to some college, and perhaps there's some kind of sharing of bathroom facilities at some college, and well, we'll look into that when that day comes.

But if it's a grammar school or a middle school or a high school, or if it's a public swimming pool where there's changing rooms, the expectation in the seven towns that I represent in North Central Connecticut is that, yeah, there should be men's facilities and women's facilities. There should be girls' facilities and boys' facilities, and nary the 'twain shall meet, and no one really worries too much about it. And there really is no one out there pushing to change that.

But what we find ourself with today is a proposal by dozens of individuals, I wouldn't even say hundreds of individuals, dozens of individuals in the state of Connecticut, that, for lack of a better term, use an

umbrella terminology of transgender. And they're not lesbian. They're not gay. They're not bisexual. They're transgender. The entire discussion has nothing to do with their interrelationship with other individuals either through marriage or any other kind of romantic or unromantic. It has to do with themselves and their interrelationship with society.

And by seeking equal rights with other individuals, because of the nature of the right they are seeking, and I had indicated that it's under the umbrella of transgender, but it may be gender identity or even more subjective terminology, gender expression, which, because we're using two terms, it strikes me that there must be some distinction. And so one may not even necessarily identify with a gender. One may assert a gender expression. It's because we're dealing with that -- that that now is running up and bumping up against the construct that we have set in -- set in place here, in the state of Connecticut, to accommodate individuals as we have done for hundreds of years.

Nobody wants to either discourage or disallow individuals from exercising as many rights as possible, as fully a set of rights as each and every one of us have right now. But I would ask that, at this point in time, whether any one of us has an unfettered right to go, if we're male, to a female bathroom, or if we're female, to a male bathroom, or a locker room, or a similar kind of facility. And in our statutes, we have, if not prohibitions against

that, we do not have protections to allow that.

The individuals in my constituency, and I have now over the years heard many and many and many, have come up to me and said please put forward certain proposals to allow for the distinctions that have held thus far regarding certain facilities, because this will affect our rights and our children's rights.

And many of us have worked on such amendments. I have other amendments that I'm looking forward to putting before us. And it's a healthy debate. And it's a debate without ranker. It's a debate without dismissing one side or another. But I think it's important. Because unlike other areas where it seemed like these debates were merely a question as to whether individuals would assume certain rights that others have, but not necessarily displaced them, I think that when we come to issues regarding gender expression and identity under the rubric of transgender -- and we're dealing with something that medical science has until very recently called gender dysphoria -- that we're in a different world now, where it is not quite objective, and there are certain huge elements of subjectivity.

That's how I would sort of put this issue before us, and I'm hoping at this time to be able to yield to my friend and colleague, Senator Welch, for the purposes of perhaps bringing out an amendment.

THE CHAIR:

Senator Welch, will you accept the yield, sir?

A VOICE:

Oh, I'm sorry (inaudible).

SENATOR WELCH:

I do, Madam President.

THE CHAIR:

Please proceed, sir. Please proceed, sir.

SENATOR WELCH:

Thank you, Madam President.

As I begin to look at the issues presented to us, I start in a place where I think we all start, and I think where most in society start, and that is this, discrimination is wrong. Discrimination is wrong.

With that said, and Senator Kissel has alluded to this, there are certain exceptions, certain reasoned exceptions we've taken as a society where we do allow, to use the legal term, discrimination. And so when I consider how to solve the issues presented before us, and what -- what the problems are before us with the solution that we have, I wonder if it's necessary to take the steps we have in creating a protected class. And I would argue at this point that -- that it is not necessary because the current state of the law provides many, if not all, or most of the protections we're seeking to provide by this statute.

And that starts with a -- with a Supreme Court case in 1989, the Supreme Court decided, Price View -- Pricewaterhouse v. Hopkins, which was a situation where a senior partner in that -- in Pricewaterhouse went up for a partnership around 1982. And she was not offered partnership at that time, and was told to come back in a year, and -- and then she could be put

up. A year went by and -- and she was not put up for partnership, and ultimately sued for sex discrimination -- sex discrimination.

And when you looked at her evaluations, they were phenomenal, outstanding, strong character, extremely complimentary, intelligent. But then there were also some characterizations in there such as macho or overcompensating for being a woman. And it was based on -- on those characterizations, the Supreme Court essentially said, that's sex discrimination.

So we have a situation where sex discrimination now includes gender discrimination. Or to put it another way, sex discrimination, or sex stereotyping based on a person's gender, or nonconforming behavior, as it were, is impermissible discrimination in the United States right now. And -- and when you put a label on it, such as transgender, that -- that doesn't -- that doesn't change that.

Then we have here in Connecticut two more cases, two more matters before the CHRO, Dwyer v. Yale University, and a declaratory ruling on behalf of John/Jane Doe, which essentially take that Supreme Court precedent and apply Connecticut law to say, yes, gender discrimination is sex discrimination. So discrimination of a -- a transgendered person in the State of Connecticut is already prohibited. So I think at this point some would say, well, then all we're trying to do with the bill before us is to codify existing law.

But I would say that that -- that isn't the case,

for exactly some of the reasons that Senator Kissel alluded to, in that we have an exception with respect to sex discrimination that involves bathrooms, it involves locker rooms, and certain sleeping accommodations.

So we, as a society, have already said that this will be acceptable within this -- within this case. And -- and if I may, before I offer this amendment, if I may ask the proponent of the bill one -- one question.

Through you, Madam President.

THE CHAIR:

Please proceed.

Senator Coleman, would you prepare yourself please.

SENATOR WELCH:

Thank you, Madam President.

I'm -- I'm not sure, Senator Coleman, if you got all of the -- the lead in to that, but I was referencing the exception we have in the statutes for sex discrimination which, in particular, is 46A-64, where we carve out of sex discrimination the rental of sleeping accommodations, bathrooms, and locker rooms.

And if I may, through you, Madam President, do you know the rationale behind that carve out?

Through you, Madam President?

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Through you, Madam President, unfortunately I do

not know the rationale.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

I would argue that the -- the rationale, although I was not here when the statute was enacted, is because we're walking into a situation where we have a competing right, and that, in essence, is a fundamental Constitutional right, a right to privacy. So we, as a legislature, decided how -- how are we going to balance these competing rights?

And the language in Section 46A-64 balances that right. So I think if we are to say we're going to codify the law as it is today, and if we are to say that we don't want to give those that are transgendered more rights than those that aren't transgendered, then it would be appropriate to amend our statutes to allow a similar exception -- to allow a similar exception with respect to transgendered.

So with -- with that, Madam President, I believe the Clerk is in possession of an amendment, LCO 6902, I would ask that the Clerk call that amendment, and I would seek leave to summarize.

THE CHAIR:

Mr. Clerk, please call 6902. Thank you.

THE CLERK:

Madam President, the Clerk is in possession of LCO Number 6902, which shall be designated as Schedule Amendment "A," introduced by Senator McKinney, Fasano,

et al.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you. And I -- and I -- I move adoption and seek leave to summarize.

THE CHAIR:

The questions is on adoption. Will you remark further, sir?

SENATOR WELCH:

Thank you, Madam President. Essentially, what this amendment does is it adds to this exemption for discrimination with respect to sex. Those -- those -- excuse me -- also on the basis of gender identity or expression as well.

So what I would say is that this is a step in codifying where we are today. It balances the right of privacy of -- of -- of others, and I would -- and it makes sure that we're not giving additional rights or more rights to a class than those of the rest of the population. And with that, I would ask my colleagues to support this amendment. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further?

Senator Bye.

SENATOR BYE:

Thank you, Madam President.

Through you, some questions to the proponent of the amendment.

THE CHAIR:

Please proceed, ma'am.

SENATOR BYE:

To my colleague, Senator Welch, where in our statutes, currently, does it refer to what gender can go into which bathrooms?

THE CHAIR:

Senator Welch.

SENATOR WELCH:

I don't know that it does anywhere, but what I would say is that what this statute does is it allows those that have control, or are proprietors over these particular places to have the right to say to one whether or not they could use it.
Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Madam President, through you, just to clarify a little bit. So is it your understanding that there's nothing in the statutes, currently, that relates to gender and bathrooms?

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Not that I'm aware of.
Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President.

Is there anything in the statutes now that refers to gender and sleeping accommodations?

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Other than -- other than 46A-64, which references sex which, as I said earlier on, the Supreme Court mentions that -- treats gender and sex the same for the purposes of discrimination laws. That's it. Through you, Madam President. That I'm aware of.

THE CHAIR:

Senator Bye.

SENATOR BYE:

So, I'm sorry, because of that answer I just want to be clear. So you're saying there is something now in the statutes that says what gender -- that sleeping accommodations can be assigned by gender?

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Madam President, through you, Section 46A-64 of the General Statutes references, specifically, sex in reference to discrimination with bathrooms, sleeping arrangements and locker rooms. And what I'm saying is that, as I understand, the Supreme Court's decision in Pricewaterhouse essentially says that gender discrimination is part and parcel of sex discrimination.

Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Okay. Through you, I -- I just want to break it down a little -- a little more to everyday life. Currently, Senator Welch, if you walked into a women's bathroom, would that be illegal?

THE CHAIR:

Senator Welch.

SENATOR WELCH:

I'm not sure. I'm not 100 percent certain as to the answer to that question.

Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

So Senator, through you, Madam President, Senator Welch, have you ever had occasion to have to go into a women's bathroom?

THE CHAIR:

Senator Welch.

SENATOR WELCH:

I have not.

Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President. Senator Welch's gender may be part of the reason why he hasn't experienced what I've experienced, which is that often the women's rooms are backed way up. And probably

there's not a woman sitting around the circle today who has not walked into a men's room and gone to the bathroom at a time when a men's room was empty and a -- a men's room was not full and a women's room was.

So I hear some gentlemen in the distance saying that they, too, have entered into women's rooms. And -- and it's my understanding that there's nothing illegal about that. And if there is, then I'm -- I'm guilty. What I would argue is the thing that sent us into bathrooms and not into other bathrooms are social mores, but there's nothing in the law that says I can't or -- go into a women's room and a man can't walk into a men's room.

If they expect -- or should've expected that it would've caused a ruckus and people would've been upset, in fact, that could be disturbing the peace. But if a high school boy runs into a high school girls' locker room, which happens sometimes, and everyone laughs and says ha, ha, ha, Johnny came in and runs out, in fact, there's no crime, as I understand it.

So I'll just get -- and I'll just get back to questioning. I'm sorry, I got -- I got off a little bit because I had broken that rule, and Senator Welch had not broken that social mores.

Through you, Madam President.

Senator Welch, if this -- amendment like this went through, who would be policing this law?

THE CHAIR:

Senator Welch.

SENATOR WELCH: If -- I guess I -- I think I need to be a little more clear about what the law is. This -- this law doesn't say that, Senator Bye, you can't use a men's room. It just prevents one from suing one if you were to --
for -- for not letting women in the men's room.

Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Okay. And -- and through you, Madam President, so -- so the amendment is trying to say you can't -- you can't sue someone if they use the right -- the wrong -- what's the right, what's the wrong bathroom in this case?

Through you, Madam President.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Sure. May -- maybe I can try to -- to back this up a little bit. So -- so right now as -- as the law exists, you're allowed to have a men's room and -- and you're allowed to have a -- a women's room. And -- and that's -- and a woman can't come in and sue a -- an institution or a proprietor for making that designation. So that -- that's -- that's what the current law is with respect to sex.

Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

And through you, Madam President, so are you saying there's something about an act concerning discrimination that might make people sue related to certain bathrooms people went in or didn't go in?

THE CHAIR:

Senator Welch.

SENATOR WELCH:

As I read the act, the Act of Discrimination, that exemption would not apply to those that are transgendered. And so you'd -- you'd have a situation where those that are transgendered could -- could sue.

Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Okay. Through you, Madam President. Thank you for those answers, Senator Welch. And I have some comments on the underlying bill that I will go to, but -- but I will say that, as a legislator who has received a lot of input on both sides of this bill and certainly from my constituents more in favor of an act concerning discrimination, some of the -- the rhetoric surrounding it and the rhetoric surrounding bringing this issue about discrimination into the bathrooms has been frustrating.

And I urge my colleagues to vote against this amendment, and make sure that transgendered individuals in Connecticut do not face discrimination. Thank you, Madam President.

THE CHAIR:

Would you remark further?

I'm going to go to Senator McLachlan since he has to go somewhere. Senator.

SENATOR MCLACHLAN:

Good evening, Madam President.

THE CHAIR:

Good evening, sir.

SENATOR MCLACHLAN:

I stand in support of this amendment. It's been my understanding, in reviewing the amendment and discussing it with Senator Welch, that it conforms gender identity or expression protections in the underlying bill to the same protected status for sex in our current state statutes.

This Legislature, back in 1994, created a new protected class known as sex, so that we must not and should not discriminate based upon sex. In 1994, at the same time that the Connecticut General Assembly took that action, they took some common sense amendments to that change in our statutes of discrimination and exempted areas simply and exactly the same way that this amendment seeks to do.

So this amendment really is a great idea because it's conforming our other discrimination laws, most particularly that based upon sex, to that of the underlying bill seeks to do with gender -- gender identity or expression, two exemptions, two fairly simple exemptions; the rental of sleeping accommodations provided by an association that is

normally rented based upon sex -- may I use YMCA, YWCA as an example, or separate bathrooms or locker rooms in education facilities, in clubs, wherever we may find separate bathrooms and locker facilities.

So this amendment, I think, is very simple, and I believe that's why it's well constructed. It's very simple because we have existing in our state statutes a good antidiscrimination law based upon sex. And now, for 17 years since that's been in place, we've also had this exemption. And we seek to add the same exemption to this new protected class.

Now, I'll have comments about the underlying bill, but I think it's important that this state Senate understand this is not something new. This is not a new idea that's being offered in this amendment this evening. It's something that exists in Connecticut General Statutes, and has for 17 years, and is working. And it will work well in this same new protected class that we seek to add to Connecticut law tonight.

CHRO is our organization in state government that seeks to protect people from discrimination. That's our gateway. That's our advocate. And CHRO, since the year 2000 here in the State of Connecticut, has said that gender identity and expression should receive the same benefits of our antidiscrimination laws as those that are currently in state statute.

So effectively, because of CHRO decisions, we currently have the same treatment for the issue of gender identity and expression, even though it's not

in state statute, but through decisions of our CHRO tells us that we should not and must not discriminate based upon gender identity or expression. That's 11 years, seems to be working okay so far.

Now, I understand the underlying bill essentially seeks, I believe, is the author's intent, to codify what CHRO has said since 2000, and has been doing since 2000. Now we can agree or disagree on whether or not the bill before us, the underlying bill, effectively does that. I'll reserve my comments for that later.

But here's the point. 1994, Connecticut really did a good job by protecting sex against discrimination. I think they also did a good job here at the Connecticut General Assembly and found simple, common sense exemptions that -- that are appropriate. These common sense exemptions were appropriate in 1994, and they are as equally appropriate in 2011 with an entirely new protected class similar to that of sex.

I understand that this is -- this underlying bill has been a somewhat controversial topic. It seems that my office phone, my home phone, my state e-mail account, my personal e-mail account, my Facebook page, every way that someone can connect with Senator Mike McLachlan, seems to have wanted to talk or share their opinion about discrimination as it relates to gender identity and expression.

So there's been a lot of contact with all of us here at the state capitol, and many in favor, and

many, many opposed. And frankly, I'm not sure that most of the people that were contacting me really understood the issue. I'm not sure they really understood the issue. I'm not sure that those who were contacting us in favor or opposed were really understanding what this underlying bill was attempting to do.

I'm not sure that the people that contacted us understood that we have protected class in the State of Connecticut since 1994. And that the CHRO, our advocate to protect against discrimination since the year 2000, has already acknowledged and recognized the protected class unofficially, although effectively, of gender identity and expression. So the opponents and the advocates, I'm not sure have the whole story real clear.

I think part of our debate tonight may clarify many things for people here who haven't studied it as much as I have. A few of us here in the Circle, certainly Senator Bye, has a -- has a -- an understanding of the issue. She's watched it closely, I believe.

I believe Senator Welch has looked at it carefully, and you're going to hear comments from others. And Senator Kissel, who has followed this issue apparently so attentively as a member of the Judiciary Committee for so many years, he eloquently explained to us how it was a little bubble on the horizon so many years back, and it's grown in time.

And as other issues were dealt with of civil

rights and discrimination here at the state capitol, that now this issue of -- of gender identity and expression is on the front burner. So if we had the issue on the front burner, and 17 years ago we had a somewhat similar issue on the front burner, and our predecessors because, if I'm not mistaken, there's very few in the circle here that were here making the decision in 1994, although some of you were here.

If I'm not mistaken, we should look to the wisdom of our predecessors, look to the wisdom of our predecessors and see that that exemption made available on the issue and the new class of sex in antidiscrimination in the State of Connecticut is appropriate today to apply to this issue.

Thank you for listening to me on this topic. I hope that I've given pause to some to at least consider what this General Assembly did a number of years ago, and what the CHRO has done since 2000. I want to thank Senator Welch for offering this amendment, and I look forward to more discussion that will be productive, because there are two arguments. I understand.

There's a very positive, proactive way to attach an exemption that will make an issue uncomfortable for some, to be palatable for others, the same way that the Connecticut General Assembly did in 1994. I urge adoption of the amendment. Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator Bye, for the second time, I'm sorry.

SENATOR BYE:

Madam President, I just request that when a vote be taken, it be taken by roll call.

THE CHAIR:

It will be ordered.

Senator Kissel.

SENATOR KISSEL:

Thank you very much, and I'm happy that Senator -- Senator Bye beat me to the punch on that request. And I just want to state that I -- I understand the passions on both sides of this argument. And, you know, when Senator Bye was talking about bathrooms, I understand where she was coming from.

I happen to be blessed with two wonderful children, but they -- they have a knack for having to go to the bathroom at the most inopportune times. And if you're a dad or a mom, you realize it's any port in a storm, and it's as fast as possible. And usually it's like didn't you know this when we got, you know, when we left the house?

And so I've come to realize that some places just have one bathroom with a lock on it, and then -- then the question revolves around how clean or how disgusting it is, and that's something else that comes to the forefront.

The reason I'm standing in support of Senator Welch's amendment, and I'll be very brief because I know others want to speak, is because I do believe

it's a rational carve out in an area where there's a huge element of subjectivity. If this was something that was easily identifiable, then I think that we wouldn't be here debating this issue with as much passion. I think it would be pretty easy to come up with what's the right set of laws.

Senator Bye said, well, what's the crime? There is no crime. As I indicated, sometimes it's any port in a storm, sometimes people go places. But what the -- what the proposal does is say this, if there's a problem, that it won't give rise to someone being able to sue, based upon discrimination, someone who is lawfully trying to do the best job that he or she can in allowing individuals to utilize a common facility.

It won't be like one of those bathrooms where one person can get in and lock the door. It will be one of these large bathrooms where people come and go. And if it was just gender identity, which I believe is -- are individuals that are moving along a pathway towards a certain end, I think that might be the easier of the -- of the case.

But when you get to gender expression and the -- many of the individuals that came and testified at our hearing, there's such a line there, that good people that want to try to obey the law might bump into a problem and not know how to resolve it. And that shouldn't put them in the potential danger of being sued as being discriminatory.

And that's why the -- the very simple, straightforward reason why I think the amendment is --

is offered in good faith. I do understand the frustrations and the passion felt by my friend and colleague, Senator Bye. Believe me, I understand it. And that's why I've grappled with this issue for a number of years.

But I do agree with the -- with the arguments put forward by Senator Welch, and very eloquently by Senator McLachlan, and would urge the Circle's adoption. Thank you, Madam President.

THE CHAIR:

Thank you. Will you speak further?

Senator Suzio.

SENATOR SUZIO:

Good evening, Madam President.

THE CHAIR:

Good evening.

SENATOR SUZIO:

I rise in support of the amendment that's been offered by Senator Welch. And I do so because those of us who have reservations about the -- the underlying bill are concerned about the potential misuse of the law to, basically, erode the common sense practices and precautions that have existed for generations to protect women and children from potential sexual predators.

One of my favorite authors of all time is G. K. Chesterton. And G. K. Chesterton said, a democrat, with a small d, a democrat objects to a person being denied the vote by accident of birth. A traditionalist objects to a person being denied the

vote by accident of death. Tradition is giving our forefathers the vote. Tradition is the democracy of the dead.

For generations, for centuries, for eons, our society and others have recognized the awesome, awesome power of human sexuality, and how it can be a source of great good, great happiness, but also it can be a source of great sadness and tragedy when abused. And all too often, it has been abused. And I'm embarrassed and ashamed to say, it's usually male sexual predators who have been the abusers.

As I said, many of us who object to the underlying bill would support this amendment because we're concerned that the law itself may be used to erode the common sense customs and practices that have been used by generations to protect the vulnerable from sexual abuse.

Now some of you would say, and Senator Bye basically said it, that there's nothing in this bill that is a threat, that says that a man can walk into a -- a ladies room and use it or a women's locker room or, you know, with respect to sleeping accommodations. And I agree, there's nothing explicitly in the bill that is a threat.

However, I call your attention to the fact that -- that the State of Maine adopted a very, very similar law in 2005. And guess what? There was a case that evolved in Maine involving a student in a middle school, a male to female transgender person, who wanted to use the female facilities.

And the school district, seeking to protect the young, female students offered him his own private gender-neutral facilities. However, that wasn't good enough. And as a result, the parents appealed to the -- to the Maine Commission on Human Rights. And the Maine Commission on Human Rights ruled that the school was discriminating against this student by not allowing him to go into the girls' bathrooms. So there was nothing explicit in the main law that said this could happen or would happen, but it did happen, and their Human Rights Commission supported it. That case is now going through the courts in Maine.

So because the law itself doesn't explicitly say anything about this, doesn't mean it can't be used and abused as a club to erode the common sense traditions and practices that have existed for generations in every society I know, in every great culture that's ever existed. And you know what? We should also be concerned about the privacy and rights and dignity of women themselves, many of whom will feel threatened by this. Whether it's rational or not, you know that they're going to feel threatened about this.

What -- aren't they owed a modicum of respect? Aren't they owed some assurance that the law won't be used as a club to erode the common sense customs and practices that have been used for generations? I say to you who support this bill, if this bill is intended in no way to do what some of us who are opposed to it fear it will do, then what's wrong with explicitly putting it into the bill?

If it isn't a threat, ladies and gentleman, then why are you afraid to put it explicitly in the bill? And by the way, I want to point out that the safety of women and children isn't the only issue here. A few weeks ago in Baltimore, a transgender person, a male to female transgender person, was viciously attacked. He was in the female restroom in McDonald's. And when the women in that restroom realized he was not a she, they viciously attacked him and beat him.

So it seems to me that we're not only concerned about protecting women and children, that transgender people themselves need some form of protection. And when you start transgressing and crossing the line into eroding the common sense practices and customs that have been done for generations, people are going to react, unfortunately and sadly, the way those women did. They beat the daylights out of that poor guy because they felt threatened by him. Wrongly so, maybe, but they felt threatened by him. And that's the normal human reaction.

I don't know of anybody who's opposed to the bill, the underlying bill, who's doing so in a mean-spirited way. We're all concerned rationally, I think, about safety issues for the sexually vulnerable. So I hope that the -- those who support this bill don't look at those of us who oppose it as some kind of narrow-minded bigots, which is sometimes implied by people.

We're just concerned, and we do believe that we should give the vote to our forefathers, that we

should respect the customs and practices of generations. We shouldn't jettison and throw them overboard. I strongly support this. And I challenge those of you who support the underlying amendment, if you really mean what you say, if this bill, the underlying bill is no threat, then why not adopt an explicit written assurance in the bill itself? This is what this amendment is intended to do.

I'll tell you what, I would not want to face my constituents saying to them that I refused to vote for some kind of common sense assurance that men won't be allowed into women's facilities. Think about facing that next year.

But more -- more of concern to me is honest, legitimate concerns about the safety and vulnerability of women and children. And again, I'm not suggesting that transgender people themselves are the threat. We could have somebody pretend that they're transgender, because obviously it's not explicitly physical, it's in their mind.

So how are we going to know, and how is a woman in the restroom who might feel comfortable with a transgender person there and not feel threatened, how is she going to know that that's really a transgender person next to her? It's just not common sense to allow this to happen.

So again, I rise in strong support for this amendment, because I think it addresses a realistic, valid concern of those of us who oppose the underlying bill. And I think it would prove good faith, on your

part, to show us that you really don't believe it's a threat, and you're -- and since it's not a threat in the bill, misusing the discrimination allegations, then why not give, not only those of us who are going to be voting tonight, but the public, women and children, the written assurance -- there's nothing wrong with putting into the -- the bill what you are claiming is implied in the bill. Let's make it explicit.

So I strongly support this amendment. I believe it's a safe, prudent adaptation of the underlying bill. It will provide the assurances that many of us who are apprehensive about it would like to have. It would prove the common sense -- the good faith of the proponents of the bill that, indeed, it won't be abused in any way, and it will be a recognition of our forefathers and their common sense practices and customs. Thank you.

THE CHAIR:

Will you -- Senator Markley.

SENATOR MARKLEY:

Good evening, Madam President. Thank you.

THE CHAIR:

Good evening.

SENATOR MARKLEY:

Senator Suzio has -- has used the word common sense a few times, and that's a word that's subject to great debate and misuse, and it's all a matter of opinion. And this may be an issue that gets into a very subjective world, and the sense in which all of

us are, to some extent, locked into our own experiences and have to struggle to understand how other people see the world. And I think that's frequently the case.

It's funny, Senator LeBeau, in talking yesterday about appraisals of teachers, brought that subject up, and it's been on my mind since, in -- in terms of that and in terms of this issue. So I won't claim to have a -- any more common sense than anyone else, or even necessarily as much sense -- common sense as anyone else. But I do think that when Senator Suzio talks about tradition, that he touches on something that, again, speaking perhaps as a very traditional conservative, means something to me.

And I guess that part of that is the tradition that, in some ways, Senator Bye has brought out, by pointing out that no law has been necessary to govern the functioning of bathrooms, to state -- state it quite bluntly, over the years. This is something that people have rather naturally found a way to accommodate one another one on, without the law having to get involved.

And I've often felt here during this session, and all the time that I've followed politics, that we have, as lawmakers, a tendency, almost an inherent tendency to overreach, to want to act to make the world a better place, when sometimes it simply isn't possible by legal action to accomplish this.

And I think, in this case, we have possibly a case of overreaching, something that our own

constituents, at least the constituents I've heard of -- I've heard from have been baffled by -- by the fact that a distinction which has been made for generations and generations without much confusion in society as a whole, now has to be the subject of a legal discussion and a legal definition.

And the concern of it does come down to this bathroom issue, though the bill doesn't mention it specifically, though no law currently governs that specifically. But because the bill refers to public accommodations, places like bathrooms, locker rooms, places, let's say, of sensitivity for whatever reason to people, traditional sensitivity maybe come into play.

My concern is that in passing the bill as it stands unamended, we leave people who have managed to make these arrangements on their own, over the years, as well as they can, and I think well enough generally, to be subject to legal repercussions if they try to make decisions in the accommodations which they themselves control according to the best lights they have, in a way that somehow legally can be construed as being discriminatory in a case which I do not think is clear. And obviously, when we get into this term and this notion of transgender, a lack of clarity is kind of at the bottom of -- of -- of what it is that causes the need for the protection.

I think that it is a very sensible -- a sensible compromise, let's say, to remove the question of these sensitive facilities, of bathrooms and locker rooms,

and what have traditionally been sex-specific public spaces from this bill. And it was an amendment that had considerable support in the House because I think people recognize what the dangers are.

Senator Suzio, again, has mentioned the fact that laws like this do open the door to lawsuits, and we all know that. We know that even with the best intension, things could be passed, which, in their unintended consequence, cause litigation of a sort that seems unfortunate and unnecessary.

So I would encourage you to consider clarifying the bill through this amendment, and putting at rest the -- the concerns that I certainly have heard from my constituents and from many about the bill. And I thank you for your consideration.

THE CHAIR:

Thank you, sir. Will you remark further? Will you remark further?

Senator Gerratana.

SENATOR GERRATANA:

Thank you, Madam President.

Madam President, I am sitting here listening to the -- the debate. And I am, of course, speaking against this amendment. I want to make that clear. And I am because I feel compelled to say that I'm listening to people talk about other people and making, what I hear, are assumptions.

Assumptions about, perhaps, they are perhaps affiliated with sexual predators, or perhaps these people, we're making assumptions here, perhaps these

people, in some way, are people who maybe don't deserve to be protected from discrimination.

I also am wondering why anyone in our society, in our State of Connecticut, who walks into a restroom or walks into any other room in a public place and goes to pretend, if you will, that he or she is someone than what they are for purposes of committing a crime.

I wonder why they would be in -- not subject to any of the laws that we have on our books that says, basically -- and we have penal codes, we have statutes that very clearly say that if you are going to break the law, these are the penalties that you will sustain.

And certainly whether it's to pretend that you are some -- we just did a bill on spoofing and cramming -- and to pretend that you are someone else, just so that you may say -- do something that is illegal or wrong to another person, and parade as someone else electronically, is now, of course, subject to our laws, to our penal code.

So I see this very, very differently, Madam President, in our Chamber. That I feel that this is, the underlying bill -- and we're talking, of course, about the amendment -- but I feel very strongly that this is a case of discrimination, and that there are other laws that we have passed here in this Chamber, in this General Assembly, that very, very clearly address any sort of situation that might happen when someone sets out to do wrong.

Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further? Will you remark further? If not --

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President.

Madam President, I rise to oppose the amendment. And no disrespect intended to anyone, but I suppose that reasonable minds who are presented with the same facts can disagree.

There was a comment made during the course of the debate on this amendment that this was not anything having to do with mean-spiritedness. I draw a different conclusion. And I've been around for a long time in this Legislature.

And my conclusion is that, in all the years that I've served in this Legislature, I've never seen a -- a degree of mean-spiritedness that I see in connection with this bill. I think it is a tremendous, immense disservice to the people who came before the committee, and testified in a very heartfelt way concerning their situation and the plight that they felt. I think those people are disserved to have their issue reduced to whether or not they have access or not to a particular bathroom.

I was persuaded from the testimony that I heard that this is a sincere issue. It's an issue that however many individuals in this state are affected by. It's an issue that they were desperately seeking a solution to. It's not, in my estimation, a big deal

to provide the protection that they're seeking. In my estimation, that's what the State of Connecticut should be about, making sure that every single individual in this state is not deprived of an opportunity to live out their life in a fulfilled way.

There was so much testimony indicating that people were seriously concerned and in fear of what they were experiencing psychologically, emotionally, physiologically. And I think we, as the Legislature, have an opportunity to do something about that situation, and to alleviate some of the concern and the fear that they have in connection with pursuing their life and the enjoyment of life that many of us are pursuing and are experiencing.

I'm urging, Madam President, a -- a vote to reject this particular amendment. Thank you.

THE CHAIR:

Thank you, Senator. Will you remark further?

Senator McLachlan for the second time, sir.

SENATOR MCLACHLAN:

Thank you, Madam President, for the second time. I -- I appreciate the comments that we've heard on this amendment since it was offered. I -- I believe that I tried to succinctly spell out that my perception of this amendment is it currently exists in state law as it relates to sex.

And I -- I respectfully disagree that somehow this amendment is confrontational in any way, given the fact that we're looking for the same exemption carve out, the same exemption that exists for the

discrimination against sex for the last 17 years, to be added to the new protected class known as gender identity and expression.

And some would say that sex as a protected class is similar to gender identity and expression as a protected class. So if they're similar in their protected class, then they should also have the same exemption. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark further? Will you remark further?

If not, at this time, Mr. Clerk, will you call for a roll call vote, and the machine is open.

THE CLERK:

An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber. An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

Have all members voted? If all members voted, the machine will be locked. And Mr. Clerk, will you call the tally, please.

THE CLERK:

Madam President, total number voting on LCO Number 6902.

Total number voting	36
Those voting Yea	15
Those voting Nay	21
Those absent and not voting	0

THE CHAIR:

The amendment fails. Will you remark further?

Senator Meyer.

SENATOR MEYER:

Thank you, Madam President.

On the bill, I want to speak with any Senators who might feel undecided. And what I'm about to chat about is something that's in the public arena. I'm not revealing privacies or -- or confidences.

I grew up with a boy from Forest Hills, Queens, named Dick Raskin. Dick and I were tennis players. We played -- we were both ranked in the juniors, both in the East and nationally, we were very close. Dick's father was a great dentist. Dick's mother served the best borscht you can imagine, and -- and we were very close in school.

Dick and I then went to college. And one year he was captain of the Yale tennis team, and the next year I was captain of the Yale tennis team. And we played on -- we played on the circuit. Dick went on after college to get married, attractive woman, had a son. He went to med school and he became an ophthalmologist.

And in his ophthalmology practice, he became internationally renowned because of a particular surgery -- ophthalmological surgery that he performed and still performs. Dick Raskin came to me one day in his mid-20's and said, Ed, I'm -- I'm a woman in man's body, and I have to do something about it.

And his wife came to me and said -- she said Ed, Dick is growing bosoms. And what Dick Raskin did was, through medical help, the use of medicine and surgery, he became a true transgender, a true woman. And Dick Raskin changed his name, her name to Renee Richards. And Renee Richards, tennis player now, went on the women's tour in the United States and was accepted by the United States Tennis Association, played in the same tour as my wife, same tour as Billy Jean King, Chris Evert, Virginia Wade. You've heard of those names. And she -- she was ranked in the United States as a woman.

And the change was really remarkable. It was totally genuine. Renee Richards, when she became a woman, and today, is not just -- doesn't just look like a woman and act like a woman, she thinks like a woman. She -- she is a person -- she is a person, she is a woman. She's a true transgender.

I basically don't kiss men except for my five boys. I kiss Renee when I see her. I give her a -- I give her a kiss. I give -- just like I gave Tony Boucher a kiss today for -- for the cannoli she gave us. I -- I -- I kiss Renee and I feel totally natural about doing it.

And so, when some of you talk about bathrooms and sleeping accommodations, and I think of Renee Richards and other transgenders I've met through Renee, to send Renee Richards into a men's bathroom, that would be very dangerous, very dangerous because Renee is a woman. To send Renee into male sleeping

accommodations would be very dangerous, very inappropriate because Renee Richards is a woman. She's a true transgender.

Transgender means you have transferred your gender. You've changed your gender. A man like Dick Raskin is no longer a man like Dick Raskin, he's a woman, she's a woman, Renee Richards. Same with -- with women who got a transgender operation and experience as well. And so, I think, when we talk about bathrooms and sleeping accommodations, I think, in the transgender field, it's a really a red herring.

And I think, to say to a transgendered man who's now a woman that she can't go into a women's bathroom or women's sleeping accommodations is utter discrimination, utter discrimination, and the same with a -- with a -- with a woman who has become a man. Utter discrimination. And that's in part -- really, in part, what this bill is all about.

So try to understand from the standpoint -- from the personal experience I've had with my marvelous, lifelong friend that -- what this discrimination is about. Because the good faith opponents of this bill, as they put out the amendment and they will be talking about this bill that -- the essence of the bill before us, I want you to think about Dick Raskin or Renee Richards, and what it means to change your gender. It's a real change. This is not someone who is just put on women's clothes. This is a real change. We're talking about substance.

So, in that light, I hope you will support this

bill.

THE CHAIR:

Will you remark further? Thank you, Senator.

Senator Kissel.

SENATOR KISSEL:

Thank you very much. I appreciate the passion Senator Meyer brings to the discussion, and I do remember that heartfelt story that you articulated when we were debating these issues in the Judiciary Committee. At this point in time, Madam President, for purposes of offering an amendment, if the Clerk could please call LCO Number 6899.

THE CHAIR:

Mr. Clerk, will you please call 6990.

SENATOR KISSEL:

I'm sorry, 6899, Madam President.

THE CHAIR:

6899, thank you, sir.

THE CLERK:

Madam President, the Clerk is in possession of LCO Number 6899, which shall be designated Senate Amendment "B," and introduced by Senator Kissel, copies of which have been distributed.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Madam President. I know the hour is late, it's almost twenty past eleven, but I move adoption of the amendment, waive a reading, ask leave to summarize.

THE CHAIR:

The question is on adoption. Will you remark further, sir.

SENATOR KISSEL:

Thank you very much. This amendment is actually an amendment that was supported by Senator Meyer and the Judiciary Committee, and he did articulate the Renee Richards story when we were debating this bill and this amendment.

What this amendment states very simply is that a local or regional board of education may, not shall, but may, upon a majority vote of the board, reassign an elementary school teacher for the remainder of the school year if such teacher exhibits a change in gender identity or expression during that school year. The purpose of this amendment is fairly straightforward.

When I talk about this issue with my constituents, one of the areas that they have a concern with is children in tender years or children that are in sixth grade or fifth grade or fourth grade or third grade or second grade or first grade.

The story that Senator Meyer just very passionately articulated is what I would consider the easy case, where someone is transitioning, going through a medical transition, surgical transition from one gender to another. I think the previous amendment was offered regarding expression and identity, more so than what I had articulated at the very beginning of this debate, as what is the bright line case.

What this amendment does is it allows, does not

command, simply allows -- permissive -- a school board to come up with a policy should any of their teachers who teach in the elementary grades decide to transition. And it states that the teacher would be reassigned, just for that school year, no diminution of pay whatsoever, until that individual transitioned and had completed his or her transition.

The reason I offer this is to address the concerns of those parents that say, if this occurs in my son or daughter's classroom and they're, like my seven year old, a first grader, or nine years old, a third grader, they're going to begin asking me a slew of questions. And I, as the parent, may not desire to want to have what I would colloquially call the birds and bees discussion at that time.

Many parents decide to have that discussion when their children are at a higher age. Indeed, if you ever examined or studied child psychology, and once upon a time I did, there are different ages as a child's mind develops. And according to Jean Peaget, 12 years old and older is when the mind gets to be the most conceptually abstract. Prior to that, the world is different in a child's eyes.

And that's why I think, it's one of the reasons, an awful lot of parents wait until children are older than sixth graders to maybe embark upon that discussion, or it will be a different kind of discussion than the discussion one might have with an elementary school kid. So we're talking about kids in our schools that are little kids.

And this does not curtail an individual's right to transition. It doesn't say that any school system has to do anything. But it says that, assuming this bill gets passed, and I have no doubt this bill will pass and be signed into law, that that discussion should begin in our school systems, should communities desire to have that discussion.

And different school systems may be aware of different individuals that are in the process or thinking about transitioning. And I agree with Senator Coleman, these are passionate individuals that came and testified before our committee. They want to be able to exercise these rights.

And I think that just allowing a school board to come up with a policy that is sensitive to both the parents and children in that elementary school, as well as the teachers in that elementary school, is a thoughtful approach to the issue. If we don't at least allow for this, then school systems may be faced with a predicament.

What if they're confronted by parents that say this puts us in an extremely awkward position? I wouldn't want that to be the position for the teacher. Likewise, I want to make it clear that if a school board does decide to come up with a policy where an individual would be reassigned in some fashion, that that person's job is not in jeopardy, because this makes it very clear, in my opinion, that you could not do anything less than allow that individual to be at their regular pay and everything else.

I think, by offering this amendment, what I'm trying to do is say that -- and I believe that Senator Bye put this very articulately and eloquently -- we're talking about real world ramifications. These are real people with joys and sorrows and life expectations and dreams and hopes, and they want to be a full and complete part of our society.

I accept that, and that's where we're going to be going as a state. So now it's time to start thinking about what -- we're dropping in the pebble into the middle of the pond and what perhaps may be the ripple effects. And with that, I offer this amendment. I would hope that there would be others in the circle that would be supportive of this amendment.

It is permissive, but I think it would allow for these discussions to begin to take place in our -- in our towns and our cities and our communities, such that local boards and working with health -- I mean educational professionals can formulate a policy should these issues arise. And with that, Madam President, I would urge adoption of the amendment.

THE CHAIR:

Thank you, Senator. Will you remark? Will you remark?

Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President.

Madam President, I rise to support the good Senator's amendment regarding this issue. I hadn't planned to speak on this issue, as I have plenty of

controversial things to research and discuss as you can see by some of the files that keep appearing on my desk. But I have to tell you that I -- I'm very sensitive to this entire conversation.

Early in my legislative career in the House, I was one of the individuals that first helped to promote adding sexual orientation to the state's antidiscrimination bills and one of the first to support gay -- the gay adoption bill by the State of Connecticut.

And I also became sensitized to this issue, not only having a very good friend in my wedding party, which was quite large. We had seven men and women in that wedding party and one was an individual that we were just discussing here today.

But it also came to light when I had a very personal discussion with my OB-GYN some 30 years ago, who, he and I became very close friends over a period of delivering three children and over a period of 20 years. And he would often tell me of his concern, being a more elderly physician, of the things that he had seen and the babies he delivered over a course of time, and helped to educate me on some of the various differences in those children when they were born, and how, oftentimes, they weren't always clear about the anatomy and actually what sex was actually determinate of that infant that they delivered, and it was difficult. Because in those days, they had very little medical devices and testing and DNA that we have today, and oftentimes, these deliveries were of a

concern and a mystery to them. And it wasn't often even discussed with the parents of those children in how they should proceed with -- when it came to the identity of which sex that children will ultimately become.

And so you can see how that would set -- a situation that would cause great concern and confusion over a lifetime in someone's life. And thank goodness that modern medicine has helped to provide a better resolution for many people and, hopefully, a better understanding and tolerance amongst all of us.

And society has also put them in a situation where tolerance and acceptance is more the norm than the exception. But in this case, I have to agree with my colleague with regards to an educational environment with very young children, not so much older grades, but maybe at the very youngest of grades when there might be some confusion, difficulty to explain that this might be a sensitive way to deal with an issue over a period of transition that might be beneficial to both sides, both the classroom teacher and the children in that classroom, and the parents as well, and hopefully the administration. So for that, I do support Senator Kissel's amendment. Thank you, Madam Present.

THE CHAIR:

Thank you, Senator Boucher. Will you remark further? Will you remark further?

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President.

I'd ask that when the vote is taken, it be taken by roll.

THE CHAIR:

A roll call vote will be ordered. Will you remark further?

Senator Coleman

SENATOR COLEMAN:

Thank you, Madam President.

Just to briefly comment on the amendment. I hope I'm not being too insensitive when I say that sometimes children are more resilient than we give them credit for being. And sometimes adults have a habit of projecting their issues onto children.

I'm going to oppose the amendment and, you know, I hope that this situation is not one that brings harm to anyone, either board members, children or teachers in that particular situation. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Coleman. Will you remark? Will you remark?

If not, Mr. Clerk will you call for a roll call vote, and the machine will be open.

THE CLERK:

An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber. An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

Will all members vote. If all members have voted, the machine will be closed. And, Mr. Clerk, will you please announce the tally -- tally.

THE CLERK:

Madam President, total number voting on LCO Number 6899

Total number voting	36
Those voting yea	16
Those voting nay	20
Those absent and not voting	0

THE CHAIR:

The amendment fails. Will you remark further?

Senator Bye.

SENATOR BYE:

Thank you, Madam President.

I -- I would like to speak to the underlying bill at this time, which is, I believe, where we are now that the amendments -- some amendments have passed.

THE CHAIR:

Please proceed.

SENATOR BYE:

Members of the circle, I want to speak in strong support of this bill that is so appropriately named AN ACT CONCERNING DISCRIMINATION. I have to say there -- there are so many honors to being a state Senator, but I feel particularly honored to be here, at this time, with this bill, with Connecticut on the brink of joining 13 other states, almost half of our Fortune

1000 companies with their policies banning discrimination against transgendered individuals.

Thirty-six years ago, the first legislative body passed a bill in Minneapolis banning discrimination against transgenders. I wanted to tell a story about a -- a group -- a group that we had at our church this year. We have -- I go to the West Hartford Unitarian Universalists Church, and we have some wonderful folks there who run our welcoming congregation committee. And our church became welcoming congregation committee before I joined, but I know it's the first place I felt 100 percent comfortable being in a place that said out loud, we welcome you and we welcome your family. It's quite a place.

But we felt that our congregation needed some time to come to understand the lives of some of our transgendered fellow citizens. And so we put together a panel of three transgendered individuals, two women and a man. I can remember Tony and Karen's name, I can't remember the other names, I'm afraid.

But -- but it was our biggest post-service meeting I'd ever been to in ten years at the church. The room was filled because people didn't really understand, weren't really comfortable, even in a church that was welcoming transgender as different than welcoming, you know, saying, okay, we accept gay couples.

And it's such a small percentage that a lot of us don't have experience interfacing with people who are transgendered day-to-day. And I hope I'm using the

right terms. I think all of us get uncomfortable that somehow we're going to use the wrong word and offend anyone, so I apologize just because I'm not as practiced as maybe I could be.

These three individuals told stories of their lives and the challenges that they've been through in transitioning and understanding what was driving them. They talked about discrimination in their own families. They talked about discrimination they faced in their communities, from their own children, how it affected their relationships with their children. They talked about what happened in restaurants. They talked about job insecurity, because as they went through this, it was very challenging.

And I remember sitting there and thinking, because we're all on a path of learning, thinking who would ever choose this? You heard Senator Meyer talk about Renee Richards and all that Renee Richards went through, talk about ground-breaking. That long ago, there was so much less understanding, and I really appreciated that example.

But who among us, in this Circle, would choose that path if it was not something that was such a deep part of us that -- that we had to. The only comparison I could make is if somebody said to all of us in the circle, tomorrow, women, you have to come in a jacket and tie and that's what you have to wear when you go out in the world. I think we'd all feel uncomfortable.

So I was sitting there, it was two hours, and we

listened and it was so, so compelling and I was grateful to the gentleman who put this together. But leave it to the children, because we had 45 minutes for questions, there was some great questions and some great answers, and this young man, who is really quite an exceptional young man, Jonathan Keech-Longo -- I've been -- I've been a mentor this year and he's been in the same mentoring group with me -- Jonathan raised his hand and he said, what would happen if you hadn't transitioned? What if -- what if you couldn't have transitioned to be the gender that matched with the gender you believed and felt deeply and knew that you were? And the answer just took all of our breath away because every single one said I'd be dead. I'd be dead because I couldn't live if I couldn't be the gender that I am. And the whole room just went silent. I'm sorry, I didn't expect it to affect me that way, but it really was something.

And I want to follow that story just by sharing with the members of the circle -- and those of you who are on the Judiciary Committee know that I -- I went through this because it's how I've come to understand -- you know, I am gay, but even though the Capitol Report has me -- a picture when the House passed the transgender bill, they had a picture of me. I just want to be clear, I'm gay but I'm not transgendered. And though I'm not wearing a suit today that may be very feminine, because I'm just from the House and it's dress-down day in the House and I thought it was dress-down day today until I got in the

caucus, so to Capitol Report, I'm not a House member anymore, I'm not transgender. But maybe the gay member is the closest they can get to that.

But I remember when I was first coming to my own sexual orientation, I thought why do they -- why do they link me with people who are transgender? Because I just love Tracy. I'm not -- I couldn't -- I couldn't understand it, and I really didn't understand it. I'll be honest, I saw Elly singing in front of town hall every year in Provincetown, I thought, wow. And if you've ever been to Provincetown, you've seen Elly. She passed away this year. But talk about -- Elly sings Frank Sinatra in front of the town hall in Provincetown, and she was a legend. And when my daughter heard Elly passed away, she found out and e-mailed me and she said, oh, mom, Elly.

But I want to use this to say I've really come to understand now why we're related, because it's all about gender. And just so people understand, there are three parts of gender, and part of this was a workshop I went to. You have gender identity, that is the gender that you feel inside. You have gender expression, that's how you dress, the gender you feel comfortable dressing as. And then you have sexual orientation. And that -- it's three different things. So gender identity and gender expression are -- are what we're talking about today -- that's how an individual feels deeply and it's also how an individual expresses their gender with how they dress.

I don't understand, and I couldn't understand

what it was like to be transgender, you know? My gender identity is totally female. But I think understanding that there's three components that fit together to make up our gender and how we -- how are gender faces the world is important.

So I don't understand being transgender. But I've been so impressed, as Senator Coleman talked about, with folks who've come before us and listening to different panels. But I really do have experience with discrimination. And I have first-hand experience having to choose between a job and my sexual orientation.

But this wouldn't happen today, this happened a long time ago because this legislature, this Circle and the House have debated laws, like we are tonight, in respectful ways, and brought conversations into the public arena. We have passed laws, and it always starts with workplace protection, because once people say -- if we go to sexual orientation, which I'm more familiar with, once we passed a law that said you can't fire someone for being gay, people could bring pictures of their spouses to work. People could talk about their wife or their husband and not worry about losing their job, and that's always the first step in understanding. And that's what we're talking about today, is providing those sorts of protections for people who are transgender.

I would say, you know, with it being such a small, I think one-half of one percent, it's not going to be as common as it's been. And people won't meet

as many people who are transgendered as -- as they have who are gay, and we've made progress. But what we do in the Circle and what we've done downstairs is how we have made progress, what this legislature has done.

There were times in the past when teachers who were divorced couldn't teach, they'd lose their job if they got divorced. Where teachers who are gay, parents didn't want their kids in a classroom if the teacher was gay. But today that doesn't happen because we've built understanding, part of it's by these laws, part of it's by people, way before my time, who were so brave to be out, and people, like Renee Richards, who started that understanding long ago in a very public way.

But today, public opinion about LGBT, lesbian, gay, bisexual and transgender individuals, has come a long way. And the vast, vast majority of people believe that they deserve some protections.

What this bill is -- is talking about, really, is taking a ruling in 2000 by CHRO that said it's illegal to discriminate based on gender identity and codifying it into law. So there have been decisions saying it's not okay to discriminate.

I was -- I'm not going to go there because I've talked too long for the Circle. So I just want to say, I think it's appropriate that we put into our statutes -- law, we put words in our statutes that assure the people who are transgendered aren't discriminated against. That they have the right to be

who they are, to dress and be who they are, and not face discrimination.

Seventy-six percent of transgendered individuals who were asked say they have faced discrimination. A pretty thorough survey in Massachusetts said 6,600 transgendered individuals reported losing a job because of their gender identity, not being hired, 12,000, and being denied a promotion, 5,600. So these are -- these are real things that get in the way of real people living their lives fully.

And I want to thank the advocates on this. They have been back year after year so patiently. It takes time to understand. It's going to take all of us time. I'm still learning to understand, even though I'm somewhat related, I guess, based on Capitol Report. But let's -- members of the Circle, I hope we continue our march in Connecticut, continue to be a leader, continue to help our residents build understanding, and be a welcoming and caring state for all. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark?

Senator Cassano.

SENATOR CASSANO:

Thank you, Madam President.

I rise to support the bill. And I know that some people in my district probably will be angry with me, but this is a bill that involves discrimination. Senator McLachlan, I think, said it very well earlier, we've all received the e-mails. And in reading the

e-mails we know that, in many cases, I don't know if people really knew what we were voting about or what we're talking about. It's an absolute shame that it's been called a bathroom bill.

I think it was Franklin Delano Roosevelt that said there's nothing worse to fear than fear itself. If you look at a history of this great country, fear has played a role in discrimination for a long time. In fact, I think Senator Hanley probably in the past has talked about Manchester being the silk city of the world and how proud they were of the Cheney mills and the Cheney brothers. But she also probably mentioned the signs that said Irish need not apply, because they were different, and so weren't the Pols, and so weren't the Italians who came here.

My grandparents and great-grandparents that suffered discrimination because they were different. And how long did we deny black Americans, Afro Americans, from the front door, from the water fountains, from voting, and all those other kinds of things because they were different.

We talk about sex, there is a law that deals with sex, that's true, which we generally define as biological, and transgender we defined as psychological.

I wouldn't be surprised if the Hartford region has somewhat of a higher percentage of transgender people than other parts of the country, and there's a simple reason for that. Back in the 1970s, when the beginning of the surgeries started to take place, when

people found that they were different, they would -- and they tried to get these kinds of physical changes, there were three places in this country you could do that, Stanford University, John Hopkins University, and Hartford Hospital.

And Doctor Baggish, at Hartford Hospital, was renowned as probably one of the greatest sex-change physicians in the world. And so people came here from around the world. They're involved with a church right across the street here, the other side of park, the Episcopal church, which a counseling program took place. You had to be in that program for two years. Two years of therapy, counseling, and the beginning of the process of transsexual behavior, and then you were eligible for surgery.

Many of those students went to Manchester Community College as they came here. And so I knew some of them, I know some of them today. They're in police departments. They're secretaries. They're researchers. They do -- they're teachers. They're truck drivers, former students.

It's interesting that in this great society with the medical innovations we have today, that if I have cancer, I can take the necessary medications and get the surgery to take care of that, and my whole family and the rest of my friends and everybody will pray that we recover, that I recover. Back surgery, elbow surgery, any kind of an organ, we can fix it. But somehow, when these people are trying to straighten out their psyche and their biology, we have a problem

with that, and that's what this bill is all about.

It's about discrimination. It's called a bill that deals with discrimination. We have also had as many as -- we've had e-mails against, we have e-mails for, from the clergy, from a variety of different religions, from rabbis, from churchgoers, from people that have said it's a discrimination bill, and we should be bigger than that. Because of that, I'm going to support this bill because I can't support discrimination. Thank you.

THE CHAIR:

Thank you, Senator.

Senator Kissel.

SENATOR KISSEL:

Thank you very much. And I -- I very much appreciate the -- the last two sets of comments and the passion expressed therein. But I would say that I have one amendment and I know there's two others after mine. If the Clerk could be please call LCO 6901, please.

THE CHAIR:

Mr. Clerk, will you please call.

THE CLERK:

Madam President, the Clerk is in possession of LCO Number 6901, which shall be designated Senate Amendment Schedule "C," introduced by Senator Kissel of the 7th District.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Madam President. I move adoption of the amendment, waive reading, ask leave to summarize.

THE CHAIR:

The question is on adoption. Will you remark further, please.

SENATOR KISSEL:

Thank you very much. This amendment actually goes to the heart of something that my colleague Senator Gerratana spoke about, that do we have laws on the books and is it necessary to add to them. And what this amendment would do is would address some of the, perhaps, some would say, unfounded concerns, but others would say founded concerns.

And that is if someone actually tried to use a false gender to perpetrate a crime, that they would subject themselves to the next highest level of punishment. Straightforward, simple amendment, in addition to the underlying rights expressed in the act regarding discrimination, but a lot of folks have said, well, what if an individual purports to be one gender, but then is not, and they're doing this for the purpose of committing a crime or preying upon someone. And I fashioned this amendment to state that it's solely for that end. There's no mixing of messages here.

So for those constituents that I have that say, well, what about the evildoer that wishes to place themselves in a spot where they could take advantage of others by pretending to be a gender that he or she

is not -- and I can't really imagine a case where a woman would pretend to be a man. More often than not, it would be a man pretending to be a woman -- but this says if they committed a crime and they solely hid behind a -- a false gender expression, that they would immediately expose themselves to the next highest level of punishment. I think that's appropriate. I think that's only fair.

And I think that that not only would bolster the underlying bill, but it would make it very clear, don't hide behind others rights to perpetrate a crime. That hurts all of us. And with that, Madam President -- President, I urge adoption.

THE CHAIR:

Question? Would you remark further? Will you remark further?

Senator Fasano.

SENATOR FASANO:

Just very briefly, Madam President.

I support Senator Kissel's amendment. I -- I think the good intention of it is -- is to ensure the quality for which the underlying bill as presented is preserved and not harmed by virtue of people trying to take advantage of the -- of the situation. And I would ask for a roll call vote on the amendment.

THE CHAIR:

Thank you, Senator -- Senator. Will you remark further? Will you remark further?

If not, Mr. Clerk, oops, sorry.

Senator Coleman.

SENATOR COLEMAN:

Madam President, if you're going to call for a roll call vote, that was my intention.

THE CHAIR:

And I was just about to.

Mr. Clerk, will you please call for a roll call vote, the machine will be open.

THE CLERK:

An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber. An immediate roll call vote has been ordered in the Chamber. Will all Senators please return to the Chamber.

THE CHAIR:

Have all members voted? If all members voted, the machine will be locked.

Mr. Clerk, will you call the tally, please.

THE CLERK:

Madam President, total number voting on LCO Number 6901.

Total number voting	34
Those voting Yea	14
Those voting Nay	20
Those absent and not voting	2

THE CHAIR:

The amendment fails. Will you remark further? Will you remark further?

Senator Roraback.

SENATOR RORABACK:

I guess I still say good evening, Madam

President. I'm not sure when one starts to say good morning.

THE CHAIR:

Just barely.

SENATOR RORABACK:

Just barely. Good evening, Madam President.

The Clerk has an amendment which is LCO 7440. If the Clerk would please call the amendment, and if I might be permitted to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Madam President, the Clerk is in possession of LCO Number 7440, which shall be designated Schedule "D." The amendment is introduced by Senator Roraback of the 30th District, copies of which have been available.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

I move adoption.

THE CHAIR:

The question is on adoption.

Will you remark further, sir?

SENATOR RORABACK:

Yes, Madam President. Thank you.

And I have been in the Chamber for virtually all of the debate so far on this bill. And I, for one, Madam President, would never want to leave my colleagues in the Circle or my constituents at home

with the impression that I could ever countenance discrimination of any kind.

Madam President, this amendment makes it clear that it would be unlawful in the State of Connecticut to discriminate on the basis of gender identity or expression in the realm of employment, contracting, housing, education, libraries, insurance, electric services, everything under the sun, Madam President, with the one exception that people in this Circle, and throughout the State of Connecticut, are trying to get their hearts and minds around, and that is the use of facilities which have historically been reserved for people on the basis of their physical sexuality.

Madam President, it's been a difficult thing for me to listen to this debate with the clear implication being that anyone who couldn't support the bill as written would somehow be willing to suffer discrimination in the State of Connecticut in 2011. And I certainly don't hold that feeling, and I wouldn't want anyone to be left with that impression.

And this amendment states affirmatively what I believe the public policy of the State of Connecticut ought to be, which is simply not to permit discrimination in any area, with the one exception of that where we permit discrimination today, as between men and women in the use of private bathrooms, locker rooms, and boarding houses, and the like.

Madam President, the definition of gender identity or expression in Section 21 of the bill, in my opinion, is the reason why allowing a difference in

the use of these facilities is appropriate.

So I urge adoption of the amendment as a statement that discrimination against individuals who are transgendered will not be allowed in this state and that that should be our public policy. Thank you, Madam President. I ask that when the vote is taken, it be taken by roll.

THE CHAIR:

A roll call will be called at that point. Will you remark further? Will you remark further? If not, well, I'm sorry --

Senator McKinney.

SENATOR MCKINNEY:

Sorry, Madam President. I was slow to rise as the clock --

THE CHAIR:

Good morning.

SENATOR MCKINNEY:

-- as the clock strikes midnight. I -- I will be brief. I want to thank Senator Roraback for bringing this amendment forward. I, too, think this has been a good debate. I, too, think that I, in my life, both before public office and since, don't want to take a back seat to anyone when it comes to treating all equally.

And I'm uncomfortable with some of the characterizations that those who cannot see themselves fit to vote for the underlying bill somehow favor discrimination. It is unfair and untrue. And I would urge adoption of the amendment. Thank you.

THE CHAIR:

Thank you, Senator McKinney. Will you remark further? Will you remark further?

If not, Mr. Clerk, will you please call for a roll call vote and the machine will be open.

THE CLERK:

An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber. An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

Have all members voted? Have all members voted? If so, the machine will be locked, and, Mr. Clerk, will you call the tally, please.

THE CLERK:

Madam President, total number voting on LCO Number 7440.

Total number voting	34
Those voting Yea	15
Those voting Nay	19
Those absent and not voting	2

THE CHAIR:

The amendment has failed. Will you remark?

Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President. The Clerk has in his possession LCO 7378. I ask it be called and be given leave to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Madam President, the Clerk is in possession of LCO Number 7378, which shall be designated Schedule "E." This amendment was introduced by Senator Witkos of the 8th District, and copies have been distributed.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you. I move adoption.

THE CHAIR:

The question is on adoption. Will you remark further, sir?

SENATOR WITKOS:

Thank you, Madam President. Part of my duties outside of this Chamber are to make sure that folks are not discriminated against. We investigate crimes where people feel that there's a bias towards them. We have provisions in our statutes regarding hate crimes. I've investigated a few of those, and I've made arrests on a few of those.

And a lot of the discussion tonight had merit, and a few of the issues I can sympathize with and have difficulties with on a personal level. But then I turn to my professional level as a law enforcement officer, and I wanted to share with you a scenario that's very likely -- that could happen.

The -- you're all in your police cars in your local communities and you're notified by the

dispatcher to head to your local store -- we'll use a big box store -- for a disturbance call. So you arrive on the scene and you're told to go see the manager, so you walk into the store and they're pointing to the back of the room. And as you walk to the back of the room, the manager is there and there's three people standing there. There's a woman and her younger daughter and somebody that has dressed themselves in the opposite sex. And as the officer approaches, the mother of the daughter starts yelling at the officer, you have to arrest this person, they -- they were in the ladies -- I'll say use the ladies restroom -- they were in the ladies restroom. They shouldn't be in there, they're a male.

And then the other individual says, under our Connecticut state statutes, you can't discriminate against me. I have a right to be there. That law was passed. And I'm troubled that the officer that goes there, how do you investigate something like that? How do you know that the person -- there's no deceitful reason why they're there other than, honestly, they have identified themselves as a transgendered person and legitimately has a right to use that restroom versus somebody who is there for other reasons. There's no way for the officer to determine that.

The amendment says that if somebody has identified themselves as a transgendered person, they could go down to the Department of Motor Vehicles and have it classified on their file, not written

anywhere, but in electronic form, so that if the police officer checks with their driver's license, it will say, no, they are, they have a right to be there. So the officer has the means to say, you know what, I understand your concerns ma'am, but this person, our laws do provide for that, and they can't be discriminated against. And that's why they're there.

It's not meant to single any individual out, it's just a tool. And I use it as a tool for those folks that have identified themselves as transgendered as a protection, to be able to say, no, I have the right. And some folks have, outside the Circle, have made comments about my amendment, and it's not meant to be mean, it's not meant to be, as it's been classified, as the scarlet letter. It's a means to allow folks to say, I deserve, I want, and I need the protection that's afforded to me under the law. And those folks that will be enforcing the law have a means of verifying that that is the case.

With that, Madam President, I ask for the chamber's adoption of the amendment. Thank you.

THE CHAIR:

Thank you, Senator. Will you remark further? Will you remark further? Will you remark further? I guess not. Okay.

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President. If I may, through you, to the proponent.

THE CHAIR:

Please proceed, sir.

SENATOR SUZIO:

Through you, Madam President, to the proponent, Senator Witkos. I'm interested in your perspective as a -- someone who would be affected by the statute in your -- in your responsibilities. If the law were to pass right now, what would your instinct be as to how to handle some of the awkward situations you were alluding to, and how would you wrestle with the legal issues that you -- you expressed some concern about?

SENATOR WITKOS:

Well, we would attempt to ask questions of the two parties. We may ask -- obviously the person that called the police department, what did they see, what happened, what transpired, other than was somebody just existing the restroom, you know, tell me how you reached to this point where you -- you called us?

And then, on the other hand, we would ask the other individual, what were you doing in -- in the opposite sex's bathroom, and they would give their response as well. And I hope, under the law, as we would for any crime, we would ask for identification from the folks. And through investigations, I might do a records check to see if -- if they've been under arrest before or not. That would not be discriminatory in the tools of law enforcement where you're investigating an alleged crime. So I would do that. Because somebody has a past history, it can't really be used against them for the current situation, and hopefully, nothing escalates into a breach of

peace.

That's my -- my biggest concern is that folks become so impassioned by a position that they hold, that sometimes you lose focus as to your surroundings and where you happen to be standing at the time. Often, shouting starts to occur, and it gets to the point where the folks are either generally asked to go outside or disperse.

And if that is not the case, oftentimes, then a warning is issued that if we can't tone it down or behave ourselves and have a conversation like adults, then an arrest for a breach of peace may occur as well. Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you. And by the way, good morning, Madam President.

THE CHAIR:

Good morning, Senator.

SENATOR SUZIO:

Thank you. Through you, Madam President. So if someone in law enforcement -- what are the consequences when a law enforcement officer is accused of discrimination while performing the duty? I'm -- I'm not familiar with what happens at that point in time. Can you kind of explain what might happen if someone whom you might have arrested is accusing you of acting in a discriminatory way, you know, what the consequences are.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you. Through you, Madam President. My vision there's a two-track system. One would be redress through the courts for -- if it's a false arrest situation, that -- that's one avenue. And the other avenue would be a complaint to the chief of police, or whoever the supervisor is on duty, an internal affairs investigation would be conducted for either a false arrest or an erroneous arrest, or something that similar that an investigation would be done on the -- through the police department, through the internal affairs division.

Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you. And through you, Madam President, Senator Witkos, what might the consequences be for an officer who is accused of discrimination and might potentially, let's say, is found guilty of acting in such a way. Are there personal liabilities involved or are you kind of insulated or protected as a law enforcement officer in the line of duty?

Through you, Madam President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you. Through you, Madam President, I don't believe that there -- you're granted immunity if you

made an arrest and you're aware of the statute that -- basically, a false arrest. You certainly if -- there would be a hearing, if you were to lose your job or if there was a disciplinary hearing for a reduction in rank or a suspension for a period of time, possibly retraining.

There's a multitude of tools that are available to the administration of the town to make sure that either the mistake doesn't happen again, or if it's so egregious, again, it could result in a termination proceeding.

Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you. Through you, Madam President, thank you, Senator Witkos. I have no more questions.

THE CHAIR:

Thank you. Will you remark further? Will you remark further?

Senator Cassano.

SENATOR CASSANO:

Yes, thanks, Madam President. I rise to speak against the amendment. And I do so because I think there are better ways than legislation. I was fortunate, some of you may remember the Morgan Street Police -- Court which had the police department above it and the training facility for the police department was on the fifth floor.

And they contracted with the college and I used to teach a course there to all the incoming recruits

every semester. And they would deal with social issues and the kinds of issues that we talk about and the fears. And I -- I know where Senator Witkos is coming from. When you confront things you're not familiar with, how do I deal with that.

That's the reason that the Hartford Police Department, in fact, had people like myself come into their police academy and -- and to deal with the social issues of the time, because those were -- were turbulent times. And they did it through training. Today we're fortunate. The amount of training that -- people have no idea the amount of training that police officers go through on an annual basis just to maintain their jobs, and maybe this is going to be part of that training. Thank you.

THE CHAIR:

Thank you, Senator.

Senator Coleman.

SENATOR COLEMAN:

Madam President, I just wanted to rise and ask that this amendment be decided by virtue of a roll call vote.

THE CHAIR:

Thank you, Senator. There will be a roll call vote. Will you -- will you remark further? Will you remark further?

If not, Mr. Clerk, will you please call for a roll call vote, and the machine will be open.

THE CLERK:

An immediate roll call vote has been ordered in

the Senate. Will all Senators please return to the Chamber. An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

Have all members voted? Have all members voted? If so, the machine will be locked, and, Mr. Clerk, will you please call the roll.

THE CLERK:

Madam President, total number voting on LCO Number 7378.

Total number voting	34
Those voting Yea	8
Those voting Nay	26
Those absent and not voting	2

THE CHAIR:

The amendment fails. Will you remark further? Will you remark further?

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam. I just have a few quick questions for the proponent of the bill, if I may.

THE CHAIR:

Senator Coleman, prepare yourself.

Please proceed, sir.

SENATOR SUZIO:

Thank you. First of all, I want to apologize, I may ask some questions that may have been asked before, but I missed the first part of this debate. And so I apologize if I do so. Senator, through you,

Madam President, to Senator Coleman, I thought I understand what transgender was defined as, but when I heard Senator Meyer speak about Renee Richards, and he identified her as a transgender, it was totally different from what my impression was. Can you provide to us what the exact legal definition is of a transgender person?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Well, Madam President, the definition is included in the bill, in the first section of the bill. Transgender or gender identity or expression is defined as a person's gender related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth.

Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President. So, through you, Madam President, someone who is anatomically a male and psychologically a male, would they be considered to be transgender?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President. That question may be beyond my expertise. I would respectively refer the Senator to a psychologist or perhaps the organization Connecticut Equality can help with that question.

Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you. And again, through you, Madam President, if I may, for the purpose of legislative intent, if a situation evolved in a middle school, such as the one that I was citing that actually occurred in Orono Middle School in Maine, where a male to female transgender person insists on using the female facilities, and the school decided that they could not, would not allow that transgender person to use the female facilities because they were male to female transgender, is that something that this bill is intended to allow?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

I would answer yes, Madam President.

SENATOR SUZIO:

Thank you. So, okay, so, that -- that was a very clear answer. Thank you, very much. And a very simple one, too, I might say. Thank you very much. Actually, that was so clear it answered all my other questions. Thank you very much.

THE CHAIR:

Thank you, Senator Suzio. Thank you. Will you remark? Will you remark?

If not, I'm sorry, Senator Looney.

SENATOR LOONEY:

Thank you -- thank you, Madam President.

Madam President, speaking in support of the bill, Madam President, this bill is something that is in the -- the continuity of the kind of struggle that has been going on in our nation since its inception. Our -- our state's and our nation's history is one of -- of gradual, and often, very painfully won expansion of rights and privileges under our state and federal constitutions and statutes.

And what the passage of this bill this evening would represent is another slight expansion of the circle of inclusivity of people who are able to participate fully in our society without discrimination and will be protected from that discrimination under the law.

In the -- in the earliest stages of -- of our nation, we know that only male, white, Anglo-Saxon, property-owning, members of an established church were actually full participants in our society. So it wasn't enough to just be male and white, but those were the two thresholds. Clearly, if you were white but of -- of an ethnic group and not Anglo-Saxon, you also did not participate fully.

And economic criteria meant that you had to be a property owner to be a full participant, but also it

was necessary to be a member of the established church. Because while our -- the first amendment of our federal constitution provides that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, we know for many years that was not true at the state level.

For more than 40 years, after the passage of our federal constitution, individual states still had established churches that people had to pay taxes to support even if they weren't members of those churches.

So what we've seen, over time, was a very gradual expansion of the definition of who is within that circle, the circle of full participation, full exercise of rights and privileges in our society. And it is something that has been a very slow and gradual expansion that has often required contact points of struggle, in order to have that advancement occur.

And, Madam President, earlier, we had comments that it is important to revere traditions, to revere conventions. And that is certainly often true. It is important to have a sense of convention, a sense of tradition, respect for continuity in that regard. But there are times when those conventions and precedence have to give way when there is a gradual evolution of a greater sense of commonality and inclusion.

For instance, if we were never to grow beyond predispositions and preexisting attitudes, the Dred Scott decision would still be the law of the land. That occurred three or four years before the Civil War

and basically said that African American slaves could have no rights as citizens in our nation. That was a decision of our U.S. Supreme Court.

And 40 years after Dred Scott, almost 40 years after, the case of Plessy versus Ferguson, in 1896, said that separate but equal facilities were constitutional in the United States. And that decision wasn't overturned until 58 years later in Brown versus the Board of Education, in 1954.

So as we see, very often, this has been a slow, painful, evolutionary struggle as attitudes gradually change over time. As we've seen community standards change over time, we've seen the Supreme Court grapple with that issue in terms of trying to define what might be obscene in our society.

We know that for years the Supreme Court struggled until the decision of Miller v. California tried to basically define what might be obscene, because we know that for years the courts had trouble grappling with that issue because community standards changed. And what was seen as obscene in one generation was seen as a major artwork in the next. We know that some of the greatest works of literature in the 20th Century were banned as obscene when they were first published and first brought into the United States.

So community standards change and evolve. There was a sense of -- of gradual enlightenment, or gradual change of perception, that something that seemed alien and threatening earlier no longer seems that way and

now seems to be part of the mainstream. And people look back and say, well, why were we ever afraid of this? Why would we ever see this as alien? Why did we ever see this as threatening? It's part of our community.

And this measure tonight is a way to, once again, expand that inclusive sense of community. That's really what it is. And it really is, I think as Senator Coleman said earlier, an unfortunate trivialization of the issue to say it's about bathrooms; it's really about civil rights. It's really about discrimination. It's really about inclusiveness in our society, and we need to pass this bill this evening. Thank you, Madam President.

THE CLERK:

Thank you, Senator. Will you remark further?

Senator Williams.

SENATOR WILLIAMS:

Thank you, Madam President.

I rise to support the bill, also to thank Senator Coleman for his work on this bill and for bringing it out this evening, to associate myself with the remarks of those who have spoken in favor of the bill, and also especially to associate myself with the remarks of our majority leader, Senator Looney, who so eloquently summed up the essence of this bill.

The hour is late. I will not prolong the debate other than to say that this is a matter of civil rights, it's a matter of human rights. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark? Will you remark?

If not, Mr. Clerk, will you please call for a roll call vote and the machine will be open.

THE CLERK:

An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber. An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

Have all the members voted? Have all the members voted? The machine will be closed.

Mr. Clerk, will you please call this tally.

THE CLERK:

Madam President, total number voting on House Bill Number 5966.

Total number voting	36
Those voting Yea	20
Those voting Nay	16
Those absent and not voting	0

THE CHAIR:

The bill has passed. Will you -- will you remark further?

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, I would ask the Clerk to call the next item, previously marked "O", Emergency