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October 16, 2007

The Honorable George Miller
Chair
Committee on Education and Labor
United State House of Representatives
Washington, DC 20515

The Honorable Howard P. McKeon
Ranking Member
Committee on Education and Labor
United State House of Representatives
Washington, DC 20515

Dear Chairman Miller and Representative McKeon:

On behalf of the American Bar Association, I urge you to retain the explicit prohibition against discrimination on the basis of gender identity and expression when the Employment Non Discrimination Act of 2007 (ENDA), HR 2015, is considered by this committee.

The ABA has a long tradition of actively opposing arbitrary discrimination on the basis of immaterial classifications. To this end, the Association has adopted policies calling upon local, state, and federal lawmakers to prohibit discrimination in employment, housing and public accommodations on the basis of real or perceived sexual orientation and on the basis of gender identity or expression.

In August 2006, the ABA House of Delegates considered and passed policy that supplemented a long standing policy favoring ENDA. The policy states:

RESOLVED, That the American Bar Association urges federal, state, local, and territorial governments to enact legislation prohibiting discrimination on the basis of actual or perceived gender identity or expression, in employment, housing and public accommodations.

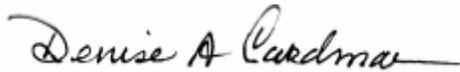
Gender identity and gender expression protections would aid those who do not conform to stereotypical male or female gender expectations, not only transgender persons. Studies indicate that transgender and other gender nonconforming people face severe discrimination in all public aspects of their lives, particularly employment. We know that many Americans, regardless of sexual orientation, experience discrimination because their dress or behavior does not match that traditionally associated with their gender. In the employment context the result can be a significant loss of human potential. The ABA has been active in addressing this problem in the legal field.

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In addition, discrimination based on sexual orientation is often couched in terms of discrimination based on gender identity and gender expression. Anti-discriminatory provisions protecting gender identity and gender expression in ENDA would enhance protections for sexual orientation by clarifying the nature of the protected class and the basis of the prohibited actions.

We urge you, as a member of the committee with jurisdiction, to support retaining the gender identity and gender expression protections contained in H.R. 2015.

Sincerely,

A handwritten signature in cursive script that reads "Denise A. Cardman". The signature is written in black ink and is positioned to the left of the typed name.

Denise A. Cardman
Acting Director

cc: Members of House Committee on Education and Labor