

**From:** Mishaan, Jessica  
**Sent:** Wednesday, June 6, 2018 4:31 PM  
**To:** 55501-18804709@requests.muckrock.com  
**Subject:** response to public record request

Dear Mr. Del Ponte,

Please find the attached response to your public record request.

Thank you,

**Jessica Mishaan** | Paralegal  
Office of the Attorney General | Civil Division  
109 State Street Montpelier, VT 05609-1001

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**THOMAS J. DONOVAN, JR.**  
ATTORNEY GENERAL

**JOSHUA R. DIAMOND**  
DEPUTY ATTORNEY GENERAL

**WILLIAM E. GRIFFIN**  
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June 6, 2018

Filed via MuckRock.com

E-mail (Preferred): [55501-18804709@requests.muckrock.com](mailto:55501-18804709@requests.muckrock.com)

Re: Public Records Request

Dear Mr. Del Ponte:

I write in response to your public records act request dated May 31, 2018. Attached please find potentially responsive records. Personal contact information has been redacted pursuant to 1 V.S.A. § 317(c)(7) – specifically, the Attorney General’s personal email address has been redacted in full and other potentially personal contact information has been redacted in part or in full. If we become aware of additional responsive records, we will follow up with you.

If you feel information has been withheld in error, you may appeal to Attorney General Donovan.

We hope the above information is helpful to you.

Sincerely,

/s/ Joshua R. Diamond  
Joshua R. Diamond  
Deputy Attorney General

**From:** Donovan, Thomas  
**Sent:** Thursday, May 4, 2017 9:54 AM  
**To:** Battles, Benjamin <[Benjamin.Battles@vermont.gov](mailto:Benjamin.Battles@vermont.gov)>; Diamond, Joshua <[Joshua.Diamond@vermont.gov](mailto:Joshua.Diamond@vermont.gov)>; Donovan, Thomas <[Thomas.Donovan@vermont.gov](mailto:Thomas.Donovan@vermont.gov)>  
**Cc:** Silver, Natalie <[Natalie.Silver@vermont.gov](mailto:Natalie.Silver@vermont.gov)>  
**Subject:** Fwd: AG GROUP STATEMENT on Religious Liberties EO (Trump Expected to Sign Tomorrow)

Ben  
Please review and let Oregon know we will sign  
Contact info listed below

Get [Outlook for iOS](#)

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**From:** [REDACTED] <[REDACTED]>  
**Sent:** Thursday, May 4, 2017 9:52:50 AM  
**To:** Donovan, Thomas  
**Subject:** Fwd: AG GROUP STATEMENT on Religious Liberties EO (Trump Expected to Sign Tomorrow)

Sent from my iPhone

Begin forwarded message:

**From:** Jennifer Song <[jennifer@progressivestateleaders.org](mailto:jennifer@progressivestateleaders.org)>  
**Date:** May 3, 2017 at 9:07:45 PM EDT  
**To:** Sean Rankin <[sean@democraticags.org](mailto:sean@democraticags.org)>, Jennifer Song <[Jennifer@democraticags.org](mailto:Jennifer@democraticags.org)>  
**Cc:** Kamala Shugar <[kshugar@democraticags.org](mailto:kshugar@democraticags.org)>  
**Subject:** AG GROUP STATEMENT on Religious Liberties EO (Trump Expected to Sign Tomorrow)

Hi All,

Please see below for a GROUP AG STATEMENT that AG Rosenblum has drafted in preparation for the expected Religious Liberties EO to be signed tomorrow. The final language may be tweaked and edited once the official EO is reviewed, but the language will remain largely the same:

*"Three months after the President's failed Executive Order banning all people from certain Muslim countries from entering the United States, the President has once again signed a discriminatory Executive Order. This one will also do real damage to our communities if we allow it to stand.*

*Under the guise of "religious freedom" and "religious liberty" this Executive Order gives people and organizations free rein to discriminate against same-sex marriage, contraception, gender identity and more. We are very concerned that this Executive Order, like the previous failed ones, promotes government-approved discrimination against women, LGBTQ people and vulnerable populations.*

*As Attorneys Generals from many states we are sworn to uphold our laws and protect our state and federal constitutions. We are committed to working together to make sure this Executive Order is also struck down by the courts. It is un-American and dangerous. We refuse to stand by and give the President a broad license to discriminate."*

**We are hoping to have all our AGs sign-on to this statement ASAP** so that the statement can be released shortly after the EO is signed.

Please contact Kamala Shugar, Special Counsel for AG Rosenblum, to sign-on to the statement and/or with any questions, comments, or edits. **Kamala can be reached at [kshugar](mailto:kshugar) ;**

Lastly, I am attaching a Word document titled "Religious Liberty EO Facts and Figures" that has general background, stats, articles, quotes, and other useful information that may help in creating talking points or responding to questions about the EO once signed. This document was created by DAGA friendly LGBT advocates and partners. Please keep this document to internal staff only and please do not share widely.

Thanks and feel free to contact me with any questions,  
Jennifer

**Jennifer Song**

Director of Policy

M: (310) 499-3179 | E: [Jennifer@ProgressiveStateLeaders.org](mailto:Jennifer@ProgressiveStateLeaders.org)

**From:** Jennifer Song <[jennifer@progressivestateleaders.org](mailto:jennifer@progressivestateleaders.org)>

**Date:** Wednesday, May 3, 2017 at 12:46 PM

**To:** Jennifer Song <[Jennifer@democraticags.org](mailto:Jennifer@democraticags.org)>, Sean Rankin <[sean@democraticags.org](mailto:sean@democraticags.org)>

**Cc:** Jason Bargnes <[jason@democraticags.org](mailto:jason@democraticags.org)>

**Subject:** AG Actions on Religious Liberties EO (Trump Expected to Sign Tomorrow)

Hi All,

I'd like to flag the following items for everyone in preparation for the Religious Liberties EO that is expected to be signed tomorrow by Trump:

- 1) **MA AG's office has been preparing to take action upon the signing of the EO, including possibly litigation. They will be hosting a working group/call. All states and staff who are interested should contact Joanna Lydgate ([jjlydgate](mailto:jjlydgate)) to join existing efforts underway.**

2) GLAD and LGBT advocacy groups are asking our **AGs to issue statements on this potential EO TODAY**, if possible, **before it is signed**. They suggest the following talking points:

- *Process: We can't afford another half-baked, ill-conceived EO that does real damage to Americans in every community across the country.*
- *Discriminatory intent: We are highly concerned that this EO, like previous failed EOs from the Trump administration, serves only to promote government-approved discrimination against women, LGBT people, and vulnerable populations.*
- *Guise of religious freedom: Under the guise of religious freedom, the Trump administration would grant a license to discriminate that flies in the face of American values of equality and fairness.*
- *State rights: An EO that grants a license to discriminate is unnecessary and dangerous, and AGs across the country won't stand for it. If this EO is signed, we'll see the Trump Administration in court, again.*
- If you do issue a statement today, please let me know. DAGA will be further amplifying all statements through our communications team.

Thanks everyone and please let me know if you have any questions,  
Jennifer

**Jennifer Song**

Director of Policy

M: (310) 499-3179 | E: [Jennifer@ProgressiveStateLeaders.org](mailto:Jennifer@ProgressiveStateLeaders.org)

*Background:*

Politico - <http://www.politico.com/story/2017/05/02/donald-trump-religious-liberty-executive-order-237888>

Leaked Copy of the 1<sup>st</sup> Draft Religious Freedom EO - <https://www.thenation.com/article/leaked-draft-of-trumps-religious-freedom-order-reveals-sweeping-plans-to-legalize-discrimination/>

First draft of Religious Freedom EO:

- Would allow individuals and organizations the right to disengage from activities that "violate their conscience"
- Would allow employers to refuse contraceptive coverage if it violates their religious beliefs
- Would protect the tax-exempt status of religious organizations or private company that "believes, speaks, or acts (or declines to act) in accordance with the belief that marriage is or should be recognized as the union of one man and one woman," and that an "individual's immutable biological sex as objectively determined by anatomy" and "that human life begins at conception and merits protection at all stages of life."
- Would allow federally funded adoption agencies the right to discriminate against same-sex couples.

- Might allow federal employees the right "to refuse on religious grounds to process applications" of same-sex couples based on the proposal's broad language.
- Would establish a new bureau in the Justice Department that would protect "religious freedom."

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## General Facts and Figures

- [USASpending's Searchable Database](#) indicates that approximately \$615 billion in federal contracts, grants, loans, and other financial assistance was allocated in FY16 to the [30 states](#) without comprehensive LGBT nondiscrimination protections on the books, within which LGBT people are especially vulnerable to discrimination. This accounted for approximately one fifth of total awards ([\\$3,047.3 billion](#)).
- [4.1% \(or 10 million\) of Americans identify as LGBT](#)
- Most recent [2016 Labor Force Participation Rate is 62.7%](#)
- [Majorities](#) of both political parties and independents, as well as majorities of all major religious groups, favor LGBT nondiscrimination laws
- [67% of Millennials](#) overwhelmingly reject discriminatory religious exemptions for business owners, and 80% of Millennials favor nondiscrimination protections for LGBT Americans.
- According to the Williams Institute at University of California, Los Angeles, [one in five gay and bisexual men and one in four lesbian and bisexual women are poor](#) in the United States

## Business community support

- A [July 2015 poll](#) by the Small Business Majority, the American Unity Fund, and the Center for American Progress found that [two-thirds—66 percent](#)—of small-businesses owners said that “business owners shouldn’t be able to deny goods or services to someone who is lesbian, gay, bisexual or transgender based on the owner’s religious beliefs.”
- [Indiana stood to lose \\$250 million and Georgia stood to lose as much as \\$2 billion as a result of overly broad RFRA](#)s
- [“One poll found that nearly 9 out of 10 LGBT adults](#) consider workplace inclusion in their purchasing decisions, and nearly one-quarter of LGBT adults stated that they have ‘switched products or services because a different company was supportive of the LGBT community, even if a brand was costlier or less convenient.’”
- Total purchasing power of the U.S. LGBT community is nearly [\\$1 trillion](#)
- Allowing discrimination exacerbates the economic plights of the already vulnerable LGBT community – [same-sex headed families make \\$15,500 less per year than opposite-sex headed families and 60% of transgender individuals report yearly incomes below \\$25,000](#)

## Quotes

- QUOTE: “The rule respondents favor would open the prospect of constitutionally required religious exemptions from civic obligations of almost every conceivable kind – ranging from compulsory military service to the payment of taxes to health and safety regulation such as manslaughter and child neglect laws, compulsory vaccination laws, drug laws, and traffic laws; to social welfare legislation such as minimum wage laws, child labor laws, animal cruelty laws, environmental protection laws, and laws providing for equality of opportunity for the races. The First Amendment's protection of religious liberty does not require this” -[Justice Scalia in \*Employment Division v. Smith\*](#), 494 U.S. 872 (1990)
- \*QUOTE: [The Episcopal Public Policy Network of the Episcopal Church Office of Government Relations](#): “Equality under the law is a constitutional right for every citizen of the United States. Presiding Bishop Elect Michael Curry said, ‘I believe, as the scripture says, that all people are created in the image and likeness of God, and that all are therefore to be accorded the rights and

dignity that befit a child of God' ... So that LGBT persons may live healthy and full lives, these rights should include access to marriage, housing, and public accommodations such as usage of public restaurants, restrooms, and other spaces.”

### **Nondiscrimination protections**

- The vast majority of Fortune 500 companies have nondiscrimination protections for LGBT employees: 460 have protections based on sexual orientation and 410 have protections based on gender identity. <http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/CEI-2017-FinalReport.pdf>
- [20 states and D.C. have employment nondiscrimination laws covering both sexual orientation and gender identity](#) (Note: This number includes New York which promulgated regulations in 2016 that define "sex" in New York's human rights law to include gender identity.) [2 states have employment nondiscrimination laws covering sexual orientation only](#)
- 3 states without explicit SOGI nondiscrimination laws have an EO providing employment nondiscrimination protections based on sexual orientation only and 6 states have an EO providing protections based on sexual orientation and gender identity. In addition, 1 state (AK) has an administrative order protecting against sexual orientation discrimination in state employment, and another state (IN) issued a government policy statement protecting against employment discrimination based on sexual orientation or gender identity. (I believe all of this applies only to state gov'n't employees) *This is based on an internal spreadsheet Laura has on EOs*
- Over 200 localities protect LGBT people from private employment discrimination. <http://www.hrc.org/resources/cities-and-counties-with-non-discrimination-ordinances-that-include-gender>

### **Housing and Homelessness**

- [Nearly one-third \(30%\) of respondents to the 2015 U.S. Transgender Survey have experienced homelessness at some point in their lifetime, and 12% reported experiencing homelessness in the year prior to completing the survey because they were transgender](#)
- [A study by the Center for American Progress and The Equal Rights Center found that only 30 percent of homeless shelters tested were willing to house transgender women in spaces in accordance with their gender identity. The study also found that states with protections were twice as likely to house transgender women in appropriate spaces](#)
- “[Nearly one-quarter \(23%\) of \[2015 USTS\] respondents](#) experienced some form of housing discrimination in the past year, such as being evicted from their home or denied a home or apartment because of being transgender.”
- “[More than one-quarter \(26%\) of those who experienced homelessness](#) in the past year avoided staying in a shelter because they feared being mistreated as a transgender person. Those who did stay in a shelter reported high levels of mistreatment: [seven out of ten \(70%\) respondents](#) who stayed in a shelter in the past year reported some form of mistreatment, including being harassed, sexually or physically assaulted, or kicked out because of being transgender.”
- Up to [40% of homeless youth are LGBT](#)
- [“Approximately one in five LGBT youth were unable to access short-term shelter, and 16 percent could not get assistance with longerterm housing—rates that are approximately double those of the non-LGBT homeless youth who were surveyed.”](#)



- “ the Federal Bureau of Investigation, or FBI, found that nearly one-third of hate crimes motivated by sexual orientation occur either in or near a residence. The National Coalition for Anti-Violence Program’s 2013 hate violence report found [nearly half of the incidents](#) of hate violence against LGBT and HIV-affected people occurred in private residences. Thus, an individual’s ability to access their choice of safe housing is critical for the well-being of LGBT people.”
- HUD prospective renters email study: [Different-sex couples were favored over male same-sex couples in 15.9 percent of tests and over female same-sex couples in 15.6 percent of tests](#)
- Michigan Fair Housing Commission Study: Despite having better credentials, [the study found that the different-sex couples were treated more favorably than the same-sex couples in 27 percent of all tests conducted.](#)
- A 2014 survey of [LGBT older people ages 45 to 75 found that 13 percent were discriminated against on the basis of sexual orientation when searching for housing and 25 percent were discriminated against due to their gender identity](#)
- In 2013, the Equal Rights Center conducted matched-pair testing of older couples seeking senior housing and found discrimination against same-sex couples in 48 percent of tests
- A National Center for Transgender Equality and the National LGBTQ Task Force study on discrimination against transgender people found [only 32 percent of respondents reported being homeowners, compared with 65 percent of the general population](#)
- [Faith-based shelters receive](#) “a substantial chunk of federal allocations to combat youth homelessness—\$2.2 billion in competitive social service grants went to faith-based organizations in Fiscal Year 2005.”
  - “Shelters run by religious organizations are more likely to be staffed by unpaid volunteers drawn from the church’s congregation than trained social workers. The volunteer to professional ratio at secular shelters is 3 to 1; at faith-based shelters, it’s as high as 15 to 1. These volunteers often consider complying with and promoting church teachings more important than serving gay and transgender youth’s specific needs in an unbiased, professional manner without proselytizing.”
- [STORY](#): Trans woman in faith-based shelter (from 2005): "Instead of finding a refuge, she found herself in an institution that scorned homosexuality. Trouble began immediately. After her intake session, she was placed with the male clients, despite her requests to room with the women. At her psychological evaluation, the psychiatrist who examined her suggested she stop dressing as a woman. [“Covenant House feels like straight up prison.”](#) Walton told The Villager in a telephone interview."

### Unaccompanied Minors

- [“While 5 percent to 7 percent of the general youth population identifies as LGBT, LGBT youth account for approximately 19 percent of children in foster care and an estimated 12 percent to 15 percent of youth in the juvenile justice system.](#)
- [STORY](#): “Since 2008, the U.S. government has placed more than 3,000 unaccompanied children in the Christian-affiliated His House Children’s Home in Miami Gardens, Florida. One gay foster care alumnus told the *Miami Herald* what happened when he came out at His House at age 16: The director cried and screamed, “How could you do this to me?” Officials at His House expelled the boy from the Christian school, prevented him from attending programs, and subjected him to

attempts at conversion. The agency overseeing His House conducted an investigation in response to the story, but it found this treatment did not violate any Florida laws”

- In fiscal year 2016, [27,754](#) unaccompanied children were apprehended
- [Conversion therapy](#): “LGBT youth may suffer psychological abuse through inappropriate treatment and/or services, such as so-called “conversion” therapy. Also known as “reparative” therapy or “sexual-orientation change efforts,” [conversion therapy is a dangerous practice](#) that attempts to change someone’s sexual orientation or gender identity—literally to convert an individual from gays to straight. Conversion therapy has been [discredited and highly criticized](#) by virtually all major American medical, psychiatric, psychological, and professional counseling organizations. In addition to being ineffective, conversion therapy has been found to actually cause harm. People who have undergone conversion therapy have reported [increased anxiety, depression, and in some cases, thoughts of suicide](#). It is important to note that even if not officially called reparative or conversion therapy, there may be other counseling efforts aimed at changing a young person’s sexual orientation or gender identity. Whether these efforts come from a licensed therapist, a school counselor, a priest or minister, or some other advocate, they are still just as harmful and should be prohibited.”
- “HHS’s, Office of Refugee Resettlement, or ORR, temporarily houses unaccompanied children in a network of facilities run by contractors and grantees before releasing them to their parents or sponsors. Between March 2011 and March 2013, the *Houston Chronicle* found 101 “significant incident reports” of sexual abuse allegations against staff members in facilities contracted by the ORR.”
- Under ORR’s [Standards to Prevent, Detect, and Respond to Sexual Abuse and Sexual Harassment Involving Unaccompanied Children](#), if unaccompanied children who are in the care of a federal contractor or grantee suffer sexual assault, they are entitled to a range of services, including emergency contraception, abortion care, and culturally competent care for youth who identify as lesbian, gay, bisexual, and transgender, or LGBT.
- “[T]he [\[religious\] exemption \[to ORR’s Standards to Prevent, Detect, and Respond to Sexual Abuse and Sexual Harassment Involving Unaccompanied Children\]](#) could also allow [religiously affiliated contractors to refuse the appropriate housing, intake and release procedures, physical and mental health care, and general dignity necessary to ensure a safe and stable environment for LGBT youth](#)”
- [“33 percent of unaccompanied children—including nearly 1 in every 4 girls in ORR custody—were in the care of religiously affiliated organizations and spent an average of 49 days in their care. The average age of girls in religiously affiliated facilities was just 13-years-old... Permitted religiously affiliated providers to ignore core elements of an effective response to sexual abuse, such as unimpeded access to emergency health services, places a large number of incredibly vulnerable children at risk of unplanned pregnancies and associated complications, not to mention emotional trauma and further abuse.”](#)
- [“\[M\]ore than one-third](#) of the facilities ORR contracts with are religiously affiliated.”
- A recent survey of DREAMers, or immigrants who came to the United States as children and are under age 30, found that [10 percent](#) identify as lesbian, gay, or bisexual.”

## Healthcare/Hospitals

## Executive Order on Religious Liberty - Data for Response

- LGBT people face [health disparities](#) relative to their peers, including higher rates of HIV/AIDS, depression, and increased risk of some cancers.
- A major factor in these disparities is the discrimination LGBT people face when trying to access health care, with [over half](#) of LGBT people reporting in a 2010 study that they experienced serious discrimination from health care providers.
- Prior to the ACA, over [half](#) of private insurance plans included transgender-specific health exclusions denying transition-related care.
- The ACA has been immensely important in expanding care for LGBT people. Uninsurance among low and middle-income LGBT adults fell [24%](#) in just one year. Much work remains to be done to ensure LGBT people get the care they need, removing nondiscrimination protections will reverse the progress we have made in addressing the health needs of LGBT people.
- “[One in four \(25%\)](#) respondents experienced a problem in the past year with their insurance related to being transgender, such as being denied coverage for care related to gender transition or being denied coverage for routine care because they were transgender.”
- [The healthcare community supports patient nondiscrimination protections covering sexual orientation and gender identity](#) (American Academy of Physician Assistants, American Medical Association, American Medical Student Association, American College of Obstetricians and Gynecologists, American Association of Family Physicians, American College of Healthcare Executives and American Academy of Pediatrics)
- “[one-third \(33%\)](#) of those who saw a health care provider had at least one negative experience related to being transgender, such as being verbally harassed or refused treatment because of their gender identity. Additionally, nearly one-quarter (23%) of respondents reported that they did not seek the health care they needed in the year prior to completing the survey due to fear of being mistreated as a transgender person, and 33% did not go to a health care provider when needed because they could not afford it.”
- [8% of gay respondents](#) to a CAP survey reported that an insurance carrier had discriminated against them on the basis of their sexual orientation when they were trying to access coverage.
- One provider who compassionately treats LGBT individuals reported that some of [his patients travel more than 500 miles to receive routine care from him](#).
- “[39%](#) of [National Transgender Survey] respondents experienced serious psychological distress in the month prior to completing the survey, compared with only 5% of the U.S. population. Among the starkest findings is that 40% of respondents have attempted suicide in their lifetime—nearly nine times the attempted suicide rate in the U.S. population (4.6%).”
- **STORY:** “One of the most troubling instances of discrimination in a medical setting occurred in Washington, D.C., in 1995. Tyra Hunter, a transgender woman, died when an emergency medical technician, or EMT, refused to provide her with life-saving care at the site of a car accident after he found out that she was transgender. Hunter was denied care by the EMT and his colleagues for several minutes as the EMT screamed “This [expletive] ain’t no girl ... it’s a [racial slur], he’s got a [expletive]!” According to a posthumous medical report, Hunter had an 86 percent chance of survival had she received proper medical care from the EMTs and the hospital.”
- “A 2010 study by Lambda Legal—a nonprofit organization that focuses on the LGBT community—found that [70 percent of transgender respondents and nearly 56 percent of lesbian, gay, and bisexual respondents reported experiencing at least one instance of discrimination or patient profiling when attempting to access health services.](#)”

- According to Campus Pride, [approximately 57 colleges and universities out of more than 4,000 degree-granting schools across the country cover hormones and gender confirmation surgeries for students](#), with an additional 20 schools covering hormones only
- In the first quarter of 2016, the uninsured rate among all U.S. adults was [11.0%](#)
- LGBT people face [significant health disparities](#) relative to their peers, including higher rates of HIV/AIDS, depression, and increased risk for some cancers.
- Exclusions also often [obstructed access to](#) mental health care and sex-selective preventive care such as mammogram or prostate exams.
- among low- and middle-income LGBT adults, the uninsurance rate [fell by 24 percent](#) from 2013 to 2014 alone
- [In a study by the Urban Institute, researchers estimated the percentage of uninsured lesbian, gay and bisexual adults fell from 28 percent to 11 percent between June 2013 and March 2015.](#)
- At a time when [HIV infection rates are rising among LGBT men of color](#), this EO allows health care providers to refuse life-saving HIV screenings
- [STORY \[VIDEO\]](#): “Krista and Jami Contreras of Detroit talk about what happened to their then-6-day-old daughter, Bay, when they took her to meet her pediatrician for the first time.”

## Employment

- \*LGBT workers make up about [4%](#) of our workforce, or [7%](#) if we only look at Millennials.
- [52%](#) of the United States population still lives in a state with no employment non-discrimination laws covering sexual orientation and gender identity.
- \*Approximately 2 million American workers leave their jobs due to discrimination annually, costing businesses an estimated [\\$64 billion](#)
- \*[43% of LGB workers and as many as 90% of transgender workers](#) have experienced discrimination or harassment at work
- “[One in six \(16%\)](#) respondents [to the 2015 USTS]...reported losing a job because of their gender identity or expression in their lifetime.”
- [Between 10 and 28 percent](#) of LGB workers report being denied a promotion because of their sexual orientation
- [When businesses are LGBT-inclusive in their policies, they benefit](#) with “lower health insurance costs, increased creativity among employees, higher job satisfaction, lower rates of job turnover, and better workplace relationships between co-workers or with a supervisor.”
- [82% of the Fortune 500](#) have gender identity protections enumerated in their nondiscrimination policies and 92% percent of the Fortune 500 include “sexual orientation” in their nondiscrimination policies according to HRC’s 2017 Corporate Equality Index
- [30% of respondents](#) [to the National Transgender Survey] who had a job reported being fired, denied a promotion, or experiencing some other form of mistreatment in the workplace due to their gender identity or expression, such as being verbally harassed or physically or sexually assaulted at work
- [Number of OFCCP Complaints](#) (note: bases not mutually exclusive)
  - Sexual Orientation
    - 2015: 3 (0.4%)
    - 2016: 5 (0.7%)
  - Gender Identity

## Executive Order on Religious Liberty - Data for Response

- 2015: 3 (0.4%)
- 2016: 11 (1.6%)
- Gay and bisexual men [make 10 to 32% less](#) than their straight counterparts
- [“Between 7 percent and 41 percent of LGB workers](#) report having their office or workplace vandalized or being verbally or physically harassed in the workplace because of their sexual orientation”
- [15% of LGBT people in one survey reported staying home from work because of a hostile environment](#), 22% reported searching for a different job, and 30% reported feeling depressed or unhappy at work
- A Williams Institute report found that [LGBT-inclusive workplace policies and climates result in myriad positive outcomes for workers and businesses](#), including lower health insurance costs, increased creativity among employees, higher job satisfaction, lower rates of job turnover, and better workplace relationships between co-workers or with a supervisor.
- [STORY](#): “Ashland Johnson, a lesbian woman of color, received a termination letter while lying in the intensive care unit at a local hospital, recovering from blood clots in her lungs. Ashland’s boss had discovered that she was a lesbian and subsequently excluded her from meetings, ignored her, and locked her out of her office. She received the termination letter after she had refused to voluntarily resign after several months of working in a hostile workplace. Ashland had no legal recourse because neither the federal government nor the courts protect her on the basis of her sexual orientation.”
- [STORY](#) [VIDEO]: “In April 2015, John was fired from his job as the executive director of a senior living facility in Virginia simply for marrying Jerry, the love of his life.”
- [STORY](#) [VIDEO]: (Mia Macy of *Macy v. Holder*) “Mia Macy always felt as though she was different than everybody else—she never really felt comfortable in her own skin. When she transitioned, she never thought that she could lose her job because of it. Check out Mia’s full story below about how she overcame workplace discrimination and came out a winner.”
- [STORY](#) [VIDEO]: Sam Hall: “I actually went to a mining inspector, a federal mining inspector and asked them what’s my rights, why can’t I be protected. They actually looked at me, right to my face and told me, you don’t have no rights. And as a federal inspector and state inspectors, you have no protection. And they just didn’t care.”
- [STORY](#) [VIDEO]: “The prevailing logic has remained that if I am out as a bisexual woman, I must be asking for something: discrimination, harassment, or even sexual assault.”
- [STORY](#) [VIDEO]: Officer Michael Carney: “I’m a good cop, but I have lost two-and-a-half years of employment fighting to get that job back because I’m gay. And I never would have been able to do that had I not lived in Massachusetts or in one of the handful of other states that protect [LGBT] employees from discrimination.”
- [STORY](#) [VIDEO]: Brooke Waits: “In Brooke’s testimony before the U.S. House of Representatives, she explains how a picture on a cell phone cost her a job that she loved. Brooke was initially known as an employee who received praise for excellent work and for coming to work early, but then she quickly became the employee who was told she was not reliable or dependable.”
- [STORY](#) [VIDEO]: Kimya Afi Ayodele: “Kimya was interviewing for a unit-manager position at an Alzheimer’s and dementia unit for a long-term care company when her interviewer started asking questions about her relationship status, questioning whether her husband would affect her

job performance. Kimya revealed her sexuality in the interview, explaining that she did not have a husband and that she was a lesbian. She received an offer for employment and things went well until she began openly dating someone—at that point, everything changed.”

- [STORY \[VIDEO\]](#): Kylar Broadus: “Kylar was well-established at a financial institution while transitioning from female to male. He began to face harassment from his supervisor and co-workers, including offensive remarks, ostracism, unreasonable demands, and restrictions on his gender identity. He was then forced out of the company and spent time being unemployed before finding another position.”

### Foreign Aid

- USAID provides more than [\\$20 billion in foreign aid annually](#) to programs in more than 100 countries
- 20 [countries](#) now have marriage equality and in two countries same-sex marriage is legal in certain jurisdictions.
- In [10 countries](#), same-sex activity is punishable by death, and [73 countries criminalize same-sex relationships](#).
- [Hundreds](#) of transgender individuals have been brutally murdered in the last year.
- In a growing number of countries, governments have sought to silence equality advocates and organizations with so-called “[anti-propaganda](#)” laws and legislation.

### Services for Domestic Violence Survivors

- VAWA prohibits service providers (including shelters and hotlines) who receive VAWA funds from discriminating on the basis of sexual orientation or gender identity. Covered service providers include domestic violence shelters, education and technical assistance programs, and legal assistance for victims of grant program
- In 2011 (before these protections were added during VAWA reauthorization) nearly [62 percent](#) of LGBT and HIV-positive victims who sought DV shelters reported being denied access. (source: [AVP](#))
- In 2015, 22% of transgender people reported being harassed, attacked, or discriminated against in a domestic violence shelter or RCC in the past year (of those who said staff or employees thought they/knew they were transgender) (source: [USTS](#))

### Adoption & Foster Care

- There are nearly [430,000](#) children in foster care and over [110,000](#) of those are eligible for adoption.
- In 2015 over [20,000](#) youth aged out of care without finding a permanent and loving home.
- An estimated [two million LGBT people](#) are interested in adopting.
- Gay and lesbian parents are raising [four percent](#) of all adopted children in the United States. (2007)
- Gay and lesbian parents are raising [six percent](#) of foster children in non-kin care in the United States. (2007)
- A 2007 study found that a national ban on LGB foster care could cost from [\\$87 to \\$130 million](#).
- A 2007 study found that costs to individual states of a ban on LGB foster care could range from [\\$100,000 to \\$27 million](#).

## Executive Order on Religious Liberty - Data for Response

- [Numerous studies](#) have shown that children of gay or lesbian parents fare no worse than and are [just as healthy emotionally and physically](#) as the children of different-sex parents.
- An estimated [6 million American children have an LGBT parent](#), though some estimates place the number as high as [14 million](#).
- Same-sex couples raising children are [four times more likely](#) than their different-sex counterparts to be raising an adopted child. More than [16,000 same-sex couples are raising an estimated 22,000 adopted children](#) in the United States.
- Same-sex couples are [six times more likely](#) than their different-sex counterparts to be raising foster children. Approximately [2,600 same-sex couples are raising an estimated 3,400 foster children](#) in the US.
- [Only 7 states](#) support fostering by LGBT parents by explicitly prohibiting discrimination based on sexual orientation and gender identity
- [Three states](#) explicitly permit state-licensed child welfare agencies to refuse to place and provide services to children and families, including LGBT people and same-sex couples, if doing so conflicts with their religious beliefs. Similar bills have been introduced [five additional states](#) in the past two years.
- **QUOTE/STORY:** “Many children in the foster system [have disabilities](#), yet there are rarely resources to help those children or prospective parents deal with those disabilities. This struck Tom [a gay adoptive parent] recently when he was at a beach event for gay parents of adopted children. The beach was lined with gay couples and their foster children, and he observed how many children at the event had disabilities or problems that otherwise might have made them difficult to adopt. ‘Look at this, the gay couples come along and pick up the trash that the straight people don’t want anymore. We end up taking care of them,’ Tom told me. ‘It sounds horrible to say, but there are so many kids in need.’”
- Child welfare agencies in Michigan that discriminate against LGBT prospective parents still receive [\\$10,000](#) of state money for each child they place for adoption
- **QUOTE:** “I have seen gay couples inquire about 30 children and not get one answer back of interest in their home. That just would not happen and it does not happen with the heterosexual couples we work with.” -Jennifer DeVivo, Co-Founder of Fostering Futures
- **QUOTE:** “The issue is simple –whether or not state dollars should be used or taxpayers’ funds should be used to fund discrimination in adoption and foster care,” -Virginia Senator Adam Ebbin (D-Alexandria)
- Virginia, a state where child welfare agencies can legally discriminate against LGBT prospective parents, [leads the nation in percentage of children who age out of foster care](#) without finding a permanent and loving home.
- **QUOTE:** “I can’t understand why we would have to go through a higher level of scrutiny than a criminal,” she said. “I am not a criminal. My wife is not a criminal.” – Lisa Blakey, plaintiff in case overturning Nebraska ban on gay and lesbian foster parents

### TITLE IX GUIDANCE

- According to 2016 estimates there are [over 76 million students](#) in the United States
- Studies have indicated that students identify as transgender at a higher rate ([about 1.5%](#)) than adults ([.6%](#)) – meaning that anywhere from 450,000 to 1 million students identify as transgender

## Executive Order on Religious Liberty - Data for Response

- Over [50% of transgender students](#) have been prevented from using their preferred name or pronoun at school
- [60% of transgender students](#) have been required to use a bathroom or locker room of their legal sex
- [Over 70% of LGBTQ students](#) report that their schools engaged in some form of gendered practice in school activities
- [Nearly 30% of transgender students](#) have been prevented from wearing clothes at school because they were considered inappropriate based on their legal sex
- [Nearly 80% of K-12 students](#) who are or are perceived to be transgender have had negative experiences such as being verbally harassed, physically attacked, or expelled.
  - [Almost a quarter of transgender students](#) have been physically attacked.
  - [Over half of K-12 students](#) who are or are perceived to be transgender have been verbally harassed.
  - Transgender students who have had negative experiences in school are 15 percentage points [more likely to have attempted suicide](#) and 18 percentage points more likely to have experienced homelessness than transgender peers without negative experiences.
- [Over a third of LGBTQ](#) students have avoided gender-segregated spaces, such as bathrooms or locker rooms, in school because they felt unsafe or uncomfortable.
- [Two-fifths](#) of LGBTQ students heard negative remarks specifically about transgender people, like “tranny” or “he/she,” often or frequently.



**From:** [Battles, Benjamin](#)  
**To:** [kshuga](#) [REDACTED]  
**Subject:** Fw: AG GROUP STATEMENT on Religious Liberties EO (Trump Expected to Sign Tomorrow)  
**Date:** Thursday, May 4, 2017 10:15:00 AM  
**Attachments:** [ReligiousLibertyEO Facts and Figures \(2\)\[5\].docx](#)

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Dear Kamala,

Vermont will join the statement, assuming the EO is issued as expected. Our sign-on information is:

Thomas J. Donovan, Jr.  
Attorney General  
Office of the Attorney General  
109 State Street  
Montpelier, Vermont 05609-1001  
Tel: 802-828-3173

Thanks,  
Ben

Benjamin D. Battles  
Solicitor General  
Vermont Attorney General's Office  
802.828.5944  
[benjamin.battles@vermont.gov](mailto:benjamin.battles@vermont.gov)

Begin forwarded message:

**From:** Jennifer Song <[jennifer@progressivestateleaders.org](mailto:jennifer@progressivestateleaders.org)>  
**Date:** May 3, 2017 at 9:07:45 PM EDT  
**To:** Sean Rankin <[sean@democraticags.org](mailto:sean@democraticags.org)>, Jennifer Song <[Jennifer@democraticags.org](mailto:Jennifer@democraticags.org)>  
**Cc:** Kamala Shugar <[kshugar](#) [REDACTED]>  
**Subject: AG GROUP STATEMENT on Religious Liberties EO (Trump Expected to Sign Tomorrow)**

Hi All,

Please see below for a GROUP AG STATEMENT that AG Rosenblum has drafted in preparation for the expected Religious Liberties EO to be signed tomorrow. The final language may be tweaked and edited once the official EO is reviewed, but the language

will remain largely the same:

*"Three months after the President's failed Executive Order banning all people from certain Muslim countries from entering the United States, the President has once again signed a discriminatory Executive Order. This one will also do real damage to our communities if we allow it to stand.*

*Under the guise of "religious freedom" and "religious liberty" this Executive Order gives people and organizations free rein to discriminate against same-sex marriage, contraception, gender identity and more. We are very concerned that this Executive Order, like the previous failed ones, promotes government-approved discrimination against women, LGBTQ people and vulnerable populations.*

*As Attorneys Generals from many states we are sworn to uphold our laws and protect our state and federal constitutions. We are committed to working together to make sure this Executive Order is also struck down by the courts. It is un-American and dangerous. We refuse to stand by and give the President a broad license to discriminate."*

**We are hoping to have all our AGs sign-on to this statement ASAP** so that the statement can be released shortly after the EO is signed.

Please contact Kamala Shugar, Special Counsel for AG Rosenblum, to sign-on to the statement and/or with any questions, comments, or edits. **Kamala can be reached at [kshugar@ny.gov](mailto:kshugar@ny.gov); [516-475-2000](tel:516-475-2000).**

Lastly, I am attaching a Word document titled "Religious Liberty EO Facts and Figures" that has general background, stats, articles, quotes, and other useful information that may help in creating talking points or responding to questions about the EO once signed. This document was created by DAGA friendly LGBT advocates and partners. Please keep this document to internal staff only and please do not share widely.

Thanks and feel free to contact me with any questions,  
Jennifer

**Jennifer Song**

Director of Policy

M: (310) 499-3179 | E: [Jennifer@ProgressiveStateLeaders.org](mailto:Jennifer@ProgressiveStateLeaders.org)

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**From:** Jennifer Song <[jennifer@progressivestateleaders.org](mailto:jennifer@progressivestateleaders.org)>  
**Date:** Wednesday, May 3, 2017 at 12:46 PM  
**To:** Jennifer Song <[Jennifer@democraticags.org](mailto:Jennifer@democraticags.org)>, Sean Rankin <[sean@democraticags.org](mailto:sean@democraticags.org)>  
**Cc:** Jason Bargnes <[jason@democraticags.org](mailto:jason@democraticags.org)>  
**Subject:** AG Actions on Religious Liberties EO (Trump Expected to Sign Tomorrow)

Hi All,

I'd like to flag the following items for everyone in preparation for the Religious Liberties EO that is expected to be signed tomorrow by Trump:

- 1) **MA AG's office has been preparing to take action upon the signing of the EO, including possibly litigation. They will be hosting a working group/call. All states and staff who are interested should contact Joanna Lydgate ([jjlydgate](mailto:jjlydgate@democraticags.org)) to join existing efforts underway.**
- 2) GLAD and LGBT advocacy groups are asking our **AGs to issue statements on this potential EO TODAY**, if possible, **before it is signed**. They suggest the following talking points:
  - *Process: We can't afford another half-baked, ill-conceived EO that does real damage to Americans in every community across the country.*
  - *Discriminatory intent: We are highly concerned that this EO, like previous failed EOs from the Trump administration, serves only to promote government-approved discrimination against women, LGBT people, and vulnerable populations.*
  - *Guise of religious freedom: Under the guise of religious freedom, the Trump administration would grant a license to discriminate that flies in the face of American values of equality and fairness.*
  - *State rights: An EO that grants a license to discriminate is unnecessary and dangerous, and AGs across the country won't stand for it. If this EO is signed, we'll see the Trump Administration in court, again.*
  - If you do issue a statement today, please let me know. DAGA will be further amplifying all statements through our communications team.

Thanks everyone and please let me know if you have any questions,  
Jennifer

**Jennifer Song**

Director of Policy  
M: (310) 499-3179 | E: [Jennifer@ProgressiveStateLeaders.org](mailto:Jennifer@ProgressiveStateLeaders.org)

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*Background:*

Politico - <http://www.politico.com/story/2017/05/02/donald-trump-religious-liberty-executive-order-237888>

Leaked Copy of the 1<sup>st</sup> Draft Religious Freedom EO - <https://www.thenation.com/article/leaked-draft-of-trumps-religious-freedom-order-reveals-sweeping-plans-to-legalize-discrimination/>

First draft of Religious Freedom EO:

- Would allow individuals and organizations the right to disengage from activities that "violate their conscience"
- Would allow employers to refuse contraceptive coverage if it violates their religious beliefs
- Would protect the tax-exempt status of religious organizations or private company that "believes, speaks, or acts (or declines to act) in accordance with the belief that marriage is or should be recognized as the union of one man and one woman," and that an "individual's immutable biological sex as objectively determined by anatomy" and "that human life begins at conception and merits protection at all stages of life."
- Would allow federally funded adoption agencies the right to discriminate against same-sex couples.
- Might allow federal employees the right "to refuse on religious grounds to process applications" of same-sex couples based on the proposal's broad language.
- Would establish a new bureau in the Justice Department that would protect "religious freedom."

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## General Facts and Figures

- [USASpending's Searchable Database](#) indicates that approximately \$615 billion in federal contracts, grants, loans, and other financial assistance was allocated in FY16 to the [30 states](#) without comprehensive LGBT nondiscrimination protections on the books, within which LGBT people are especially vulnerable to discrimination. This accounted for approximately one fifth of total awards ([\\$3,047.3 billion](#)).
- [4.1% \(or 10 million\) of Americans identify as LGBT](#)
- Most recent [2016 Labor Force Participation Rate is 62.7%](#)
- [Majorities](#) of both political parties and independents, as well as majorities of all major religious groups, favor LGBT nondiscrimination laws
- [67% of Millennials](#) overwhelmingly reject discriminatory religious exemptions for business owners, and 80% of Millennials favor nondiscrimination protections for LGBT Americans.
- According to the Williams Institute at University of California, Los Angeles, [one in five gay and bisexual men and one in four lesbian and bisexual women are poor](#) in the United States

## Business community support

- A [July 2015 poll](#) by the Small Business Majority, the American Unity Fund, and the Center for American Progress found that [two-thirds—66 percent](#)—of small-businesses owners said that “business owners shouldn’t be able to deny goods or services to someone who is lesbian, gay, bisexual or transgender based on the owner’s religious beliefs.”
- [Indiana stood to lose \\$250 million and Georgia stood to lose as much as \\$2 billion as a result of overly broad RFRA](#)s
- [“One poll found that nearly 9 out of 10 LGBT adults](#) consider workplace inclusion in their purchasing decisions, and nearly one-quarter of LGBT adults stated that they have ‘switched products or services because a different company was supportive of the LGBT community, even if a brand was costlier or less convenient.’”
- Total purchasing power of the U.S. LGBT community is nearly [\\$1 trillion](#)
- Allowing discrimination exacerbates the economic plights of the already vulnerable LGBT community – [same-sex headed families make \\$15,500 less per year than opposite-sex headed families and 60% of transgender individuals report yearly incomes below \\$25,000](#)

## Quotes

- QUOTE: “The rule respondents favor would open the prospect of constitutionally required religious exemptions from civic obligations of almost every conceivable kind – ranging from compulsory military service to the payment of taxes to health and safety regulation such as manslaughter and child neglect laws, compulsory vaccination laws, drug laws, and traffic laws; to social welfare legislation such as minimum wage laws, child labor laws, animal cruelty laws, environmental protection laws, and laws providing for equality of opportunity for the races. The First Amendment's protection of religious liberty does not require this” -[Justice Scalia in \*Employment Division v. Smith\*](#), 494 U.S. 872 (1990)
- \*QUOTE: [The Episcopal Public Policy Network of the Episcopal Church Office of Government Relations](#): “Equality under the law is a constitutional right for every citizen of the United States. Presiding Bishop Elect Michael Curry said, ‘I believe, as the scripture says, that all people are created in the image and likeness of God, and that all are therefore to be accorded the rights and

dignity that befit a child of God' ... So that LGBT persons may live healthy and full lives, these rights should include access to marriage, housing, and public accommodations such as usage of public restaurants, restrooms, and other spaces.”

### **Nondiscrimination protections**

- The vast majority of Fortune 500 companies have nondiscrimination protections for LGBT employees: 460 have protections based on sexual orientation and 410 have protections based on gender identity. <http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/CEI-2017-FinalReport.pdf>
- [20 states and D.C. have employment nondiscrimination laws covering both sexual orientation and gender identity](#) (Note: This number includes New York which promulgated regulations in 2016 that define "sex" in New York's human rights law to include gender identity.) [2 states have employment nondiscrimination laws covering sexual orientation only](#)
- 3 states without explicit SOGI nondiscrimination laws have an EO providing employment nondiscrimination protections based on sexual orientation only and 6 states have an EO providing protections based on sexual orientation and gender identity. In addition, 1 state (AK) has an administrative order protecting against sexual orientation discrimination in state employment, and another state (IN) issued a government policy statement protecting against employment discrimination based on sexual orientation or gender identity. (I believe all of this applies only to state gov'n't employees) *This is based on an internal spreadsheet Laura has on EOs*
- Over 200 localities protect LGBT people from private employment discrimination. <http://www.hrc.org/resources/cities-and-counties-with-non-discrimination-ordinances-that-include-gender>

### **Housing and Homelessness**

- [Nearly one-third \(30%\) of respondents to the 2015 U.S. Transgender Survey have experienced homelessness at some point in their lifetime, and 12% reported experiencing homelessness in the year prior to completing the survey because they were transgender](#)
- [A study by the Center for American Progress and The Equal Rights Center found that only 30 percent of homeless shelters tested were willing to house transgender women in spaces in accordance with their gender identity. The study also found that states with protections were twice as likely to house transgender women in appropriate spaces](#)
- [“Nearly one-quarter \(23%\) of \[2015 USTS\] respondents experienced some form of housing discrimination in the past year, such as being evicted from their home or denied a home or apartment because of being transgender.”](#)
- [“More than one-quarter \(26%\) of those who experienced homelessness in the past year avoided staying in a shelter because they feared being mistreated as a transgender person. Those who did stay in a shelter reported high levels of mistreatment: seven out of ten \(70%\) respondents who stayed in a shelter in the past year reported some form of mistreatment, including being harassed, sexually or physically assaulted, or kicked out because of being transgender.”](#)
- Up to [40% of homeless youth are LGBT](#)
- [“Approximately one in five LGBT youth were unable to access short-term shelter, and 16 percent could not get assistance with longerterm housing—rates that are approximately double those of the non-LGBT homeless youth who were surveyed.”](#)

- “ the Federal Bureau of Investigation, or FBI, found that nearly one-third of hate crimes motivated by sexual orientation occur either in or near a residence. The National Coalition for Anti-Violence Program’s 2013 hate violence report found [nearly half of the incidents](#) of hate violence against LGBT and HIV-affected people occurred in private residences. Thus, an individual’s ability to access their choice of safe housing is critical for the well-being of LGBT people.”
- HUD prospective renters email study: [Different-sex couples were favored over male same-sex couples in 15.9 percent of tests and over female same-sex couples in 15.6 percent of tests](#)
- Michigan Fair Housing Commission Study: Despite having better credentials, [the study found that the different-sex couples were treated more favorably than the same-sex couples in 27 percent of all tests conducted.](#)
- A 2014 survey of [LGBT older people ages 45 to 75 found that 13 percent were discriminated against on the basis of sexual orientation when searching for housing and 25 percent were discriminated against due to their gender identity](#)
- In 2013, the Equal Rights Center conducted matched-pair testing of older couples seeking senior housing and found discrimination against same-sex couples in 48 percent of tests
- A National Center for Transgender Equality and the National LGBTQ Task Force study on discrimination against transgender people found [only 32 percent of respondents reported being homeowners, compared with 65 percent of the general population](#)
- [Faith-based shelters receive](#) “a substantial chunk of federal allocations to combat youth homelessness—\$2.2 billion in competitive social service grants went to faith-based organizations in Fiscal Year 2005.”
  - “Shelters run by religious organizations are more likely to be staffed by unpaid volunteers drawn from the church’s congregation than trained social workers. The volunteer to professional ratio at secular shelters is 3 to 1; at faith-based shelters, it’s as high as 15 to 1. These volunteers often consider complying with and promoting church teachings more important than serving gay and transgender youth’s specific needs in an unbiased, professional manner without proselytizing.”
- [STORY](#): Trans woman in faith-based shelter (from 2005): "Instead of finding a refuge, she found herself in an institution that scorned homosexuality. Trouble began immediately. After her intake session, she was placed with the male clients, despite her requests to room with the women. At her psychological evaluation, the psychiatrist who examined her suggested she stop dressing as a woman. [“Covenant House feels like straight up prison.”](#) Walton told The Villager in a telephone interview."

### Unaccompanied Minors

- [“While 5 percent to 7 percent of the general youth population identifies as LGBT, LGBT youth account for approximately 19 percent of children in foster care and an estimated 12 percent to 15 percent of youth in the juvenile justice system.](#)
- [STORY](#): “Since 2008, the U.S. government has placed more than 3,000 unaccompanied children in the Christian-affiliated His House Children’s Home in Miami Gardens, Florida. One gay foster care alumnus told the *Miami Herald* what happened when he came out at His House at age 16: The director cried and screamed, “How could you do this to me?” Officials at His House expelled the boy from the Christian school, prevented him from attending programs, and subjected him to

attempts at conversion. The agency overseeing His House conducted an investigation in response to the story, but it found this treatment did not violate any Florida laws”

- In fiscal year 2016, [27,754](#) unaccompanied children were apprehended
- [Conversion therapy](#): “LGBT youth may suffer psychological abuse through inappropriate treatment and/or services, such as so-called “conversion” therapy. Also known as “reparative” therapy or “sexual-orientation change efforts,” [conversion therapy is a dangerous practice](#) that attempts to change someone’s sexual orientation or gender identity—literally to convert an individual from gays to straight. Conversion therapy has been [discredited and highly criticized](#) by virtually all major American medical, psychiatric, psychological, and professional counseling organizations. In addition to being ineffective, conversion therapy has been found to actually cause harm. People who have undergone conversion therapy have reported [increased anxiety, depression, and in some cases, thoughts of suicide](#). It is important to note that even if not officially called reparative or conversion therapy, there may be other counseling efforts aimed at changing a young person’s sexual orientation or gender identity. Whether these efforts come from a licensed therapist, a school counselor, a priest or minister, or some other advocate, they are still just as harmful and should be prohibited.”
- “HHS’s, Office of Refugee Resettlement, or ORR, temporarily houses unaccompanied children in a network of facilities run by contractors and grantees before releasing them to their parents or sponsors. Between March 2011 and March 2013, the *Houston Chronicle* found 101 “significant incident reports” of sexual abuse allegations against staff members in facilities contracted by the ORR.”
- Under ORR’s [Standards to Prevent, Detect, and Respond to Sexual Abuse and Sexual Harassment Involving Unaccompanied Children](#), if unaccompanied children who are in the care of a federal contractor or grantee suffer sexual assault, they are entitled to a range of services, including emergency contraception, abortion care, and culturally competent care for youth who identify as lesbian, gay, bisexual, and transgender, or LGBT.
- “[T]he [\[religious\] exemption \[to ORR’s Standards to Prevent, Detect, and Respond to Sexual Abuse and Sexual Harassment Involving Unaccompanied Children\]](#) could also allow [religiously affiliated contractors to refuse the appropriate housing, intake and release procedures, physical and mental health care, and general dignity necessary to ensure a safe and stable environment for LGBT youth](#)”
- [“33 percent of unaccompanied children—including nearly 1 in every 4 girls in ORR custody—were in the care of religiously affiliated organizations and spent an average of 49 days in their care. The average age of girls in religiously affiliated facilities was just 13-years-old... Permitted religiously affiliated providers to ignore core elements of an effective response to sexual abuse, such as unimpeded access to emergency health services, places a large number of incredibly vulnerable children at risk of unplanned pregnancies and associated complications, not to mention emotional trauma and further abuse.”](#)
- [“\[M\]ore than one-third](#) of the facilities ORR contracts with are religiously affiliated.”
- A recent survey of DREAMers, or immigrants who came to the United States as children and are under age 30, found that [10 percent](#) identify as lesbian, gay, or bisexual.”

## Healthcare/Hospitals



## Executive Order on Religious Liberty - Data for Response

- LGBT people face [health disparities](#) relative to their peers, including higher rates of HIV/AIDS, depression, and increased risk of some cancers.
- A major factor in these disparities is the discrimination LGBT people face when trying to access health care, with [over half](#) of LGBT people reporting in a 2010 study that they experienced serious discrimination from health care providers.
- Prior to the ACA, over [half](#) of private insurance plans included transgender-specific health exclusions denying transition-related care.
- The ACA has been immensely important in expanding care for LGBT people. Uninsurance among low and middle-income LGBT adults fell [24%](#) in just one year. Much work remains to be done to ensure LGBT people get the care they need, removing nondiscrimination protections will reverse the progress we have made in addressing the health needs of LGBT people.
- “[One in four \(25%\)](#) respondents experienced a problem in the past year with their insurance related to being transgender, such as being denied coverage for care related to gender transition or being denied coverage for routine care because they were transgender.”
- [The healthcare community supports patient nondiscrimination protections covering sexual orientation and gender identity](#) (American Academy of Physician Assistants, American Medical Association, American Medical Student Association, American College of Obstetricians and Gynecologists, American Association of Family Physicians, American College of Healthcare Executives and American Academy of Pediatrics)
- “[one-third \(33%\)](#) of those who saw a health care provider had at least one negative experience related to being transgender, such as being verbally harassed or refused treatment because of their gender identity. Additionally, nearly one-quarter (23%) of respondents reported that they did not seek the health care they needed in the year prior to completing the survey due to fear of being mistreated as a transgender person, and 33% did not go to a health care provider when needed because they could not afford it.”
- [8% of gay respondents](#) to a CAP survey reported that an insurance carrier had discriminated against them on the basis of their sexual orientation when they were trying to access coverage.
- One provider who compassionately treats LGBT individuals reported that some of [his patients travel more than 500 miles to receive routine care from him](#).
- “[39%](#) of [National Transgender Survey] respondents experienced serious psychological distress in the month prior to completing the survey, compared with only 5% of the U.S. population. Among the starkest findings is that 40% of respondents have attempted suicide in their lifetime—nearly nine times the attempted suicide rate in the U.S. population (4.6%).”
- **STORY:** “One of the most troubling instances of discrimination in a medical setting occurred in Washington, D.C., in 1995. Tyra Hunter, a transgender woman, died when an emergency medical technician, or EMT, refused to provide her with life-saving care at the site of a car accident after he found out that she was transgender. Hunter was denied care by the EMT and his colleagues for several minutes as the EMT screamed “This [expletive] ain’t no girl ... it’s a [racial slur], he’s got a [expletive]!” According to a posthumous medical report, Hunter had an 86 percent chance of survival had she received proper medical care from the EMTs and the hospital.”
- “A 2010 study by Lambda Legal—a nonprofit organization that focuses on the LGBT community—found that [70 percent of transgender respondents and nearly 56 percent of lesbian, gay, and bisexual respondents reported experiencing at least one instance of discrimination or patient profiling when attempting to access health services.](#)”

- According to Campus Pride, [approximately 57 colleges and universities out of more than 4,000 degree-granting schools across the country cover hormones and gender confirmation surgeries for students](#), with an additional 20 schools covering hormones only
- In the first quarter of 2016, the uninsured rate among all U.S. adults was [11.0%](#)
- LGBT people face [significant health disparities](#) relative to their peers, including higher rates of HIV/AIDS, depression, and increased risk for some cancers.
- Exclusions also often [obstructed access to](#) mental health care and sex-selective preventive care such as mammogram or prostate exams.
- among low- and middle-income LGBT adults, the uninsurance rate [fell by 24 percent](#) from 2013 to 2014 alone
- [In a study by the Urban Institute, researchers estimated the percentage of uninsured lesbian, gay and bisexual adults fell from 28 percent to 11 percent between June 2013 and March 2015.](#)
- At a time when [HIV infection rates are rising among LGBT men of color](#), this EO allows health care providers to refuse life-saving HIV screenings
- [STORY](#) [VIDEO]: “Krista and Jami Contreras of Detroit talk about what happened to their then-6-day-old daughter, Bay, when they took her to meet her pediatrician for the first time.”

## Employment

- \*LGBT workers make up about [4%](#) of our workforce, or [7%](#) if we only look at Millennials.
- [52%](#) of the United States population still lives in a state with no employment non-discrimination laws covering sexual orientation and gender identity.
- \*Approximately 2 million American workers leave their jobs due to discrimination annually, costing businesses an estimated [\\$64 billion](#)
- \*[43% of LGB workers and as many as 90% of transgender workers](#) have experienced discrimination or harassment at work
- “[One in six \(16%\)](#) respondents [to the 2015 USTS]...reported losing a job because of their gender identity or expression in their lifetime.”
- [Between 10 and 28 percent](#) of LGB workers report being denied a promotion because of their sexual orientation
- [When businesses are LGBT-inclusive in their policies, they benefit](#) with “lower health insurance costs, increased creativity among employees, higher job satisfaction, lower rates of job turnover, and better workplace relationships between co-workers or with a supervisor.”
- [82% of the Fortune 500](#) have gender identity protections enumerated in their nondiscrimination policies and 92% percent of the Fortune 500 include “sexual orientation” in their nondiscrimination policies according to HRC’s 2017 Corporate Equality Index
- [30% of respondents](#) [to the National Transgender Survey] who had a job reported being fired, denied a promotion, or experiencing some other form of mistreatment in the workplace due to their gender identity or expression, such as being verbally harassed or physically or sexually assaulted at work
- [Number of OFCCP Complaints](#) (note: bases not mutually exclusive)
  - Sexual Orientation
    - 2015: 3 (0.4%)
    - 2016: 5 (0.7%)
  - Gender Identity

## Executive Order on Religious Liberty - Data for Response

- 2015: 3 (0.4%)
- 2016: 11 (1.6%)
- Gay and bisexual men [make 10 to 32% less](#) than their straight counterparts
- [“Between 7 percent and 41 percent of LGB workers](#) report having their office or workplace vandalized or being verbally or physically harassed in the workplace because of their sexual orientation”
- [15% of LGBT people in one survey reported staying home from work because of a hostile environment](#), 22% reported searching for a different job, and 30% reported feeling depressed or unhappy at work
- A Williams Institute report found that [LGBT-inclusive workplace policies and climates result in myriad positive outcomes for workers and businesses](#), including lower health insurance costs, increased creativity among employees, higher job satisfaction, lower rates of job turnover, and better workplace relationships between co-workers or with a supervisor.
- [STORY](#): “Ashland Johnson, a lesbian woman of color, received a termination letter while lying in the intensive care unit at a local hospital, recovering from blood clots in her lungs. Ashland’s boss had discovered that she was a lesbian and subsequently excluded her from meetings, ignored her, and locked her out of her office. She received the termination letter after she had refused to voluntarily resign after several months of working in a hostile workplace. Ashland had no legal recourse because neither the federal government nor the courts protect her on the basis of her sexual orientation.”
- [STORY](#) [VIDEO]: “In April 2015, John was fired from his job as the executive director of a senior living facility in Virginia simply for marrying Jerry, the love of his life.”
- [STORY](#) [VIDEO]: (Mia Macy of *Macy v. Holder*) “Mia Macy always felt as though she was different than everybody else—she never really felt comfortable in her own skin. When she transitioned, she never thought that she could lose her job because of it. Check out Mia’s full story below about how she overcame workplace discrimination and came out a winner.”
- [STORY](#) [VIDEO]: Sam Hall: “I actually went to a mining inspector, a federal mining inspector and asked them what’s my rights, why can’t I be protected. They actually looked at me, right to my face and told me, you don’t have no rights. And as a federal inspector and state inspectors, you have no protection. And they just didn’t care.”
- [STORY](#) [VIDEO]: “The prevailing logic has remained that if I am out as a bisexual woman, I must be asking for something: discrimination, harassment, or even sexual assault.”
- [STORY](#) [VIDEO]: Officer Michael Carney: “I’m a good cop, but I have lost two-and-a-half years of employment fighting to get that job back because I’m gay. And I never would have been able to do that had I not lived in Massachusetts or in one of the handful of other states that protect [LGBT] employees from discrimination.”
- [STORY](#) [VIDEO]: Brooke Waits: “In Brooke’s testimony before the U.S. House of Representatives, she explains how a picture on a cell phone cost her a job that she loved. Brooke was initially known as an employee who received praise for excellent work and for coming to work early, but then she quickly became the employee who was told she was not reliable or dependable.”
- [STORY](#) [VIDEO]: Kimya Afi Ayodele: “Kimya was interviewing for a unit-manager position at an Alzheimer’s and dementia unit for a long-term care company when her interviewer started asking questions about her relationship status, questioning whether her husband would affect her

job performance. Kimya revealed her sexuality in the interview, explaining that she did not have a husband and that she was a lesbian. She received an offer for employment and things went well until she began openly dating someone—at that point, everything changed.”

- [STORY \[VIDEO\]](#): Kylar Broadus: “Kylar was well-established at a financial institution while transitioning from female to male. He began to face harassment from his supervisor and co-workers, including offensive remarks, ostracism, unreasonable demands, and restrictions on his gender identity. He was then forced out of the company and spent time being unemployed before finding another position.”

### Foreign Aid

- USAID provides more than [\\$20 billion in foreign aid annually](#) to programs in more than 100 countries
- 20 [countries](#) now have marriage equality and in two countries same-sex marriage is legal in certain jurisdictions.
- In [10 countries](#), same-sex activity is punishable by death, and [73 countries criminalize same-sex relationships](#).
- [Hundreds](#) of transgender individuals have been brutally murdered in the last year.
- In a growing number of countries, governments have sought to silence equality advocates and organizations with so-called “[anti-propaganda](#)” laws and legislation.

### Services for Domestic Violence Survivors

- VAWA prohibits service providers (including shelters and hotlines) who receive VAWA funds from discriminating on the basis of sexual orientation or gender identity. Covered service providers include domestic violence shelters, education and technical assistance programs, and legal assistance for victims of grant program
- In 2011 (before these protections were added during VAWA reauthorization) nearly [62 percent](#) of LGBT and HIV-positive victims who sought DV shelters reported being denied access. (source: [AVP](#))
- In 2015, 22% of transgender people reported being harassed, attacked, or discriminated against in a domestic violence shelter or RCC in the past year (of those who said staff or employees thought they/knew they were transgender) (source: [USTS](#))

### Adoption & Foster Care

- There are nearly [430,000](#) children in foster care and over [110,000](#) of those are eligible for adoption.
- In 2015 over [20,000](#) youth aged out of care without finding a permanent and loving home.
- An estimated [two million LGBT people](#) are interested in adopting.
- Gay and lesbian parents are raising [four percent](#) of all adopted children in the United States. (2007)
- Gay and lesbian parents are raising [six percent](#) of foster children in non-kin care in the United States. (2007)
- A 2007 study found that a national ban on LGB foster care could cost from [\\$87 to \\$130 million](#).
- A 2007 study found that costs to individual states of a ban on LGB foster care could range from [\\$100,000 to \\$27 million](#).

## Executive Order on Religious Liberty - Data for Response

- [Numerous studies](#) have shown that children of gay or lesbian parents fare no worse than and are [just as healthy emotionally and physically](#) as the children of different-sex parents.
- An estimated [6 million American children have an LGBT parent](#), though some estimates place the number as high as [14 million](#).
- Same-sex couples raising children are [four times more likely](#) than their different-sex counterparts to be raising an adopted child. More than [16,000 same-sex couples are raising an estimated 22,000 adopted children](#) in the United States.
- Same-sex couples are [six times more likely](#) than their different-sex counterparts to be raising foster children. Approximately [2,600 same-sex couples are raising an estimated 3,400 foster children](#) in the US.
- [Only 7 states](#) support fostering by LGBT parents by explicitly prohibiting discrimination based on sexual orientation and gender identity
- [Three states](#) explicitly permit state-licensed child welfare agencies to refuse to place and provide services to children and families, including LGBT people and same-sex couples, if doing so conflicts with their religious beliefs. Similar bills have been introduced [five additional states](#) in the past two years.
- **QUOTE/STORY:** “Many children in the foster system [have disabilities](#), yet there are rarely resources to help those children or prospective parents deal with those disabilities. This struck Tom [a gay adoptive parent] recently when he was at a beach event for gay parents of adopted children. The beach was lined with gay couples and their foster children, and he observed how many children at the event had disabilities or problems that otherwise might have made them difficult to adopt. ‘Look at this, the gay couples come along and pick up the trash that the straight people don’t want anymore. We end up taking care of them,’ Tom told me. ‘It sounds horrible to say, but there are so many kids in need.’”
- Child welfare agencies in Michigan that discriminate against LGBT prospective parents still receive [\\$10,000](#) of state money for each child they place for adoption
- **QUOTE:** “I have seen gay couples inquire about 30 children and not get one answer back of interest in their home. That just would not happen and it does not happen with the heterosexual couples we work with.” -Jennifer DeVivo, Co-Founder of Fostering Futures
- **QUOTE:** “The issue is simple –whether or not state dollars should be used or taxpayers’ funds should be used to fund discrimination in adoption and foster care,” -Virginia Senator Adam Ebbin (D-Alexandria)
- Virginia, a state where child welfare agencies can legally discriminate against LGBT prospective parents, [leads the nation in percentage of children who age out of foster care](#) without finding a permanent and loving home.
- **QUOTE:** “I can’t understand why we would have to go through a higher level of scrutiny than a criminal,” she said. “I am not a criminal. My wife is not a criminal.” – Lisa Blakey, plaintiff in case overturning Nebraska ban on gay and lesbian foster parents

### TITLE IX GUIDANCE

- According to 2016 estimates there are [over 76 million students](#) in the United States
- Studies have indicated that students identify as transgender at a higher rate ([about 1.5%](#)) than adults ([.6%](#)) – meaning that anywhere from 450,000 to 1 million students identify as transgender

## Executive Order on Religious Liberty - Data for Response

- Over [50% of transgender students](#) have been prevented from using their preferred name or pronoun at school
- [60% of transgender students](#) have been required to use a bathroom or locker room of their legal sex
- [Over 70% of LGBTQ students](#) report that their schools engaged in some form of gendered practice in school activities
- [Nearly 30% of transgender students](#) have been prevented from wearing clothes at school because they were considered inappropriate based on their legal sex
- [Nearly 80% of K-12 students](#) who are or are perceived to be transgender have had negative experiences such as being verbally harassed, physically attacked, or expelled.
  - [Almost a quarter of transgender students](#) have been physically attacked.
  - [Over half of K-12 students](#) who are or are perceived to be transgender have been verbally harassed.
  - Transgender students who have had negative experiences in school are 15 percentage points [more likely to have attempted suicide](#) and 18 percentage points more likely to have experienced homelessness than transgender peers without negative experiences.
- [Over a third of LGBTQ](#) students have avoided gender-segregated spaces, such as bathrooms or locker rooms, in school because they felt unsafe or uncomfortable.
- [Two-fifths](#) of LGBTQ students heard negative remarks specifically about transgender people, like “tranny” or “he/she,” often or frequently.

**From:** [Donovan, Thomas](#)  
**To:** [Battles, Benjamin](#); [Diamond, Joshua](#); [Donovan, Thomas](#)  
**Cc:** [Silver, Natalie](#)  
**Subject:** Fwd: AG GROUP STATEMENT on Religious Liberties EO (Trump Expected to Sign Tomorrow)  
**Date:** Thursday, May 4, 2017 9:54:22 AM  
**Attachments:** [ReligiousLibertyEO Facts and Figures \(2\)\[5\].docx](#)

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Ben  
Please review and let Oregon know we will sign  
Contact info listed below

Get [Outlook for iOS](#)

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**From:** [REDACTED] <[REDACTED]>  
**Sent:** Thursday, May 4, 2017 9:52:50 AM  
**To:** Donovan, Thomas  
**Subject:** Fwd: AG GROUP STATEMENT on Religious Liberties EO (Trump Expected to Sign Tomorrow)

Sent from my iPhone

Begin forwarded message:

**From:** Jennifer Song <[jennifer@progressivestateleaders.org](mailto:jennifer@progressivestateleaders.org)>  
**Date:** May 3, 2017 at 9:07:45 PM EDT  
**To:** Sean Rankin <[sean@democraticags.org](mailto:sean@democraticags.org)>, Jennifer Song <[Jennifer@democraticags.org](mailto:Jennifer@democraticags.org)>  
**Cc:** Kamala Shugar <[kshugar@msn.com](mailto:kshugar@msn.com)>  
**Subject:** **AG GROUP STATEMENT on Religious Liberties EO (Trump Expected to Sign Tomorrow)**

Hi All,

Please see below for a GROUP AG STATEMENT that AG Rosenblum has drafted in preparation for the expected Religious Liberties EO to be signed tomorrow. The final language may be tweaked and edited once the official EO is reviewed, but the language will remain largely the same:

*"Three months after the President's failed Executive Order banning all people from certain Muslim countries from entering the United States, the President has once again signed a discriminatory Executive Order. This one will also do real damage to our communities if we allow it to stand."*

*Under the guise of “religious freedom” and “religious liberty” this Executive Order gives people and organizations free rein to discriminate against same-sex marriage, contraception, gender identity and more. We are very concerned that this Executive Order, like the previous failed ones, promotes government-approved discrimination against women, LGBTQ people and vulnerable populations.*

*As Attorneys Generals from many states we are sworn to uphold our laws and protect our state and federal constitutions. We are committed to working together to make sure this Executive Order is also struck down by the courts. It is un-American and dangerous. We refuse to stand by and give the President a broad license to discriminate.”*

**We are hoping to have all our AGs sign-on to this statement ASAP** so that the statement can be released shortly after the EO is signed.

Please contact Kamala Shugar, Special Counsel for AG Rosenblum, to sign-on to the statement and/or with any questions, comments, or edits. **Kamala can be reached at [kshugar@progressivestateladers.org](mailto:kshugar@progressivestateladers.org) ; [REDACTED]**.

Lastly, I am attaching a Word document titled “Religious Liberty EO Facts and Figures” that has general background, stats, articles, quotes, and other useful information that may help in creating talking points or responding to questions about the EO once signed. This document was created by DAGA friendly LGBT advocates and partners. Please keep this document to internal staff only and please do not share widely.

Thanks and feel free to contact me with any questions,  
Jennifer

**Jennifer Song**

Director of Policy

M: (310) 499-3179 | E: [Jennifer@ProgressiveStateLeaders.org](mailto:Jennifer@ProgressiveStateLeaders.org)

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**From:** Jennifer Song <[jennifer@progressivestateladers.org](mailto:jennifer@progressivestateladers.org)>

**Date:** Wednesday, May 3, 2017 at 12:46 PM

**To:** Jennifer Song <[Jennifer@democraticags.org](mailto:Jennifer@democraticags.org)>, Sean Rankin <[sean@democraticags.org](mailto:sean@democraticags.org)>

**Cc:** Jason Bargnes <[jason@democraticags.org](mailto:jason@democraticags.org)>

**Subject:** AG Actions on Religious Liberties EO (Trump Expected to Sign Tomorrow)



Hi All,

I'd like to flag the following items for everyone in preparation for the Religious Liberties EO that is expected to be signed tomorrow by Trump:

- 1) **MA AG's office has been preparing to take action upon the signing of the EO, including possibly litigation. They will be hosting a working group/call. All states and staff who are interested should contact Joanna Lydgate ([jjlydgate@ma.gov](mailto:jjlydgate@ma.gov)) to join existing efforts underway.**
  
- 2) GLAD and LGBT advocacy groups are asking our **AGs to issue statements on this potential EO TODAY**, if possible, **before it is signed**. They suggest the following talking points:
  - *Process: We can't afford another half-baked, ill-conceived EO that does real damage to Americans in every community across the country.*
  - *Discriminatory intent: We are highly concerned that this EO, like previous failed EOs from the Trump administration, serves only to promote government-approved discrimination against women, LGBT people, and vulnerable populations.*
  - *Guise of religious freedom: Under the guise of religious freedom, the Trump administration would grant a license to discriminate that flies in the face of American values of equality and fairness.*
  - *State rights: An EO that grants a license to discriminate is unnecessary and dangerous, and AGs across the country won't stand for it. If this EO is signed, we'll see the Trump Administration in court, again.*
  
  - If you do issue a statement today, please let me know. DAGA will be further amplifying all statements through our communications team.

Thanks everyone and please let me know if you have any questions,  
Jennifer

**Jennifer Song**

Director of Policy

M: (310) 499-3179 | E: [Jennifer@ProgressiveStateLeaders.org](mailto:Jennifer@ProgressiveStateLeaders.org)

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*Background:*

Politico - <http://www.politico.com/story/2017/05/02/donald-trump-religious-liberty->

[executive-order-237888](#)

Leaked Copy of the 1<sup>st</sup> Draft Religious Freedom EO -

<https://www.thenation.com/article/leaked-draft-of-trumps-religious-freedom-order-reveals-sweeping-plans-to-legalize-discrimination/>

First draft of Religious Freedom EO:

- Would allow individuals and organizations the right to disengage from activities that "violate their conscience"
- Would allow employers to refuse contraceptive coverage if it violates their religious beliefs
- Would protect the tax-exempt status of religious organizations or private company that "believes, speaks, or acts (or declines to act) in accordance with the belief that marriage is or should be recognized as the union of one man and one woman," and that an "individual's immutable biological sex as objectively determined by anatomy" and "that human life begins at conception and merits protection at all stages of life."
- Would allow federally funded adoption agencies the right to discriminate against same-sex couples.
- Might allow federal employees the right "to refuse on religious grounds to process applications" of same-sex couples based on the proposal's broad language.
- Would establish a new bureau in the Justice Department that would protect "religious freedom."

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## General Facts and Figures

- [USASpending's Searchable Database](#) indicates that approximately \$615 billion in federal contracts, grants, loans, and other financial assistance was allocated in FY16 to the [30 states](#) without comprehensive LGBT nondiscrimination protections on the books, within which LGBT people are especially vulnerable to discrimination. This accounted for approximately one fifth of total awards ([\\$3,047.3 billion](#)).
- [4.1% \(or 10 million\) of Americans identify as LGBT](#)
- Most recent [2016 Labor Force Participation Rate is 62.7%](#)
- [Majorities](#) of both political parties and independents, as well as majorities of all major religious groups, favor LGBT nondiscrimination laws
- [67% of Millennials](#) overwhelmingly reject discriminatory religious exemptions for business owners, and 80% of Millennials favor nondiscrimination protections for LGBT Americans.
- According to the Williams Institute at University of California, Los Angeles, [one in five gay and bisexual men and one in four lesbian and bisexual women are poor](#) in the United States

## Business community support

- A [July 2015 poll](#) by the Small Business Majority, the American Unity Fund, and the Center for American Progress found that [two-thirds—66 percent](#)—of small-businesses owners said that “business owners shouldn’t be able to deny goods or services to someone who is lesbian, gay, bisexual or transgender based on the owner’s religious beliefs.”
- [Indiana stood to lose \\$250 million and Georgia stood to lose as much as \\$2 billion as a result of overly broad RFRA](#)s
- [“One poll found that nearly 9 out of 10 LGBT adults](#) consider workplace inclusion in their purchasing decisions, and nearly one-quarter of LGBT adults stated that they have ‘switched products or services because a different company was supportive of the LGBT community, even if a brand was costlier or less convenient.’”
- Total purchasing power of the U.S. LGBT community is nearly [\\$1 trillion](#)
- Allowing discrimination exacerbates the economic plights of the already vulnerable LGBT community – [same-sex headed families make \\$15,500 less per year than opposite-sex headed families and 60% of transgender individuals report yearly incomes below \\$25,000](#)

## Quotes

- QUOTE: “The rule respondents favor would open the prospect of constitutionally required religious exemptions from civic obligations of almost every conceivable kind – ranging from compulsory military service to the payment of taxes to health and safety regulation such as manslaughter and child neglect laws, compulsory vaccination laws, drug laws, and traffic laws; to social welfare legislation such as minimum wage laws, child labor laws, animal cruelty laws, environmental protection laws, and laws providing for equality of opportunity for the races. The First Amendment's protection of religious liberty does not require this” -[Justice Scalia in \*Employment Division v. Smith\*](#), 494 U.S. 872 (1990)
- \*QUOTE: [The Episcopal Public Policy Network of the Episcopal Church Office of Government Relations](#): “Equality under the law is a constitutional right for every citizen of the United States. Presiding Bishop Elect Michael Curry said, ‘I believe, as the scripture says, that all people are created in the image and likeness of God, and that all are therefore to be accorded the rights and

dignity that befit a child of God' ... So that LGBT persons may live healthy and full lives, these rights should include access to marriage, housing, and public accommodations such as usage of public restaurants, restrooms, and other spaces.”

### **Nondiscrimination protections**

- The vast majority of Fortune 500 companies have nondiscrimination protections for LGBT employees: 460 have protections based on sexual orientation and 410 have protections based on gender identity. <http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/CEI-2017-FinalReport.pdf>
- [20 states and D.C. have employment nondiscrimination laws covering both sexual orientation and gender identity](#) (Note: This number includes New York which promulgated regulations in 2016 that define "sex" in New York's human rights law to include gender identity.) [2 states have employment nondiscrimination laws covering sexual orientation only](#)
- 3 states without explicit SOGI nondiscrimination laws have an EO providing employment nondiscrimination protections based on sexual orientation only and 6 states have an EO providing protections based on sexual orientation and gender identity. In addition, 1 state (AK) has an administrative order protecting against sexual orientation discrimination in state employment, and another state (IN) issued a government policy statement protecting against employment discrimination based on sexual orientation or gender identity. (I believe all of this applies only to state gov'n't employees) *This is based on an internal spreadsheet Laura has on EOs*
- Over 200 localities protect LGBT people from private employment discrimination. <http://www.hrc.org/resources/cities-and-counties-with-non-discrimination-ordinances-that-include-gender>

### **Housing and Homelessness**

- [Nearly one-third \(30%\) of respondents to the 2015 U.S. Transgender Survey have experienced homelessness at some point in their lifetime, and 12% reported experiencing homelessness in the year prior to completing the survey because they were transgender](#)
- [A study by the Center for American Progress and The Equal Rights Center found that only 30 percent of homeless shelters tested were willing to house transgender women in spaces in accordance with their gender identity. The study also found that states with protections were twice as likely to house transgender women in appropriate spaces](#)
- [“Nearly one-quarter \(23%\) of \[2015 USTS\] respondents experienced some form of housing discrimination in the past year, such as being evicted from their home or denied a home or apartment because of being transgender.”](#)
- [“More than one-quarter \(26%\) of those who experienced homelessness in the past year avoided staying in a shelter because they feared being mistreated as a transgender person. Those who did stay in a shelter reported high levels of mistreatment: seven out of ten \(70%\) respondents who stayed in a shelter in the past year reported some form of mistreatment, including being harassed, sexually or physically assaulted, or kicked out because of being transgender.”](#)
- Up to [40% of homeless youth are LGBT](#)
- [“Approximately one in five LGBT youth were unable to access short-term shelter, and 16 percent could not get assistance with longerterm housing—rates that are approximately double those of the non-LGBT homeless youth who were surveyed.”](#)

- “ the Federal Bureau of Investigation, or FBI, found that nearly one-third of hate crimes motivated by sexual orientation occur either in or near a residence. The National Coalition for Anti-Violence Program’s 2013 hate violence report found [nearly half of the incidents](#) of hate violence against LGBT and HIV-affected people occurred in private residences. Thus, an individual’s ability to access their choice of safe housing is critical for the well-being of LGBT people.”
- HUD prospective renters email study: [Different-sex couples were favored over male same-sex couples in 15.9 percent of tests and over female same-sex couples in 15.6 percent of tests](#)
- Michigan Fair Housing Commission Study: Despite having better credentials, [the study found that the different-sex couples were treated more favorably than the same-sex couples in 27 percent of all tests conducted.](#)
- A 2014 survey of [LGBT older people ages 45 to 75 found that 13 percent were discriminated against on the basis of sexual orientation when searching for housing and 25 percent were discriminated against due to their gender identity](#)
- In 2013, the Equal Rights Center conducted matched-pair testing of older couples seeking senior housing and found discrimination against same-sex couples in 48 percent of tests
- A National Center for Transgender Equality and the National LGBTQ Task Force study on discrimination against transgender people found [only 32 percent of respondents reported being homeowners, compared with 65 percent of the general population](#)
- [Faith-based shelters receive](#) “a substantial chunk of federal allocations to combat youth homelessness—\$2.2 billion in competitive social service grants went to faith-based organizations in Fiscal Year 2005.”
  - “Shelters run by religious organizations are more likely to be staffed by unpaid volunteers drawn from the church’s congregation than trained social workers. The volunteer to professional ratio at secular shelters is 3 to 1; at faith-based shelters, it’s as high as 15 to 1. These volunteers often consider complying with and promoting church teachings more important than serving gay and transgender youth’s specific needs in an unbiased, professional manner without proselytizing.”
- [STORY](#): Trans woman in faith-based shelter (from 2005): "Instead of finding a refuge, she found herself in an institution that scorned homosexuality. Trouble began immediately. After her intake session, she was placed with the male clients, despite her requests to room with the women. At her psychological evaluation, the psychiatrist who examined her suggested she stop dressing as a woman. [“Covenant House feels like straight up prison.”](#) Walton told The Villager in a telephone interview."

### Unaccompanied Minors

- [“While 5 percent to 7 percent of the general youth population identifies as LGBT, LGBT youth account for approximately 19 percent of children in foster care and an estimated 12 percent to 15 percent of youth in the juvenile justice system.](#)
- [STORY](#): “Since 2008, the U.S. government has placed more than 3,000 unaccompanied children in the Christian-affiliated His House Children’s Home in Miami Gardens, Florida. One gay foster care alumnus told the *Miami Herald* what happened when he came out at His House at age 16: The director cried and screamed, “How could you do this to me?” Officials at His House expelled the boy from the Christian school, prevented him from attending programs, and subjected him to

attempts at conversion. The agency overseeing His House conducted an investigation in response to the story, but it found this treatment did not violate any Florida laws”

- In fiscal year 2016, [27,754](#) unaccompanied children were apprehended
- [Conversion therapy](#): “LGBT youth may suffer psychological abuse through inappropriate treatment and/or services, such as so-called “conversion” therapy. Also known as “reparative” therapy or “sexual-orientation change efforts,” [conversion therapy is a dangerous practice](#) that attempts to change someone’s sexual orientation or gender identity—literally to convert an individual from gays to straight. Conversion therapy has been [discredited and highly criticized](#) by virtually all major American medical, psychiatric, psychological, and professional counseling organizations. In addition to being ineffective, conversion therapy has been found to actually cause harm. People who have undergone conversion therapy have reported [increased anxiety, depression, and in some cases, thoughts of suicide](#). It is important to note that even if not officially called reparative or conversion therapy, there may be other counseling efforts aimed at changing a young person’s sexual orientation or gender identity. Whether these efforts come from a licensed therapist, a school counselor, a priest or minister, or some other advocate, they are still just as harmful and should be prohibited.”
- “HHS’s, Office of Refugee Resettlement, or ORR, temporarily houses unaccompanied children in a network of facilities run by contractors and grantees before releasing them to their parents or sponsors. Between March 2011 and March 2013, the *Houston Chronicle* found 101 “significant incident reports” of sexual abuse allegations against staff members in facilities contracted by the ORR.”
- Under ORR’s [Standards to Prevent, Detect, and Respond to Sexual Abuse and Sexual Harassment Involving Unaccompanied Children](#), if unaccompanied children who are in the care of a federal contractor or grantee suffer sexual assault, they are entitled to a range of services, including emergency contraception, abortion care, and culturally competent care for youth who identify as lesbian, gay, bisexual, and transgender, or LGBT.
- “[T]he [\[religious\] exemption \[to ORR’s Standards to Prevent, Detect, and Respond to Sexual Abuse and Sexual Harassment Involving Unaccompanied Children\]](#) could also allow [religiously affiliated contractors to refuse the appropriate housing, intake and release procedures, physical and mental health care, and general dignity necessary to ensure a safe and stable environment for LGBT youth](#)”
- [“33 percent of unaccompanied children—including nearly 1 in every 4 girls in ORR custody—were in the care of religiously affiliated organizations and spent an average of 49 days in their care. The average age of girls in religiously affiliated facilities was just 13-years-old... Per](#)mitting religiously affiliated providers to ignore core elements of an effective response to sexual abuse, such as unimpeded access to emergency health services, places a large number of incredibly vulnerable children at risk of unplanned pregnancies and associated complications, not to mention emotional trauma and further abuse.”
- [“\[M\]ore than one-third](#) of the facilities ORR contracts with are religiously affiliated.”
- A recent survey of DREAMers, or immigrants who came to the United States as children and are under age 30, found that [10 percent](#) identify as lesbian, gay, or bisexual.”

## Healthcare/Hospitals

## Executive Order on Religious Liberty - Data for Response

- LGBT people face [health disparities](#) relative to their peers, including higher rates of HIV/AIDS, depression, and increased risk of some cancers.
- A major factor in these disparities is the discrimination LGBT people face when trying to access health care, with [over half](#) of LGBT people reporting in a 2010 study that they experienced serious discrimination from health care providers.
- Prior to the ACA, over [half](#) of private insurance plans included transgender-specific health exclusions denying transition-related care.
- The ACA has been immensely important in expanding care for LGBT people. Uninsurance among low and middle-income LGBT adults fell [24%](#) in just one year. Much work remains to be done to ensure LGBT people get the care they need, removing nondiscrimination protections will reverse the progress we have made in addressing the health needs of LGBT people.
- “[One in four \(25%\)](#) respondents experienced a problem in the past year with their insurance related to being transgender, such as being denied coverage for care related to gender transition or being denied coverage for routine care because they were transgender.”
- [The healthcare community supports patient nondiscrimination protections covering sexual orientation and gender identity](#) (American Academy of Physician Assistants, American Medical Association, American Medical Student Association, American College of Obstetricians and Gynecologists, American Association of Family Physicians, American College of Healthcare Executives and American Academy of Pediatrics)
- “[one-third \(33%\)](#) of those who saw a health care provider had at least one negative experience related to being transgender, such as being verbally harassed or refused treatment because of their gender identity. Additionally, nearly one-quarter (23%) of respondents reported that they did not seek the health care they needed in the year prior to completing the survey due to fear of being mistreated as a transgender person, and 33% did not go to a health care provider when needed because they could not afford it.”
- [8% of gay respondents](#) to a CAP survey reported that an insurance carrier had discriminated against them on the basis of their sexual orientation when they were trying to access coverage.
- One provider who compassionately treats LGBT individuals reported that some of [his patients travel more than 500 miles to receive routine care from him](#).
- “[39%](#) of [National Transgender Survey] respondents experienced serious psychological distress in the month prior to completing the survey, compared with only 5% of the U.S. population. Among the starkest findings is that 40% of respondents have attempted suicide in their lifetime—nearly nine times the attempted suicide rate in the U.S. population (4.6%).”
- **STORY:** “One of the most troubling instances of discrimination in a medical setting occurred in Washington, D.C., in 1995. Tyra Hunter, a transgender woman, died when an emergency medical technician, or EMT, refused to provide her with life-saving care at the site of a car accident after he found out that she was transgender. Hunter was denied care by the EMT and his colleagues for several minutes as the EMT screamed “This [expletive] ain’t no girl ... it’s a [racial slur], he’s got a [expletive]!” According to a posthumous medical report, Hunter had an 86 percent chance of survival had she received proper medical care from the EMTs and the hospital.”
- “A 2010 study by Lambda Legal—a nonprofit organization that focuses on the LGBT community—found that [70 percent of transgender respondents and nearly 56 percent of lesbian, gay, and bisexual respondents reported experiencing at least one instance of discrimination or patient profiling when attempting to access health services](#).”

- According to Campus Pride, [approximately 57 colleges and universities out of more than 4,000 degree-granting schools across the country cover hormones and gender confirmation surgeries for students](#), with an additional 20 schools covering hormones only
- In the first quarter of 2016, the uninsured rate among all U.S. adults was [11.0%](#)
- LGBT people face [significant health disparities](#) relative to their peers, including higher rates of HIV/AIDS, depression, and increased risk for some cancers.
- Exclusions also often [obstructed access to](#) mental health care and sex-selective preventive care such as mammogram or prostate exams.
- among low- and middle-income LGBT adults, the uninsurance rate [fell by 24 percent](#) from 2013 to 2014 alone
- [In a study by the Urban Institute, researchers estimated the percentage of uninsured lesbian, gay and bisexual adults fell from 28 percent to 11 percent between June 2013 and March 2015.](#)
- At a time when [HIV infection rates are rising among LGBT men of color](#), this EO allows health care providers to refuse life-saving HIV screenings
- [STORY](#) [VIDEO]: “Krista and Jami Contreras of Detroit talk about what happened to their then-6-day-old daughter, Bay, when they took her to meet her pediatrician for the first time.”

## Employment

- \*LGBT workers make up about [4%](#) of our workforce, or [7%](#) if we only look at Millennials.
- [52%](#) of the United States population still lives in a state with no employment non-discrimination laws covering sexual orientation and gender identity.
- \*Approximately 2 million American workers leave their jobs due to discrimination annually, costing businesses an estimated [\\$64 billion](#)
- \*[43% of LGB workers and as many as 90% of transgender workers](#) have experienced discrimination or harassment at work
- “[One in six \(16%\)](#) respondents [to the 2015 USTS]...reported losing a job because of their gender identity or expression in their lifetime.”
- [Between 10 and 28 percent](#) of LGB workers report being denied a promotion because of their sexual orientation
- [When businesses are LGBT-inclusive in their policies, they benefit](#) with “lower health insurance costs, increased creativity among employees, higher job satisfaction, lower rates of job turnover, and better workplace relationships between co-workers or with a supervisor.”
- [82% of the Fortune 500](#) have gender identity protections enumerated in their nondiscrimination policies and 92% percent of the Fortune 500 include “sexual orientation” in their nondiscrimination policies according to HRC’s 2017 Corporate Equality Index
- [30% of respondents](#) [to the National Transgender Survey] who had a job reported being fired, denied a promotion, or experiencing some other form of mistreatment in the workplace due to their gender identity or expression, such as being verbally harassed or physically or sexually assaulted at work
- [Number of OFCCP Complaints](#) (note: bases not mutually exclusive)
  - Sexual Orientation
    - 2015: 3 (0.4%)
    - 2016: 5 (0.7%)
  - Gender Identity



## Executive Order on Religious Liberty - Data for Response

- 2015: 3 (0.4%)
- 2016: 11 (1.6%)
- Gay and bisexual men [make 10 to 32% less](#) than their straight counterparts
- [“Between 7 percent and 41 percent of LGB workers](#) report having their office or workplace vandalized or being verbally or physically harassed in the workplace because of their sexual orientation”
- [15% of LGBT people in one survey reported staying home from work because of a hostile environment](#), 22% reported searching for a different job, and 30% reported feeling depressed or unhappy at work
- A Williams Institute report found that [LGBT-inclusive workplace policies and climates result in myriad positive outcomes for workers and businesses](#), including lower health insurance costs, increased creativity among employees, higher job satisfaction, lower rates of job turnover, and better workplace relationships between co-workers or with a supervisor.
- [STORY](#): “Ashland Johnson, a lesbian woman of color, received a termination letter while lying in the intensive care unit at a local hospital, recovering from blood clots in her lungs. Ashland’s boss had discovered that she was a lesbian and subsequently excluded her from meetings, ignored her, and locked her out of her office. She received the termination letter after she had refused to voluntarily resign after several months of working in a hostile workplace. Ashland had no legal recourse because neither the federal government nor the courts protect her on the basis of her sexual orientation.”
- [STORY](#) [VIDEO]: “In April 2015, John was fired from his job as the executive director of a senior living facility in Virginia simply for marrying Jerry, the love of his life.”
- [STORY](#) [VIDEO]: (Mia Macy of *Macy v. Holder*) “Mia Macy always felt as though she was different than everybody else—she never really felt comfortable in her own skin. When she transitioned, she never thought that she could lose her job because of it. Check out Mia’s full story below about how she overcame workplace discrimination and came out a winner.”
- [STORY](#) [VIDEO]: Sam Hall: “I actually went to a mining inspector, a federal mining inspector and asked them what’s my rights, why can’t I be protected. They actually looked at me, right to my face and told me, you don’t have no rights. And as a federal inspector and state inspectors, you have no protection. And they just didn’t care.”
- [STORY](#) [VIDEO]: “The prevailing logic has remained that if I am out as a bisexual woman, I must be asking for something: discrimination, harassment, or even sexual assault.”
- [STORY](#) [VIDEO]: Officer Michael Carney: “I’m a good cop, but I have lost two-and-a-half years of employment fighting to get that job back because I’m gay. And I never would have been able to do that had I not lived in Massachusetts or in one of the handful of other states that protect [LGBT] employees from discrimination.”
- [STORY](#) [VIDEO]: Brooke Waits: “In Brooke’s testimony before the U.S. House of Representatives, she explains how a picture on a cell phone cost her a job that she loved. Brooke was initially known as an employee who received praise for excellent work and for coming to work early, but then she quickly became the employee who was told she was not reliable or dependable.”
- [STORY](#) [VIDEO]: Kimya Afi Ayodele: “Kimya was interviewing for a unit-manager position at an Alzheimer’s and dementia unit for a long-term care company when her interviewer started asking questions about her relationship status, questioning whether her husband would affect her

job performance. Kimya revealed her sexuality in the interview, explaining that she did not have a husband and that she was a lesbian. She received an offer for employment and things went well until she began openly dating someone—at that point, everything changed.”

- [STORY \[VIDEO\]](#): Kylar Broadus: “Kylar was well-established at a financial institution while transitioning from female to male. He began to face harassment from his supervisor and co-workers, including offensive remarks, ostracism, unreasonable demands, and restrictions on his gender identity. He was then forced out of the company and spent time being unemployed before finding another position.”

### Foreign Aid

- USAID provides more than [\\$20 billion in foreign aid annually](#) to programs in more than 100 countries
- 20 [countries](#) now have marriage equality and in two countries same-sex marriage is legal in certain jurisdictions.
- In [10 countries](#), same-sex activity is punishable by death, and [73 countries criminalize same-sex relationships](#).
- [Hundreds](#) of transgender individuals have been brutally murdered in the last year.
- In a growing number of countries, governments have sought to silence equality advocates and organizations with so-called “[anti-propaganda](#)” laws and legislation.

### Services for Domestic Violence Survivors

- VAWA prohibits service providers (including shelters and hotlines) who receive VAWA funds from discriminating on the basis of sexual orientation or gender identity. Covered service providers include domestic violence shelters, education and technical assistance programs, and legal assistance for victims of grant program
- In 2011 (before these protections were added during VAWA reauthorization) nearly [62 percent](#) of LGBT and HIV-positive victims who sought DV shelters reported being denied access. (source: [AVP](#))
- In 2015, 22% of transgender people reported being harassed, attacked, or discriminated against in a domestic violence shelter or RCC in the past year (of those who said staff or employees thought they/knew they were transgender) (source: [USTS](#))

### Adoption & Foster Care

- There are nearly [430,000](#) children in foster care and over [110,000](#) of those are eligible for adoption.
- In 2015 over [20,000](#) youth aged out of care without finding a permanent and loving home.
- An estimated [two million LGBT people](#) are interested in adopting.
- Gay and lesbian parents are raising [four percent](#) of all adopted children in the United States. (2007)
- Gay and lesbian parents are raising [six percent](#) of foster children in non-kin care in the United States. (2007)
- A 2007 study found that a national ban on LGB foster care could cost from [\\$87 to \\$130 million](#).
- A 2007 study found that costs to individual states of a ban on LGB foster care could range from [\\$100,000 to \\$27 million](#).

## Executive Order on Religious Liberty - Data for Response

- [Numerous studies](#) have shown that children of gay or lesbian parents fare no worse than and are [just as healthy emotionally and physically](#) as the children of different-sex parents.
- An estimated [6 million American children have an LGBT parent](#), though some estimates place the number as high as [14 million](#).
- Same-sex couples raising children are [four times more likely](#) than their different-sex counterparts to be raising an adopted child. More than [16,000 same-sex couples are raising an estimated 22,000 adopted children](#) in the United States.
- Same-sex couples are [six times more likely](#) than their different-sex counterparts to be raising foster children. Approximately [2,600 same-sex couples are raising an estimated 3,400 foster children](#) in the US.
- [Only 7 states](#) support fostering by LGBT parents by explicitly prohibiting discrimination based on sexual orientation and gender identity
- [Three states](#) explicitly permit state-licensed child welfare agencies to refuse to place and provide services to children and families, including LGBT people and same-sex couples, if doing so conflicts with their religious beliefs. Similar bills have been introduced [five additional states](#) in the past two years.
- **QUOTE/STORY:** “Many children in the foster system [have disabilities](#), yet there are rarely resources to help those children or prospective parents deal with those disabilities. This struck Tom [a gay adoptive parent] recently when he was at a beach event for gay parents of adopted children. The beach was lined with gay couples and their foster children, and he observed how many children at the event had disabilities or problems that otherwise might have made them difficult to adopt. ‘Look at this, the gay couples come along and pick up the trash that the straight people don’t want anymore. We end up taking care of them,’ Tom told me. ‘It sounds horrible to say, but there are so many kids in need.’”
- Child welfare agencies in Michigan that discriminate against LGBT prospective parents still receive [\\$10,000](#) of state money for each child they place for adoption
- **QUOTE:** “I have seen gay couples inquire about 30 children and not get one answer back of interest in their home. That just would not happen and it does not happen with the heterosexual couples we work with.” -Jennifer DeVivo, Co-Founder of Fostering Futures
- **QUOTE:** “The issue is simple –whether or not state dollars should be used or taxpayers’ funds should be used to fund discrimination in adoption and foster care,” -Virginia Senator Adam Ebbin (D-Alexandria)
- Virginia, a state where child welfare agencies can legally discriminate against LGBT prospective parents, [leads the nation in percentage of children who age out of foster care](#) without finding a permanent and loving home.
- **QUOTE:** “I can’t understand why we would have to go through a higher level of scrutiny than a criminal,” she said. “I am not a criminal. My wife is not a criminal.” – Lisa Blakey, plaintiff in case overturning Nebraska ban on gay and lesbian foster parents

### TITLE IX GUIDANCE

- According to 2016 estimates there are [over 76 million students](#) in the United States
- Studies have indicated that students identify as transgender at a higher rate ([about 1.5%](#)) than adults ([.6%](#)) – meaning that anywhere from 450,000 to 1 million students identify as transgender

## Executive Order on Religious Liberty - Data for Response

- Over [50% of transgender students](#) have been prevented from using their preferred name or pronoun at school
- [60% of transgender students](#) have been required to use a bathroom or locker room of their legal sex
- [Over 70% of LGBTQ students](#) report that their schools engaged in some form of gendered practice in school activities
- [Nearly 30% of transgender students](#) have been prevented from wearing clothes at school because they were considered inappropriate based on their legal sex
- [Nearly 80% of K-12 students](#) who are or are perceived to be transgender have had negative experiences such as being verbally harassed, physically attacked, or expelled.
  - [Almost a quarter of transgender students](#) have been physically attacked.
  - [Over half of K-12 students](#) who are or are perceived to be transgender have been verbally harassed.
  - Transgender students who have had negative experiences in school are 15 percentage points [more likely to have attempted suicide](#) and 18 percentage points more likely to have experienced homelessness than transgender peers without negative experiences.
- [Over a third of LGBTQ](#) students have avoided gender-segregated spaces, such as bathrooms or locker rooms, in school because they felt unsafe or uncomfortable.
- [Two-fifths](#) of LGBTQ students heard negative remarks specifically about transgender people, like “tranny” or “he/she,” often or frequently.