

ASSEMBLY RESOLUTION No. 32

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman NICHOLAS CHIARAVALLOTI

District 31 (Hudson)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Condemns Trump Administration's policies towards transgender individuals.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ASSEMBLY RESOLUTION** condemning the Trump
2 Administration's policies towards transgender individuals.
3
4 **WHEREAS**, New Jersey is committed to the equality and dignity of all
5 persons under the law; and
6 **WHEREAS**, On October 24, 2018, U.S. Solicitor General Noel
7 Francisco of the U.S. Department of Justice (DOJ), filed a brief
8 to the U.S. Supreme Court arguing that transgender workers are
9 not protected by civil rights laws prohibiting sex discrimination
10 in the workplace, which contradicts the views of the U.S. Equal
11 Employment Opportunity Commission (EEOC); and
12 **WHEREAS**, The EEOC, which has advocated for a broader
13 interpretation of sex discrimination, successfully sued a
14 Michigan funeral home in March 2018 after it fired a transgender
15 worker; and
16 **WHEREAS**, Currently, the Michigan funeral home is asking the U.S.
17 Supreme Court to review the case and the DOJ brief comes as the
18 U.S. Supreme Court is weighing whether or not it will take on this
19 case that would decide whether transgender people are covered
20 under the 1964 Civil Rights Act; and
21 **WHEREAS**, In the brief filed with the U.S. Supreme Court, the DOJ
22 argues the Sixth Circuit Court of Appeals made the wrong decision
23 by ruling in the transgender worker's favor and that the court of
24 appeals misinterpreted the 1964 Civil Rights Act in concluding that
25 Title VII includes discrimination on the basis of gender identity;
26 and
27 **WHEREAS**, The DOJ brief arguing that transgender individuals are not
28 protected from discrimination under federal civil rights law is the
29 most recent action by the Trump Administration to roll back
30 protections of the transgender community; and
31 **WHEREAS**, Along with the DOJ brief, the Trump Administration has
32 sought to ban transgender people from serving in the United States
33 military, proposed a new definition of sex that excludes gender
34 identity, and urged the United Nations Third Committee to remove
35 "gender" from human rights documents and replace it with
36 "woman;" and
37 **WHEREAS**, Excluding transgender individuals from federal civil rights
38 laws prohibiting discrimination would impact an estimated 1.4
39 million Americans who identify as transgender and make them
40 more susceptible to gender-based discrimination; and
41 **WHEREAS**, According to the 2015 U.S. Transgender Survey, an
42 anonymous online survey of over 27,000 transgender adults, 10
43 percent of respondents who were out to their families reported that
44 they had experienced violence from a family member due to their
45 being transgender, while eight percent of respondents reported that
46 they were forced to leave the family home because of being
47 transgender; and

1 **WHEREAS**, More than 75 percent of the survey respondents
2 experienced some form of mistreatment, including physical or
3 sexual assault, between kindergarten and grade 12, due to their
4 being out or being perceived as transgender and nearly one quarter
5 of respondents who were out or perceived as being transgender in
6 college or vocational school reported being verbally, physically, or
7 sexually harassed; and

8 **WHEREAS**, Instead of protecting transgender people from the verbal,
9 physical, or sexual harassment that is outlined in the 2015 U.S.
10 Transgender Survey through the nation's federal civil rights laws,
11 the Trump Administration is furthering the abuse of transgender
12 individuals by arguing that they are not protected by laws
13 prohibiting sex discrimination; and

14 **WHEREAS**, New Jersey's condemnation of the Trump
15 Administration's actions towards transgender people will allow the
16 State to object to discrimination based on gender identity and will
17 illustrate New Jersey's commitment to the equality of all people,
18 including transgender individuals; now, therefore,

19
20 **BE IT RESOLVED** by the General Assembly of the State of New
21 Jersey:

22
23 1. The General Assembly condemns the Trump
24 Administration's policies towards transgender individuals.

25
26 2. Copies of this resolution, as filed with the Secretary of State,
27 shall be transmitted by the Clerk of the General Assembly to the
28 President of the United States, the United States Attorney General,
29 and each member of Congress elected from this State.

30

31

32

STATEMENT

33

34 This resolution condemns the Trump Administration's policies
35 towards transgender individuals. Over the last two years, the Trump
36 Administration has promoted an anti-transgender agenda.

37 On October 27, 2018, the Department of Justice (DOJ) submitted
38 a brief to the U.S. Supreme Court arguing that transgender
39 individuals are not protected by federal civil rights laws,
40 specifically Title XII of the 1964 Civil Rights Act. The DOJ's
41 actions contradict the views of the U.S. Equal Employment
42 Opportunity Commission (EEOC), which successfully sued a
43 Michigan funeral home for firing a transgender worker after she
44 came out as transgender. The DOJ's brief argues that the Sixth
45 Circuit Court of Appeals made the wrong decision and
46 misinterpreted the Civil Rights Act of 1964.

47 The DOJ brief is the latest example of the Trump Administration
48 promoting an anti-transgender agenda. Prior to the DOJ brief, the

1 Trump Administration sought to ban transgender people from
2 serving in the United States military, proposed a new definition of
3 sex that excludes gender identity, and urged the United Nations
4 Third Committee to remove “gender” from human rights documents
5 and replace it with “woman.” To illustrate New Jersey’s
6 commitment to the equality of all people, including transgender
7 individuals, the State condemns the actions by the Trump
8 Administration.