

Bill as Introduced

HB 415 - AS INTRODUCED

2009 SESSION

09-0722

08/04

HOUSE BILL **415**

AN ACT adding certain terms regarding non-discrimination to the laws.

SPONSORS: Rep. Butler, Carr 1; Rep. B. Richardson, Ches 5; Sen. Fuller Clark, Dist 24

COMMITTEE: Judiciary

ANALYSIS

This bill defines gender identity and expression and adds it to the list of classes of people protected from discrimination.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nine

AN ACT adding certain terms regarding non-discrimination to the laws.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Statutory Construction; Gender Identity and Expression. Amend RSA 21 by
2 inserting after section 50 the following new section:

3 21:51 Gender Identity and Expression. "Gender identity or expression" means a gender-related
4 identity, appearance, expression, or behavior of an individual, regardless of the individual's assigned
5 sex at birth.

6 2 State Commission for Human Rights; Title and Purposes of Chapter. Amend RSA 354-A:1 to
7 read as follows:

8 354-A:1 Title and Purposes of Chapter. This chapter shall be known as the "Law Against
9 Discrimination." It shall be deemed an exercise of the police power of the state for the protection of
10 the public welfare, health and peace of the people of this state, and in fulfillment of the provisions of
11 the constitution of this state concerning civil rights. The general court hereby finds and declares
12 that practices of discrimination against any of its inhabitants because of age, sex, *gender identity*
13 *or expression*, race, creed, color, marital status, familial status, physical or mental disability or
14 national origin are a matter of state concern, that such discrimination not only threatens the rights
15 and proper privileges of its inhabitants but menaces the institutions and foundation of a free
16 democratic state and threatens the peace, order, health, safety and general welfare of the state and
17 its inhabitants. A state agency is hereby created with power to eliminate and prevent discrimination
18 in employment, in places of public accommodation and in housing accommodations because of age,
19 sex, race, creed, color, marital status, familial status, physical or mental disability or national origin
20 as herein provided; and the commission established hereunder is hereby given general jurisdiction
21 and power for such purposes. In addition, the agencies and councils so created shall exercise their
22 authority to assure that no person be discriminated against on account of sexual orientation.

23 3 New Paragraph; State Commission for Human Rights. Amend RSA 354-A:2 by inserting after
24 paragraph XIV-d the following new paragraph:

25 XIV-e. "Gender identity or expression" means a gender-related identity, appearance,
26 expression, or behavior of an individual, regardless of the individual's assigned sex at birth.

27 4 State Commission for Human Rights; General Powers and Duties of the Commission. Amend
28 RSA 354-A:5, VIII to read as follows:

29 VIII. To create such advisory agencies and conciliation councils, local, regional or statewide,
30 as in its judgment will aid in effectuating the purpose of this chapter, and the commission may
31 empower them to study the problems of discrimination in all or specific fields of human relationships

1 or in specific instances of discrimination, because of age, sex, *gender identity or expression*, race,
 2 color, sexual orientation, marital status, familial status, or physical or mental disability, religious
 3 creed or national origin, in order to foster, through community effort or otherwise, good will,
 4 cooperation and conciliation among the groups and elements of the population of the state, and make
 5 recommendations to the commission for the development of policies and procedures in general and in
 6 specific instances, and for programs of formal and informal education which the commission may
 7 recommend to the appropriate state agency. Such advisory agencies and conciliation councils shall
 8 be composed of representative citizens, serving without pay, but with reimbursement for actual and
 9 necessary traveling expenses; and the commission may make provision for technical clerical
 10 assistance to such agencies and councils and for the expenses of such assistance.

11 5 State Commission for Human Rights; General Powers and Duties of the Commission. Amend
 12 RSA 354-A:5, IX to read as follows:

13 IX. To issue such publications and such results of investigations and research as in its
 14 judgment will tend to promote good will and minimize or eliminate discrimination because of age,
 15 sex, *gender identity or expression*, race, color, marital status, familial status, physical or mental
 16 disability, religious creed or national origin, and on account of sexual orientation.

17 6 State Commission for Human Rights; Opportunity for Employment Without Discrimination a
 18 Civil Right. Amend RSA 354-A:6 to read as follows:

19 354-A:6 Opportunity for Employment Without Discrimination a Civil Right. The opportunity to
 20 obtain employment without discrimination because of age, sex, *gender identity or expression*,
 21 race, creed, color, marital status, physical or mental disability or national origin is hereby recognized
 22 and declared to be a civil right. In addition, no person shall be denied the benefits of the rights
 23 afforded by this section on account of that person's sexual orientation.

24 7 State Commission for Human Rights; Unlawful Discriminatory Practices. Amend RSA 354-
 25 A:7, I to read as follows:

26 I. For an employer, because of the age, sex, *gender identity or expression*, race, color,
 27 marital status, physical or mental disability, religious creed, or national origin of any individual, to
 28 refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate
 29 against such individual in compensation or in terms, conditions or privileges of employment, unless
 30 based upon a bona fide occupational qualification. In addition, no person shall be denied the benefit
 31 of the rights afforded by this paragraph on account of that person's sexual orientation.

32 8 State Commission for Human Rights; Unlawful Discriminatory Practices. Amend RSA 354-
 33 A:7, II to read as follows:

34 II. For a labor organization, because of the age, sex, *gender identity or expression*, race,
 35 color, marital status, physical or mental disability, creed, or national origin of any individual, to
 36 exclude from full membership rights or to expel from its membership such individual or to
 37 discriminate in any way against any of its members or against any employer or any individual

1 employed by an employer, unless based upon a bona fide occupational qualification. In addition, no
2 person shall be denied the benefit of the rights afforded by this paragraph on account of that person's
3 sexual orientation.

4 9 State Commission for Human Rights; Unlawful Discriminatory Practices. Amend RSA 354-
5 A:7, III to read as follows:

6 III. For any employer or employment agency to print or circulate or to cause to be printed or
7 circulated any statement, advertisement or publication, or to use any form of application for
8 employment or to make any inquiry or record in connection with employment, which expresses,
9 directly or indirectly, any limitation, specification or discrimination as to age, sex, race, color,
10 marital status, physical or mental disability, religious creed or national origin or any intent to make
11 any such limitation, specification or discrimination in any way on the ground of age, sex, *gender*
12 *identity or expression*, race, color, marital status, physical or mental disability, religious creed or
13 national origin, unless based upon a bona fide occupational qualification; provided, however, that
14 nothing in this chapter shall limit an employer after the offer of hire of an individual from inquiring
15 into and keeping records of any existing or pre-existing physical or mental conditions. In addition,
16 no person shall be denied the benefit of the rights afforded by this paragraph on account of that
17 person's sexual orientation.

18 10 State Commission for Human Rights; Equal Housing Opportunity Without Discrimination a
19 Civil Right. Amend RSA 354-A:8 to read as follows:

20 354-A:8 Equal Housing Opportunity Without Discrimination a Civil Right. The opportunity to
21 obtain housing without discrimination because of age, sex, *gender identity or expression*, race,
22 creed, color, marital status, familial status, physical or mental disability or national origin is hereby
23 recognized and declared a civil right. In addition, no person shall be denied the benefit of the rights
24 afforded by this section on account of that person's sexual orientation.

25 11 State Commission for Human Rights; Unlawful Discriminatory Practices. Amend RSA 354-
26 A:10 to read as follows:

27 354-A:10 Unlawful Discriminatory Practices. It shall be an unlawful discriminatory practice for
28 any person, being the owner, lessee, sublessee, assignee, managing agent or other person having the
29 right to rent or lease a dwelling or commercial structure or being in the business of selling or renting
30 dwellings or commercial structures:

31 I. To refuse to sell or rent after the receipt of a bona fide offer, or to refuse to negotiate for
32 the sale or rental of, or otherwise make unavailable or deny, a dwelling or commercial structure to
33 any person because of age, sex, *gender identity or expression*, race, color, marital status, familial
34 status, physical or mental disability, religion or national origin. In addition, no person shall be
35 denied the benefit of the rights afforded by this paragraph on account of that person's sexual
36 orientation.

1 II. To discriminate against any person in the terms, conditions, or privilege of sale or rental
 2 of a dwelling or commercial structure, or in the provision of services or facilities in connection
 3 therewith, because of age, sex, *gender identity or expression*, race, color, marital status, familial
 4 status, physical or mental disability, religion or national origin. In addition, no person shall be
 5 denied the benefit of the rights afforded by this paragraph on account of that person's sexual
 6 orientation.

7 III. To make, print or publish, or cause to be made, printed or published, any notice,
 8 statement or advertisement, with respect to the sale or rental of a dwelling or commercial structure
 9 that indicates any preference, limitation, or discrimination based on age, sex, *gender identity or*
 10 *expression*, race, color, marital status, familial status, physical or mental disability, religion or
 11 national origin, or an intention to make any such preference, limitation or discrimination. In
 12 addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of
 13 that person's sexual orientation.

14 IV. To represent to any person because of age, sex, *gender identity or expression*, race,
 15 color, marital status, familial status, physical or mental disability, religion or national origin that
 16 any dwelling or commercial structure is not available for inspection, sale, or rental when such
 17 dwelling is in fact so available. In addition, no person shall be denied the benefit of the rights
 18 afforded by this paragraph on account of that person's sexual orientation.

19 V. For profit, to induce or attempt to induce any person to sell or rent any dwelling by
 20 representations regarding the entry or prospective entry into the neighborhood of a person or persons of a
 21 particular age, sex, *gender identity or expression*, race, color, marital status, familial status, physical
 22 or mental disability, religion or national origin. In addition, no person shall be denied the benefit of the
 23 rights afforded by this paragraph on account of that person's sexual orientation.

24 VI. To evict a tenant solely on the grounds that the person has acquired immune deficiency
 25 syndrome (AIDS) or is regarded to have acquired immune deficiency syndrome.

26 VII. For any person or other entity whose business includes engaging in residential real
 27 estate-related transactions to discriminate against any person in making available such a
 28 transaction, or in the terms or conditions of such a transaction, because of age, race, color, religion,
 29 sex, *gender identity or expression*, disability, familial status, marital status, or national origin. In
 30 addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of
 31 that person's sexual orientation.

32 VIII. To deny any person access to, or membership or participation in, any multiple-listing
 33 service, real estate brokers' organization or other service, organization, or facility relating to the
 34 business of selling or renting dwellings, or to discriminate against that person in the terms or
 35 conditions of such access, membership, or participation, on account of age, familial status, sex,
 36 *gender identity or expression*, race, color, creed, disability, national origin, marital status, or
 37 sexual orientation.

1 12 State Commission for Human Rights; Equal Access to Public Accommodations a Civil Right.
2 Amend RSA 354-A:16 to read as follows:

3 354-A:16 Equal Access to Public Accommodations a Civil Right. The opportunity for every
4 individual to have equal access to places of public accommodation without discrimination because of
5 age, sex, *gender identity or expression*, race, creed, color, marital status, physical or mental
6 disability or national origin is hereby recognized and declared to be a civil right. In addition, no
7 person shall be denied the benefit of the rights afforded by this section on account of that person's
8 sexual orientation.

9 13 State Commission for Human Rights; Unlawful Discriminatory Practices in Public
10 Accommodations. Amend RSA 354-A:17 to read as follows:

11 354-A:17 Unlawful Discriminatory Practices in Public Accommodations. It shall be an unlawful
12 discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent,
13 agent or employee of any place of public accommodation, because of the age, sex, *gender identity or*
14 *expression*, race, creed, color, marital status, physical or mental disability or national origin of any
15 person, directly or indirectly, to refuse, withhold from or deny to such person any of the
16 accommodations, advantages, facilities or privileges thereof; or, directly or indirectly, to publish,
17 circulate, issue, display, post or mail any written or printed communication, notice or advertisement
18 to the effect that any of the accommodations, advantages, facilities and privileges of any such place
19 shall be refused, withheld from or denied to any person on account of age, sex, *gender identity or*
20 *expression*, race, creed, color, marital status, physical or mental disability or national origin; or that
21 the patronage or custom thereof of any person belonging to or purporting to be of any particular age,
22 sex, *gender identity or expression*, race, creed, color, marital status, physical or mental disability
23 or national origin is unwelcome, objectionable or acceptable, desired or solicited. In addition, no
24 person shall be denied the benefit of the rights afforded by this section on account of that person's
25 sexual orientation.

26 14 Department of Administrative Services; Division of Personnel. Amend RSA 21-I:42, XVI to
27 read as follows:

28 XVI. Developing and implementing an equal employment opportunity program that will
29 ensure the employment of all qualified people regardless of age, sex, *gender identity or*
30 *expression*, race, color, sexual orientation, ethnic background, marital status, or physical or mental
31 disability. This program shall include a review and revision of the job classification process and
32 testing process to ensure that they are free from either conscious or inadvertent bias.

33 15 Department of Administrative Services; Classified Employees; Prohibitions; Penalty. Amend
34 RSA 21-I:52, I to read as follows:

35 I. No person shall be appointed or promoted to, or demoted or dismissed from, any position
36 in the classified service, or in any way favored or discriminated against with respect to employment
37 in the classified service because of the person's political opinions, religious beliefs or affiliations, age,

1 sex, *gender identity or expression*, or race. In addition, no person shall have any such
 2 employment action taken on account of such person's sexual orientation. Nothing in this section
 3 shall require the appointment or prevent the dismissal of any person who advocates the overthrow of
 4 the government by unconstitutional and violent means. No person shall use, or promise to use
 5 directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure
 6 or attempt to secure for any person an appointment or advantage in appointment to a position in the
 7 classified service, or an increase in pay or other advantage in employment in any such position, for
 8 the purpose of influencing the vote or political action of any person, or for any consideration. No
 9 employee in the state classified service shall hold any remunerative elective public office, or have
 10 other employment, either of which creates an actual, direct and substantial conflict of interest with
 11 the employee's employment, which conflict cannot be alleviated by said employee abstaining from
 12 actions directly affecting such classified employment. Determination of such conflict shall be made
 13 by the personnel appeals board after the parties are afforded rights to a hearing pursuant to RSA 21-
 14 I:58. The burden of proof in establishing such a conflict shall be upon the party alleging it. No
 15 action affecting said employee shall be taken by the appointing authority because of such public
 16 office or other employment until after a full hearing before and approval of such action by the
 17 personnel appeals board. If an actual, direct and substantial conflict of interest, which cannot be
 18 alleviated by abstention by the employee, is found by the personnel appeals board, the board must
 19 approve any action proposed by the appointing authority; and the employee shall be given a
 20 reasonable amount of time to leave the employee's public office or other employment or otherwise
 21 end the conflict before the appointing authority initiates that action.

22 16 Department of Administrative Services; Classified Employees; Appeals. Amend RSA 21-I:58,
 23 I to read as follows:

24 I. Any permanent employee who is affected by any application of the personnel rules, except
 25 for those rules enumerated in RSA 21-I:46, I and the application of rules in classification decisions
 26 appealable under RSA 21-I:57, may appeal to the personnel appeals board within 15 calendar days of
 27 the action giving rise to the appeal. The appeal shall be heard in accordance with the procedures
 28 provided for adjudicative proceedings in RSA 541-A. If the personnel appeals board finds that the
 29 action complained of was taken by the appointing authority for any reason related to politics, religion,
 30 age, sex, *gender identity or expression*, race, color, ethnic background, marital status, or disabling
 31 condition, or on account of the person's sexual orientation, or was taken in violation of a statute or of
 32 rules adopted by the director, the employee shall be reinstated to the employee's former position or a
 33 position of like seniority, status, and pay. The employee shall be reinstated without loss of pay,
 34 provided that the sum shall be equal to the salary loss suffered during the period of denied
 35 compensation less any amount of compensation earned or benefits received from any other source
 36 during the period. "Any other source" shall not include compensation earned from continued casual
 37 employment during the period if the employee held the position of casual employment prior to the

1 period, except to the extent that the number of hours worked in such casual employment increases
2 during the period. In all cases, the personnel appeals board may reinstate an employee or otherwise
3 change or modify any order of the appointing authority, or make such other order as it may deem just.

4 17 Residential Care and Health Facility; Patients' Bill of Rights. Amend RSA 151:21, XVI to
5 read as follows:

6 XVI. The patient shall not be denied appropriate care on the basis of race, religion, color,
7 national origin, sex, *gender identity or expression*, age, disability, marital status, or source of
8 payment, nor shall any such care be denied on account of the patient's sexual orientation.

9 18 Residential Care and Health Facility; Patients' Bill of Rights. Amend RSA 151:21-b, II(b) to
10 read as follows:

11 (b) Receive appropriate and professional care without discrimination based on race,
12 color, national origin, religion, sex, *gender identity or expression*, disability, or age, nor shall any
13 such care be denied on account of the patient's sexual orientation.

14 19 Civil Rights Act; Enforcement. Amend RSA 354-B:1, I to read as follows:

15 I. All persons have the right to engage in lawful activities and to exercise and enjoy the
16 rights secured by the United States and New Hampshire Constitutions and the laws of the United
17 States and New Hampshire without being subject to actual or threatened physical force or violence
18 against them or any other person or by actual or threatened damage to or trespass on property when
19 such actual or threatened conduct is motivated by race, color, religion, national origin, ancestry,
20 sexual orientation, gender, *gender identity or expression*, or disability. "Threatened physical
21 force" and "threatened damage to or trespass on property" is a communication, by physical conduct
22 or by declaration, of an intent to inflict harm on a person or a person's property by some unlawful act
23 with a purpose to terrorize or coerce.

24 20 Sentences; Extended Term of Imprisonment. Amend RSA 651:6, I(f) to read as follows:

25 (f) Was substantially motivated to commit the crime because of hostility towards the
26 victim's religion, race, creed, sexual orientation as defined in RSA 21:49, national origin [œ], sex, *or*
27 *gender identity or expression as defined in RSA 21:51;*

28 21 Franchising and Regulation of Cable Television Systems; Rights of Individuals. Amend
29 RSA 53-C:3-g to read as follows:

30 53-C:3-g Rights of Individuals. No cable television system operator shall deny service, deny
31 access, or otherwise discriminate against subscribers, channel users, or any other citizens on the
32 basis of age, race, religion, sex, *gender identity or expression*, *sexual orientation*, physical
33 disability, or country of natural origin.

34 22 New Hampshire Mental Health Services System; Discrimination Prohibited; Eligibility for
35 Services. Amend RSA 135-C:13 to read as follows:

36 135-C:13 Discrimination Prohibited; Eligibility for Services. Every severely mentally disabled
37 person shall be eligible for admission to the state mental health services system, and no such person

1 shall be denied services because of race, color or religion, sex, *gender identity and expression*, or
 2 inability to pay. Eligible persons shall include formerly severely mentally disabled persons who
 3 without continued services would probably become severely mentally disabled again. Each client has
 4 a right to adequate and humane treatment provided in accordance with generally accepted clinical
 5 and professional standards. The treatment shall include such psychological, psychiatric,
 6 habilitative, rehabilitative, vocational and case management services which are necessary and
 7 appropriate to bring about an improvement, when possible, in the client's condition and which are
 8 available within the state mental health services system. If necessary services are not available,
 9 such service shall be documented through individual service plans. When services have been
 10 documented to be necessary but unavailable, each agency responsible for provision of such services
 11 shall notify the department of the need for them, and the department shall utilize such information
 12 for budgetary planning purposes. The treatment may include housing and such other services as the
 13 department may elect to provide to severely mentally disabled persons. Eligibility for services in the
 14 mental health system for persons under 21 years of age shall be determined after consideration of
 15 the services provided under RSA 186-C, RSA 169-B, RSA 169-C, RSA 169-D, or any other law. The
 16 commissioner shall adopt rules, pursuant to RSA 541-A, relative to the eligibility of severely
 17 mentally disabled persons to receive state services and the service guarantees for clients in the state
 18 system.

19 23 New Hampshire Mental Health Services System; Fundamental Rights. Amend RSA 135-
 20 C:56, IV to read as follows:

21 IV. No person receiving mental health services shall be discriminated against in any manner
 22 because of race, color, sex, *gender identity or expression, sexual orientation*, religion, national
 23 origin, age, disability, or degree of disability.

24 24 New Hampshire Employment Program and Family Assistance Program; Administrative
 25 Duties; Rulemaking. Amend RSA 167:83, III(e) to read as follows:

26 (e) To not be discriminated against because of gender, race, creed, color, sex, *gender*
 27 *identity or expression, sexual orientation*, age, disability, political affiliation or beliefs, religion,
 28 or national origin.

29 25 Postsecondary Education Commission; Grants; Discrimination Prohibited. Amend RSA 188-
 30 D:35, II to read as follows:

31 II. No person shall be excluded from participation in, or denied the benefits of, this program
 32 because of race, color, age, sex, *gender identity or expression, sexual orientation*, or national
 33 origin.

34 26 Loan Corporations; Administration of Loans; No Discrimination. Amend RSA 195-E:14, I to
 35 read as follows:

36 I. The foundation, a qualified educational institution and a loan corporation shall have the
 37 full power and authority and be subject to all rights, responsibilities and liabilities for the

1 administration of a loan program and for the distribution and collection of loans to qualified students
2 or their parents, including the determination of who is eligible to receive loans, the amounts of the
3 loans, repayment schedules and interest rates to be charged; provided that the terms are in
4 accordance with law and do not discriminate against any person on account of race, creed, national
5 origin, sex, *gender identity or expression, sexual orientation* or age. In the case of student
6 loans made to eligible students or the parents of such students who attend educational institutions
7 that are not qualified educational institutions, the foundation shall have primary responsibility for
8 the administration of such portion of the loan program and the servicing of such loans; provided,
9 however, that this sentence shall not prohibit the foundation from contracting with another entity
10 for assistance in such administration and servicing as agent for the foundation.

11 27 Housing Finance Authority; Definitions. Amend RSA 204-C:1, X to read as follows:

12 X. "Eligible persons and families" shall mean a person or persons, and families of 2 or more
13 persons, irrespective of race, creed, national origin, ~~(sex)~~ sex, *gender identity or expression, or*
14 *sexual orientation*, determined by the authority to require assistance under this chapter on
15 account of insufficient personal or family income taking into consideration, without limitation, such
16 factors as follows: (a) the amount of the total income of such persons and families available for
17 housing needs; (b) the size of the family; (c) the cost and condition of housing facilities available; (d)
18 the ability of such persons and families to compete successfully in the normal private housing
19 market and to pay the amounts at which private enterprise is providing decent, safe and sanitary
20 housing; and (e) if appropriate, standards established for various federal programs determining
21 eligibility based on income of such persons and families.

22 28 Dog and Horse Racing Employees, Elections. Amend RSA 273-C:10, VI(b) to read as follows:

23 (b) The board shall decertify any employee organization which is found in a judicial
24 proceeding to discriminate with regard to membership, or with regard to the conditions thereof,
25 because of age, sex, *gender identity or expression, sexual orientation*, race, color, creed, marital
26 status or national origin; or has systematically failed to allow its membership equal participation in
27 the affairs of the employee organization.

28 29 Consumer Guaranty Contracts; Prohibited Acts and Terms. Amend RSA 415-C:7, I(h) to
29 read as follows:

30 (h) Unfairly discriminate based solely on age, place or area of residence, race, color,
31 creed, national origin, ancestry, marital or civil union status, lawful occupation including military
32 service, gender, *gender identity or expression, sexual orientation*, religion, or blindness or other
33 disability.

34 30 Preferred Provider Agreements; Discrimination Prohibited. Amend RSA 420-C:5 to read as
35 follows:

36 420-C:5 Discrimination Prohibited. No health care insurer shall discriminate against any
37 provider on the basis of religion, race, color, national origin, age, sex, *gender identity or*

1 *expression, sexual orientation*, or marital status. Reasonable terms and conditions including, but
2 not limited to, those based on economic or geographic considerations, certain affiliations, or
3 professional privileges shall not be prohibited under this section.

4 31 Jurors; Prohibition of Discrimination. Amend RSA 500-A:4 to read as follows:

5 500-A:4 Prohibition of Discrimination. A citizen of this state shall not be excluded from jury
6 service on account of race, color, religion, sex, *gender identity or expression, sexual orientation*,
7 national origin or economic status.

8 32 Effective Date. This act shall take effect 60 days after its passage.

Committee Minutes

SENATE CALENDAR NOTICE JUDICIARY

- ✓ Senator Deborah Reynolds Chairman
- ✓ Senator Bette Lasky V Chairman
- ✓ Senator Matthew Houde
- ✓ Senator Sheila Roberge
- ✓ Senator Robert Letourneau

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Date: April 16, 2009

HEARINGS

Thursday

4/23/2009

JUDICIARY

LOB 201-203

1:00 PM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

Comments: NOTE ROOM CHANGE TO LOB 201-203

1:00 PM HB415

adding certain terms regarding non-discrimination to the laws.

Sponsors:

HB415

✓ Rep. Edward Butler

Sen. Martha Fuller Clark

Rep. Barbara Richardson

Judiciary Committee

Hearing Report

TO: Members of the Senate

FROM: Susan Duncan, *Senior Legislative Aide*

RE: Hearing report on **HB 415 – AN ACT adding certain terms regarding non-discrimination to the laws.**

HEARING DATE: April 23, 2009

MEMBERS OF THE COMMITTEE PRESENT: Senators Reynolds, Lasky, Roberge, Letourneau and Houde

MEMBERS OF THE COMMITTEE ABSENT: No one

Sponsor(s): Representative Butler, Representative B. Richardson and Senator Fuller Clark

What the bill does: This bill defines gender identity and expression and adds it to the list of classes of people protected from discrimination.

Some who support the bill: Representative Butler; Senator Fuller Clark; Betsy Janeway; Representative McKeuren (?); Representative Horrigan and others

Some who oppose the bill: Representative Wendelboe and others

The number of those who signed in both in support of and in opposition to the legislation is too voluminous to include here. Unfortunately many of the signatures were illegible. Please see the Committee Secretary and/or the bill file for the complete listing..

Summary of testimony received:

- Representative Butler introduced the legislation and explained that this bill adds the words “gender identity and expression” to our nondiscrimination and hate crime statutes. Representative Butler explained that the bill came forward because of the many issues related to minorities and those who are the least visible and vocal. He told of the difficulty that transgendered individuals have had in being recognized, even among the gay and lesbian community and explained that the acronym, GLBT (gay, lesbian, bisexual, transgender) came about as each recognized that they have all experienced discrimination and came to understand that they must support each other in efforts to achieve inclusion and equality.

- He spoke of the difficult path that many of these individuals have had as they both dealt with their own personal journeys and experiences.
- He spoke of the opposition to the bill and how they have taken the “upper hand” with the campaign of distortion and fear-mongering.
- Senator Fuller Clark, a co-sponsor, spoke in support and explained that she abhors intolerance and bigotry and supports equal opportunity for all citizens. She said that the opponents of this bill aided and abetted by the press brought this bill to the “toilet” (literally) and that nothing could be farther from the truth.
- She said that 13 states and over 100 municipalities across the country have adopted similar legislation and with not one case of “bathroom” problems.
- She distributed information from the Human Rights Commissions from the States of California, Washington and Iowa – again with not one instance or complaint relative to bathrooms.
- She distributed letters from both NHCADSV and the Women’s Lobby in support.
- She told of a physician who is a post-op transgender and the experience he had.
- She explained that the brain set for a baby occurs in the third trimester, but the sexual organs are set in the first trimester.
- Marie Muller, who took the day off from work when her family is already down a paycheck explained about a personal experience she had when giving blood and how they had asked her “what gender she is.” She was offended by them having to ask this question. She asked the Senators to please focus on more important things and to please kill the legislation.
- Attorney Joni Esperian of the NH Human Rights Commission testified that there is empirical evidence of discrimination in housing, lending and public accommodations. She said that the Commissioners fully support this legislation.
- She spoke of civil rights issues and quoted from the NH Constitution and the Bill of Rights.
- She said that the important thing that the Senators need to understand is that “all” they have to go on is a 1986 Superior Court ruling in Rockingham County but that this does not have the full force and effect of law and does not hold the same impact that a NH Supreme Court ruling would. She fears that this is only a “thread” that if challenged, could fail. She asked for the other transgender population, they have no basis to offer them protection.
- Senator Houde asked what the rationale of the Commission is. Attorney Esperian responded that there is no statutory basis for protecting this population. Senator Houde followed up by asking that they have interpreted the ruling to apply only to Rockingham County individuals. Senator Reynolds responded that there is no appellate court decision on the matter.

- Ann Marie Banfield of Bedford appeared in opposition. She said that she is a mom who cannot figure out why the Legislature is considering such a frivolous piece of legislation. She said that this would do nothing to improve the economy. She asked what would prevent a kindergarten teacher from coming in as a man one day and a woman the next day. She asked what would keep a coach who is a predator from going into the girls locker room.
- She talked of New Hampshire schools deplorable scores in math and science and said that in too many places, we are just lying to the children now. She said that NH barely qualifies on state educational standards. She said that the Democrats are focusing on political extremes such as genderless marriage, bathroom bills and physician-assisted suicide. She said that a man dressing up as a woman puts her daughter in danger. She said that she is fighting for her rights and for her daughter's rights and that she is angry.
- Ashley Bush-Terrance testified about the very emotional testimony and the fact that the people she works with may hold her appearance here today against her. She said that she made a decision several years ago not to pursue transition. She said that she has experienced times when the police have been called because she has gone into the women's restroom. She said that she is fortunate because right now, she has an amazingly supportive boss. She told of a prior boss that offered to take her shopping because she refused to wear dresses to work. She explained how exhausting it is to always have to be so careful. She said that they are not looking for special protections, just equal ones. She said that for her, the bill means that she will not be judged by the length of her hair.
- Austin Nemitz, Senior Counsel of the Alliance Defense Fund testified that this bill is based on a state of mind rather than on physical attributes and said that he fears there will be legal ripple effects. He said that the paternity statutes could be threatened. He said that correctional facilities that operate separate ones for males and females could be threatened. He said that marriage laws are threatened. He said that in workplaces, some employers have specific reasons for sexual designations in the people that they hire. He said that this would also affect dress codes and the requirement to wear uniforms in some places.
- He said that this conflicts also with religious beliefs and that there is no exemption for religious individuals.
- Senator Reynolds asked if this would affect our educational rulings. Attorney Nemitz responded that beyond bathrooms and locker rooms, boys could be required to play on girls' basketball teams. He said that the bill creates a safety problem.
- Senator Roberge asked about changes in the workplace. Attorney Nemitz responded that employers are entitled to know whether

they are hiring someone and that this brings sex bubbling up to the surface. He said that the same is true for religions.

- Betsy Janeway thanked Senator Fuller Clark for her articulate and clear testimony. She told of one of her five children and that she supports this “perfectly benign bill.” She said that she is just learning about the issues of transgendered individuals but that one doesn’t go to the bathroom to find out what it means. She said that for a young woman, there are no laws protecting her and that it can be dangerous. She acknowledged that this is “nothing that parents like knowing about their beloved children.” She asked the Senators to please help the world to be less violent and to close the bathroom door and open the library door.
- Shannon McGinley of Bedford, a member of the Cornerstone Research Policy Action group, testified in opposition and said that sex is a biological factor, not a state of mind. She quoted at length from a publication entitled “Freedom of Gender and Gender Queer” and explained that according to this, the real goal is to create an androgynous society. She told of the recognized mental disorders (GID and GD) and that these individuals need compassion and treatment. She told of various incidents in Maryland and another state where a man tried to use a women’s bathroom. She closed by saying: “a man is a man and a closet full of dresses doesn’t change that.”
- Dr. Ann Boedecker appeared in support and provided written testimony. She explained that she is a psychotherapist who is a gender specialist with 30 years of clinical experience. She said that for every single story the Committee members will hear today, there are at least 10 more unheard stories. She said that in her practice she has heard of individuals who are beaten up. She told of the significant number within this population who contemplate suicide, not matter how they fight it. She told of the lengthy and difficult transition process and that this cannot happen overnight. She told of how at the beginning, she sometimes isn’t sure “which way they are going.” She praised those present today and said that five years ago, they wouldn’t have come through the door.
- Rachel Robinson, a 9th grader, asked the Committee to please vote against this legislation. She said that this is not what the state needs and would force beliefs on others. She explained that God created her parents the way that they are. She told of Miss California having to resign because she expressed her belief that marriage should be between a man and a woman. She told of her fear of walking into the women’s bathroom and finding a man there. She told of taking karate lessons and her fear of going into the changing room and finding a man in there with something on his mind other than changing. She said that folks would have to be hired to protect students in school bathrooms. She said that she is not here to judge others but to voice her thoughts on how they feel about this matter.

- Gerry Cannon of Merrimack appeared in support of people who cannot be here today. She said that while the Committee will hear some stories today, there are thousands of other stories that remain untold. She told how she has struggled with her identity since she was a teen and that her two daughters accept who she is. She told how she lost her job at Hewlett-Packard because she could not dress as she chose on her own time. She told of emotional distress and being laid off, yet someone was immediately hired to fill her position. She said that she is not asking for special treatment. She said that when she was a man, everything was fine – but when she became transgender, all of her rights went away. She asked that the Committee members please support this bill.
- Sioban Taukass of Manchester testified in opposition and said that there are many unintended consequences of this legislation. She said that it is rife for abuse and that it will not protect individuals. She said that Manchester has over 600 sexual predators, compliments of the State, and that they can linger in bathrooms.
- Sara Blanchette, a post-operative transgender, testified in support and told of living inside as a female and yet she was born in a man's body. She said that in order to survive, she had to accept this. She acknowledged that this caused a lot of pain to her family. She told of working for 7 years in a company (as a man) and that she had received a number of commendations for her work. Yet one month after she disclosed, she was provided with a letter telling her that she would be "immediately relieved of her job." She said that because she was different, there was no recourse. She told of the peace, safety and dignity she now has and that she believes in God. She said that what she has gone through was a quirk of biology but that she firmly believes that this was God's plan for her.
- Senator Houde asked if she had sought legal redress after being dismissed from her job. Ms. Blanchette responded that yes, she had. She went to the Legal Rights Commission as well as GLAD.
- Pamela Colantuono, a native of New Hampshire, testified in opposition and said that she is "protecting this state." As the mother of three, she said that this does not even make common sense and that it tears at our social structure. She told of 14 years ago being here to testify for an obscenity bill. She said that passage of this legislation will open Pandora's box and will increase the crime rate in this state. She said that this is a social agenda. She said that she is sympathetic to these people, but maybe they need to look at the labor laws. She repeated that this is a social agenda and that we have already seen the social strata decline here.
- Lisa Motet testified that there is a very large religious exemption within this legislation and that it is not at all applicable in education.
- She explained that the first law relative to this was enacted in 1975 and that only a small number of complaints actually are filed

because most are usually informally resolved without litigation. Regarding the testimony that there will be unintended consequences, she said that nationwide, there have been no bathroom or shower problems. She noted that the arguments presented by the opposition are all very hypothetical. Regarding the specific incident that was cited earlier in Maryland, she said that the man in the incident admitted in a pod cast that he had done it for media attention and that the entire thing was staged. She said that there is a lack of federal protection.

- Joe Marion of Wolfeboro quoted Article 32 of the Constitution to the Senators and reminded them of the oath they have taken. He talked about Article 31, requiring laws to be “passed for the public good.” He said that even considering this legislation is outside the jurisdiction and that decisions such as this should be handled in the church or in the home. He said that this “genderless faction” has exhausted their place before this Legislative body. He asked the Senators if they are observing the principles of our Constitution and that this legislation strikes at the very heart of our Christian republic. In summary, he said that it is the Senator’s responsibility to act constitutionally.
- Muriel Ring of Somersworth, a teacher and mother of three, testified in support and told of one of her children – a very successful Oyster River student and Brown University graduate. She told of her daughter’s rather “butch” appearance and how she evolved to be more and more male in characteristics and how she became more and more withdrawn and sad. She began therapy, was heckled, shrieked at. Her daughter became her son, Luke. She said that he is her child and when he graduated from Brown, he did not come home, but went to San Francisco where it’s open and safe. She said that there is no safety here. She explained the fears of Matthew Shepherd are incredible. She asked that for Luke and all the others, the Senators please support this bill. She said that the road for the transgendered is dangerous and filled with mockery. She said that this bill is not about the bathroom – that these people cannot find housing. She said that these individuals are not dangerous, they are not perverts, and they are not looking for special privileges. She said that her son would love to come home and asked her State to please protect all three of her children. She asked that her State please give him the same rights. She quoted Martin Luther King, Jr., and said that “Justice delayed is justice denied.” She asked in the name of Luke, and all those who are transgendered, please support this bill.
- Philip Mansfield of Wolfeboro testified in opposition. He said that he was very concerned about the consequences of this bill and asked the Senators to please vote “no.”
- Laura Jefferson of Henniker testified in support of the legislation. She explained that the week before she married her husband, he told her of his struggles. She said that they tried for a long time

but that in 1998, they parted. She said that since their separation, he has never missed a child support payment, they have been provided with health insurance coverage, and the kids have been college educated. She said that since their marriage in 1979, she has become a "poster child" for those who are transgendered. She said that she just laughs about it. She said that she is delighted to live in this State and that she just wants to protect people – that it does not help anyone for this to be a stigma. She said that her ex-husband is a very good person.

- Bradley Guida testified about his 4 and 6 year old daughters and 9 year old son and that he doesn't want any of them to open the bathroom door and see someone of a different gender present. He said that we have heard a lot of untruths and that there are thousands of stories about attacks in bathrooms – and that these stories are flat out wrong, that nothing has happened. He said that he does not condone any hate crimes but that we cannot assault other humans because of their skin color or the way that they look. However, he cautioned that once the door is opened, it cannot be closed again.
- Cynthia Tibbetts, who is the sole provider for her mother, explained her story and how she took a huge risk in presenting a letter to her company as she went from John to Cynthia. She said that as her boss read the letter, he would stop and ask questions. He asked if they could set up special rules. Cynthia asked that no special rules be established, but that she just have the same rules. The boss called in the Vice President of the company and told him that there was to be NO harassment of this individual and that if there were any problems at all, he was to be notified. She spoke of how very fortunate she has been during this time and that she knows of others who have ended up losing their jobs.
- Representative Fran Wendleboe testified in opposition and said that there is no exemption in the Human Rights statute. She said that she has been a landlord for many years and has never asked for proof of gender. She said that the problem is not transgender people, it is people who pose as transgender to take advantage of others. She gave examples of professions where if a woman came into work dressed as a man, there would be problems (Victoria's Secret, for example). She talked about hospitals and locker rooms being problematic if they were open to both genders.
- Representative McKeuren spoke of Article 2, Part 1 of the Constitution which protects all people's rights, but the times have shown that specific statutes are needed to give the Constitution life (such as during the civil rights movement).
- Walter Stapleton, Claremont, testified in opposition and said that that if we over-reach, then we end up setting up a special class of people. He said that "transgender" isn't even in this bill and that he is troubled that there is no definition of transsexual. He acknowledged that this is a complex issue and that we need a bill

that has more than 3 lines of definition. He felt the language is inadequate.

- Tony Mavicky, a former court bailiff and law enforcement officer, testified that he was assaulted by fellow officers while going through transition. He said that he was repeatedly abused and assaulted by co-workers and that he was not supported by his chain of command, making him fearful for his safety. He had to leave his job. He said that he had protected others in this State, but that there was no law to protect him. His only recourse is a federal case because there is no NH law to protect him. He said that every human should be protected. He said that he has since been hired in another state as a female police officer. He asked for support for the bill.
- David Ross, Salem, testified in opposition to the bill. He said that he received e-mails about this "bathroom bill" and that there has been convincing testimony on both sides of the issue. He said that he is a Christian who believes in the Bible and its teachings. He talked about a "man's nature" and a "woman's nature" and that the bill proposed one more addition that changes the very fabric of society. He said that this sets a precedent that this abnormality is acceptable. He said that he supports "traditional values" and asked the Committee members to please consider what this bill does.
- Jennifer Madden, M. D., of Nashua, appeared in support and presented letters from other physicians. She said that she is a post-operative transgender and that she did not choose to be transgender. She told of the chromosomal ambiguity and told of how the body develops its sexual identity during the first trimester while the brain develops its sexual identity during the third trimester. She said that brain defects are not obvious.
- She explained that she had come out to her employer who subsequently suggested that she "bind her chest." At one point they had suggested that she go out on paid medical leave until they could decide "what to do with her." She said that many other transgendered individuals have experienced equally humiliating treatment. She said that her employer had thought about "hiding" her away in an urgent care facility for two years. She said that she is not sick and does not want to be treated as if she has an illness. She closed by saying that there is no one in this room that anyone needs to fear.
- Maria Forger of Merrimack testified in opposition and said that she did not think that anyone could be here today and have no compassion for the stories that we have all heard. She acknowledged that this legislation may well have started out to protect some individuals but that it will be used in ways that were not intended and that it will redefine gender in our society. She said that the difficult stories today call for compassion – not passing a law to protect them. Neither does she want a debate on when a

fetus is one sex or another. She said that the challenge is not to take one segment and protect them by obliterating another segment. She said that regardless of the statutes, job discrimination does exist and that she, herself, has been discriminated against. She asked that the real concerns here be addressed.

- Attorney Janson Wo testified in support and acknowledged that the Senators have been overwhelmed with e-mails and phone calls with sometimes very hateful arguments but asked that the Senators provide mainstream values of fairness for all. He said that this is an example of what transgendered individuals hear everyday. He said that there are no explicit protections here in NH for these people.
- Richard Burleigh, a Veteran who has been in business in NH for 25 years, and who was not bailed out in the 1980's, told of his own business struggle and how he just took less pay in order to make it through rough financial times. He said that we do not have a gender problem here – that this is just “lust of the heart.” He told of how he had allowed pornography to come into his business – and then he heard a speech from Ted Bundy (the serial killer) who appeared on Dr. Dobson’s “Family Focus.” The point of the presentation was that individuals just have to say “no” to pornography and that this is just “lust of the heart.” He said that he now is an evangelist and that he appears in opposition to the bill.
- Deborah Burchelle, M. D., a transgender family physician, testified in support and explained that the fear that so many live with is that if they are honest with their employers, they will lose their jobs. She said that she worked at a hospital in Cambridge, MA. Her boss suggested that she be put on probation for a year, but fortunately, saner minds prevailed and she was able to avoid losing her job. She said that if a highly trained professional can think along these lines, then what protection is available for the office worker? She asked that the Senators please support this legislation.
- Tom Ferelli, a 48-year-old native, testified in opposition. He said that this only opens Pandora’s Box and that employers will be afraid NOT to hire individuals and that this will merely open them to lawsuits. He said that this legislation is a slippery slope and will be bad for business while making NH a less desirable place for people to live. He said that giving these people more equality will discriminate against others. He said that God gave us our gender and that this is a reality, not a state of mind. He was concerned that Boy Scouts (which he has volunteered for) and other organizations would be affected by this.
- Roberta Barry of Keene, a member of PFLAG with about 500,000 members nation-wide, testified in support. She told of getting to know many in the transgender community and of hearing their

stories. She said that if we fail to spell out protections, then these individuals are excluded. She told of how with special education, before these individuals were specifically protected, then schools could legally exclude handicapped children from receiving educations. She acknowledged that yes, this is a slipper slope and that it did cost communities a lot of money to educate special education students – but that the same rights should be available for all.

- Ann Marie Durant, RN, of Concord, a psychiatric nurse testified about the stigma that minorities deal with and asked the Committee members to please support this legislation.
- Leanne Peters of Derry told of input from a transgendered support group. She told of the suicide rate and the morbid numbers, estimated to be at 31% and higher for transgendered individuals. She said that the website Laura's Playground is specifically to help prevent suicide and that there were 8.6 million visitors to this web site last year. She told of the non-acceptance, homophobic attitudes, the discrimination, hate crimes and violence endured by this population. She said that it is time to stop this madness.
- Don Bartlett, presented research documentation and asked the Committee members to please refer to this regarding the treatment of homosexuality. He said that he is opposed to this bill.
- Representative Timothy Horrigan testified that the wall between genders is not as absolute as we would like to think. He asked the Committee to please vote for the bill exactly as it came over from the House.
- Mr. Jim Luther of Hollis testified in opposition. He said that he is in total agreement with folks who are against discrimination. He said that his concern is that this opens up a much bigger door. He said that he is really not sure what is behind this bill or HB 436 because they both strike reference to gender. He told of how the Massachusetts DMV no longer requires for licenses or identity cards to refer to gender at all. He said that "crazy things are happening out there" and told of a man in Philadelphia who was forced into the women's bathroom. He told of how a K-Mart had to apologize. He told of an individual who changed his gender twice. He told of a school bus driver who had to provide no notice to the school board that he was changing and how the driver pulled the bus over on the side of the road and explained to the kids that this is what he stands for. He said that if his children went into the restroom and found someone of the opposite sex, they would be very upset. He said that the term "gender expression" is way too broad. He said that he will be watching the Senators and waiting.
- Alexis Sandy of Keene, a graphic artist, presented written testimony and said that she had transitioned six years ago. She told of the "skin head" that was hired by the company who went on to harass her every work day. She said that she contacted attorneys but there was nothing that could be done. She said that

she was told that they had to work together and they eventually sorted out things on his terms. Fortunately for her, he was eventually fired by the company because of his attitudes towards others. She said that she had just wanted to do her job.

Fiscal Impact: Not applicable

Action: Following the hearing the Committee went into Executive Session. Senator Letourneau moved "Inexpedient to Legislate." Senator Roberge seconded the motion. The Committee voted 5 to 0 in support of the ITL motion. Senator Lasky will report the bill out of Committee.

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[file: HB 415]

Date: April 27, 2009

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positions on the bill. But, members of the public here, they need to have an opportunity to weigh in on this bill and a lot of people have taken time off from work and spent money on gas to get here. So, I ask the House members to defer their testimony. If you want to sign in in support or opposition, obviously, that is something the Committee will undertake.

At this point...

Representative Wendelboe: Inquiry, Madam Chairman? Are you saying that House members will not be allowed to speak?

Senator Deborah R. Reynolds, D. 2: I'm asking the House members to defer speaking. That's what I'm asking of Representatives. I think for time's sake, because we have a lot of people from the public, I would like to have the public have an opportunity to speak. Obviously, if you feel strongly about it, that is going to be a choice that you will have to make, but we only have two hours. Okay?

Representative Butler, I'm going to call you first as the prime sponsor, if you will. Thank you very much.

Representative Ed Butler: Thank you, Madam Chair and good afternoon members of the Committee. For the record, I'm Representative Ed Butler, representing Carroll County District 1.

By now, you know this bill. It adds the words gender identity and expression to our nondiscrimination statutes and it adds that term to our hate crimes law as well.

Senator Deborah R. Reynolds, D. 2: Could you speak up please?

Representative Butler: Sorry. I will. This bill will make it possible for our Human Rights Commission to support basic protections against discrimination in housing and employment.

Where did this bill come from and why do you have to deal with it now? Well, issues relative to minorities, those who are least visible and vocal, get the least attention. And why have transgender people been the least vocal and visible? Because their history has shown them that we are frightened by people who do not conform to gender norms, especially those who express themselves in the role opposite their biological gender. In the history of transgender people coming to this point today of being able to stand up in front of you in this hall of power, there are myriad stories of discrimination,

abuse and rejection, some of which you will hear today. There has been reason for this group of people to be less visible.

Even in the gay and lesbian community, some didn't acknowledge transgender men and women as part of our larger community. After all, sexual orientation – gay, lesbian or bisexual – is about attraction to someone of one sex or another. Being transgender is about sexual identity – male or female – not necessarily orientation.

You may have seen the acronym GLBT or LGBT. Eventually, we realized that we are all part of a group of sexual minorities; that we all have experienced discrimination because of who we are and came to understand that we must support each other in our efforts to achieve inclusion and equality. Thus, GLBT – gay, lesbian, bisexual and transgender.

The New Hampshire transgender community, and indeed the transgender community around the country, has been becoming more active. Just as with the long march towards equality for gay and lesbian New Hampshire residents that this Legislature has witnessed and supported with nondiscrimination protections and relationship legislation, the transgender community is coming out and asking for acknowledgement, understanding, respect and safety.

The path for minorities towards inclusion in our communities is not an easy one. It is an unfortunate behavior of many of us to reject and push away that which is unknown or different. It is easier for us to believe that which is not the norm; that which is difficult for us to understand in wrong, is bad, is inferior, or is evil. And, so we reject; sometimes violently so.

How do I, how do we, in this brief time that we have with you today help you to understand why this is so important that you support and help to pass this piece of legislation before you? Obviously the opposition, those who fear this group of people, has taken the upper hand with their campaign of distortion. You will hear from those who will testify today in support of this bill why those fears are unfounded and, in fact, why transgender people every day must fear us. Yes, rather than being a threat to society, it is the other way around. We, the majority of people who are not transgender, we who express ourselves in societally acceptable ways relative to our gender, are a threat to them.

Please support the struggle that has brought this community to you today. Give them the basic protections that we all deserve, that most of us have had our entire lives. The right to have and keep our jobs; the right to have and keep our housing; the right to be protected from abuse. Providing those

protections today will give this community of men and women a safety net that will allow them, as it has the gay and lesbian and other minority communities, the security to become more productive and involved members of our society. The choice to provide these basic protections is now yours to make.

Thank you.

Please see Attachment #1, Representative Ed Butler's prepared testimony.

Senator Deborah R. Reynolds, D. 2: Thank you very much, Representative. Does anybody have any questions for Representative Butler? Thank you very much for coming today.

We are going to proceed now with calling those who are opposed and going back and forth. What I would ask you to do when you come up is keep in mind that there are a lot of people that have come here who would also like to speak. I have an hour glass here I'm going to be keeping close watch on the time and may ask you to sum up. I'm not doing that to be disrespectful or impolite. I just want to make sure that the Committee hears from as many of you as possible today. So, at this point, what I would like to do is call Marie Muller. Is Marie here? I apologize. Senator Clark wants to speak. In the Senate, we have a courtesy that we allow the State Senators who wish to speak to speak because this is a Senate hearing and so I hope the public understands that. Senator Clark is a co-sponsor of the bill and had wanted to speak. Thank you. Senator Clark.

Senator Martha Fuller Clark, D. 24: Thank you very much, Senator Reynolds and members of the Committee. For the record, I'm Senator Martha Fuller Clark. I represent District 24, which is the City of Portsmouth and the seven surrounding communities of Rye, Newcastle, North Hampton, Hampton, Hampton Falls, Greenland and Newington. I appreciate the fact that you are allowing me to speak at this moment. I am the Senate prime sponsor for this bill and I just wanted to be able to share my remarks with you at this moment.

When Representative Butler asked me to co-sponsor this incredibly important bill, I was honored to do so. I have always stood up for fairness and equity in our state. Many of you know that I have a son who is not transgender, but he is gay. He has also been subject in his life to discrimination and some very difficult situations. So, I sympathize with those who are transgender. I believed and continue to believe that New Hampshire is a state that is committed to ensuring fairness and equal opportunity for all.

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That we, as citizens of this state, abhor intolerance and bigotry against any one of our citizens. Passage of HB 415, the transgender equity bill, would support and protect the transgender members of our State so that they, too, will have the full opportunity to become productive and contributing members of our communities, respected by all.

Unfortunately, pervasive discrimination and hate violence against the transgender individuals is preventing this particularly vulnerable population from protecting themselves at their jobs, in their homes, within their communities and on our streets.

Unfortunately, opponents of this bill, aided and abetted by the press, have shamefully sought to distract the real issue of discrimination and violence by bringing the debate literally to the toilet. By frivolously nicknaming this bill "the bathroom bill", opponents, again supported by the press, have scared the public into believing that this bill would allow sexual predators into public bathrooms and endanger the safety of New Hampshire women and children.

Nothing, nothing could be farther from the truth. In fact, these objections are flat out lies. The truth is that, in thirteen states and over a hundred municipalities that have enacted similar legislation across the country, there has not been one single reported instance of bathroom misconduct arising from passage of similar laws. That is the truth that should have made its way into the press and to the public at large.

In my hand, and I will hand these on to you, I have letters from the Human Rights Commissions in three states that have such protections in place for transgender individuals - Colorado, Washington and Iowa. And, those letters confirm that they have not received even one complaint related to bathrooms.

The truth is that New Hampshire already has criminal and civil laws that prohibit inappropriate behavior in our public restrooms and nothing in HB 415 affects those already existing protections.

The truth is that all people will be safer as a result of this bill. And, again, I have in my hand a letter from the New Hampshire Coalition Against Sexual and Domestic Violence and the New Hampshire Women's Lobby denouncing these bathroom scare tactics as meritless and underlying their support for this legislation.

The New Hampshire Coalition Against Sexual and Domestic Violence says in their letter, and I quote, "We are saddened by those individuals and groups that are deliberately misleading legislators and the public by creating an unfounded fear about women's safety in connection with this legislation. Not

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only does this scare tactic detract from the very real issues of violence facing women in New Hampshire, it also ignores the serious threats to personal safety that many transgender and gender non-conforming people in New Hampshire experience on a daily basis.”

I thought New Hampshire was better than falling for these distortions and lies that we have heard from so many of the opponents of this bill. But, now I am not so sure. The New Hampshire citizens I know understand the fundamental and mainstream value of treating people with dignity, respect and fairness. The New Hampshire citizens I know and represent are the fair-minded people that want our state to protect the rights of all of our citizens. I also know that the distortion and misnaming of this bill is an outrage and embodies the very core of ugly and misplaced prejudice we all hope this bill will prevent.

I continue to be a proud sponsor of this bill and I urge you to pass this bill on behalf of all the citizens of New Hampshire. And, in closing, I have one letter from a constituent that I would like to read.

“Dear Senator Martha Fuller Clark

I am writing to you to please vote for HB 415, the bill that will add gender identity and expression to current non-discrimination laws in this state. As you may know, it is a personal issue for me. As a physician and post-op transsexual, I can't understand why anyone would want to vote against it. In my practice, I have a large group of transgendered individuals that come to me for their medical care and I know first hand the hardships they face and the prejudice and injustice they endure. I would welcome you to come to one of our support group meetings and meet some of them.

There's a lot of medical evidence to support the concept that the brain is sexed during the third trimester of pregnancy, while the sex organs develop in the first. For most people, they can't imagine a brain sex different than their physical body but for transsexuals, it's a struggle we live with every single day. Transgendered people should not be feared. They are not sex predators or evildoers. They are like me, simply people who are different, often misunderstood, but no more of a threat to others than the average person. Many of us are professional people: doctors, lawyers, and business owners. Yet many are poor, often deprived of employment or housing and looked down upon by society.

I believe all people should be treated with dignity. My own journey has taught me a lot about prejudice and how people are often judged by preconceived beliefs and perceptions. I am one person trying to change my

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part of the world. I hope you will take the time to contemplate what I have written.

Sincerely,
Jennifer Madden, MD
5 West Point Terrace
Nashua, New Hampshire"

I hope you, too, on this Committee will take the time to contemplate what she has written. Thank you, Madam Chairman.

Please see Attachment #2 - Senator Fuller Clark's prepared testimony.

Please see Attachment #3 - April 23, 2009 letter from New Hampshire Coalition Against Domestic and Sexual Violence.

Please see Attachment #4 - March 17, 2009 letter from Jamie Sharp, Deputy Director, Civil Rights Division, Colorado Department of Regulatory Agencies.

Please see Attachment #5 - April 1, 2009 letter from Ralph Rosenberg, Executive Director, Iowa Civil Rights Commission.

Please see Attachment #6 - March 10, 2009 letter from Sharon Ortiz, Interim Executive Director, State of Washington Human Rights Commission.

Please see Attachment #7 - Letter from Jennifer Madden, MD.

Senator Deborah R. Reynolds, D. 2: Thank you, Senator Clark. Any questions? Thank you very much for your testimony.

I am going to start the list. Marie, I apologize. I didn't see Senator Clark. So, I would ask you to come forward. We are going to have to keep this on a tight schedule. Please have a seat. Welcome. Please state your full name for the record if would.

Marie Muller: Thank you. My name is Marie Muller and I will be brief. I did take the day off from work because I felt it was important to be here today. I also, with this economy, I'm down a paycheck in my family and that is how important I thought it was to be here.

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After reading the bill, my belief is that gender should be based on your sex at birth, not your appearance, expression or behavior. I also came to share with you a personal experience that I had when I recently went to a blood bank to donate blood. After filling out the extensive questionnaire, giving my age and my sex and my birth and then also giving them my license and they looked me up in their data base using my Social Security number, and I have been donating blood since I was seventeen years old, for the last thirty years. After having three official forms of identification from me, they sat across the table, two feet away from me, and said, "And, what is your gender?" I told them that I was offended by the question. I have been donating blood for thirty years. They said, "Hang on because we have to ask you this question one more time". I should not have to justify my gender. I've been the same gender since I was born.

I would like to ask the Committee to please focus on more important things in this economy right now. There is an awful lot going on that we need to not be sidetracked with these types of bills. I request that you dispose of this bill and make it ITL if that is what the Senate does. I'm trying to get educated about what goes on up in Concord these days because I found it was extremely important that I no longer sit on the sidelines and be apathetic. Thank you.

Senator Deborah R. Reynolds, D. 2: Any questions? We thank you very much for coming today.

Ms. Muller: Thank you.

Senator Deborah R. Reynolds, D. 2: I would like to next call Joni Esperian.

Attorney Joni Esperian: Good afternoon, Madam Chairman, members of the Committee. My name is Joni Esperian. I am the Executive Director of the New Hampshire Commission for Human Rights. The Commission is a civil rights law enforcement agency charged with the investigation and adjudication of founded cases of discrimination, also known as the Law Against Discrimination, RSA 354-A. We take charges of discrimination in employment, housing, lending and public accommodations.

I speak on behalf of the Commission this morning, which consists of a Commission board of, when it is full, seven members, but five now, which unanimously supports the passage of this amendment to our statutes.

The Commissioner sees this amendment, as do I as their in-house legal counsel advisor, as consistent entirely with our mission to promote respect,

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equality and justice for individual citizens without regard to the characteristics one is born with.

Now, when establishing the Law Against Discrimination, the General Court found that discrimination in employment, housing, lending and public accommodation based on age, sex, race, religion, color, national origin, marital status, familial status, physical or mental disability or sexual orientation threatens the rights of citizens and menaces the institutions and the foundations of a free democratic society and state. You will find that in the enabling portion of our statute.

Indeed, those members of the General Court who created the Law Against Discrimination saw that the peace, order, health, safety and general welfare of the state and its inhabitants was undermined by unchecked discrimination.

The Law Against Discrimination was directly tied to the fulfillment of the provisions of the New Hampshire Constitution concerning civil rights. The General Court referred to Part First of the Constitution of New Hampshire, the Bill of Rights in particular, and the Bill of Rights within the Constitution of this state was passed in 1784. Article 2 is referred to as natural rights. It states, and I quote,

“All men shall have certain natural, essential, and inherent rights, among which are the enjoying the defending of life and liberty, acquiring, possessing and protecting property; and in a word, seeking and obtaining happiness. Equality of rights under the law shall not be denied or abridged by this state on account of race, creed, color, sex or national origin.”

Senator Deborah R. Reynolds, D. 2: Attorney Esperian, I apologize. You've got some excellent points. You are representing the New Hampshire Commission of Human Rights, which is the law that interprets discrimination and I want to defer a little bit to you, but if you have written testimony, if you could possibly give that to us and sum up, because we have a room full of people who also want to speak. So, if you could sum up, that would be great.

Attorney Esperian: I would like the Committee to know that there is an important thing that you need to know about the way the Commission handles transsexual charges right now.

Senator Deborah R. Reynolds, D. 2: That would be helpful if you could share that with us.

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Attorney Esperian: In 1986, the Commission was presented with a charge of discrimination in employment for a victim who alleged that she was fired for being transsexual. At that time, the Commission twice concluded it had no jurisdiction to accept the charge. The victim challenged that decision in court and a Rockingham County judge overruled the Commission and said that we had to take that charge based on psychiatric disability.

Senator Deborah R. Reynolds, D. 2: I appreciate that and I read that decision. We would love to have the other Committee members have a copy of that.

Attorney Esperian: The problem with that, Madam Chairman, is that it is a state court decision from the Rockingham County judge and it does not have the force and effect of statute, it does not have the force and effect of a state Supreme Court Decision. So, it is a thread by which only one sector of the transgender population can seek the protection of the Commission. Only transsexual individuals can seek that protection and, if it is challenged, it will potentially fail.

My point is that, for the rest of the transgender population, who call us with problems in employment and housing and public accommodation, we have no basis to offer them protection. If you pass this bill, it will be consistent with the precedent of the Constitution, with the General Court, and the laws against discrimination. It will be clear with employers, property owners and business owners because you will tell them exactly what is expected of them and you will help them prevent lawsuits and charges and help them economically because they will not face possible litigation. You will also be telling New Hampshire citizens that you will enforce the law against discrimination because it is legally mandated that you do so. It is irrelevant whether the group that you are protecting is a popular or unpopular group.

With that, I will conclude my remarks. If you have any questions, I know you know how to contact me and I have copies of my testimony for the Committee.

Please see Attachment #8 - Attorney Joni Esperian's prepared testimony on behalf of the New Hampshire Commission for Human Rights.

Senator Deborah R. Reynolds, D. 2: Thank you very much. Do any of the Committee members have any questions? Senator Houde?

Senator Matthew Houde, D. 5: Thank you, Madam Chair. I do have one question. Could you explain what the rationale of the Commission is for not

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feeling that it has the authority to assert claims for transgender as well as transsexuals?

Attorney Esperian: We don't have a statutory basis for accepting charges for the full range of transgender persons. We actually don't even have a statutory basis for assisting transsexual persons.

Senator Matthew Houde, D. 5: Follow up, if I may, Madam Chair?

Senator Deborah R. Reynolds, D. 2: Yes.

Senator Matthew Houde, D. 5: So, the Commission doesn't interpret the enumerated bases for non-discrimination to include transgender?

Attorney Esperian: Exactly.

Senator Matthew Houde, D. 5: Thank you.

Senator Deborah R. Reynolds, D. 2: And, just as a follow-up, there is no clear precedent in New Hampshire anyway. There is no appellate court decision.

Attorney Esperian: Exactly.

Senator Deborah R. Reynolds, D. 2: Thank you. Thank you very much for coming and we appreciate your time.

At this time, I would like to call Ann Marie Banfield. Ann Marie, if you are here. Ann Marie Banfield? Okay. Just state your name, Ann, for the record, if you would.

Ann Marie Banfield: Sure. Good afternoon. My name is Ann Marie Banfield and I live in Bedford, New Hampshire. I come here today to testify against the passage of HB 415. Sure, I will try. I simply come here as a mom who cannot figure out why the Legislature is considering such extreme bills that can negatively affect our children. With all the problems in our economy and public education, it frustrates parents like me who see Democrats pushing forward radical legislation that does nothing to improve the economy or the quality of education in this state.

With the passage of this bill, what prevents kindergarten teachers from coming to school one day as a man and then the next day as a woman? Will we now be forced to deal with these extreme political issues, thanks to those

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legislators who seem oblivious to the needs of the parents and the children in this state?

With the passage of this bill, what prevents an athletic coach in a school who may actually be a predator from entering a girls' locker room and using the excuse that he felt like a female that day? Where is the recourse to prosecute someone like that? That puts our daughters in a vulnerable position that can be dangerous.

New Hampshire has some of the poorest academic standards in math and science. I would like to read a very short quote from Education Secretary Arne Duncan who is quoted in the *Chicago Tribune* saying: "In too many places we are lying to children now. We tell a child they are meeting the state standards, the logical implication is that child's on track to be successful. In too many places, if you are meeting state standards, you are barely qualified to graduate from high school and you are totally unqualified to go to a university and graduate."

New Hampshire standards are at an F level. The reason I read this quote is to highlight what this legislative body is missing. Secretary Duncan admits that states like New Hampshire are lying to children when our students meet our current state standards. So, where does our Legislature focus? Genderless marriage, physician assisted suicide and a bathroom bill.

Are the Democrats that out of touch with mainstream New Hampshire voters? With all of the problems in the economy and public education, it is a huge disappointment that, instead of focusing on fixing these problems, they have decided to push forward politically extreme legislation that is completely out of touch with the average New Hampshire family.

I sit here and I look around this room and I can tell a man dressed as a woman. You're going to tell me that it is okay that my daughter be subjected to men entering a public restroom? You're going to tell me that if you vote for this. That is a message that I am going to get. You are putting her in danger and I want to express that this is wrong. This is wrong. I am here in 2009 as a woman fighting for my privacy rights. We have heard about the rights from the Human Commission, whatever she is called. Where are my rights? Where are my daughter's rights? I'm angry.

Please see Attachment #9 - Ann Marie Banfield's prepared testimony.

Senator Deborah R. Reynolds, D. 2: Thank you for your testimony. Any questions? Thank you for coming.

Ashley and, I apologize, Pushkarewicz. I apologize, Ashley. If you could please state your name for the record.

Just for all of those who are patiently waiting, I just can't emphasize enough that if you have a written statement, give it to us. Don't necessarily come up and read it because it is just going to mean that fewer people are going to get to testify today. I just can't ask you enough to please allow your fellow citizens to have their say today. So, go right ahead and state your name.

Ashley Pushkarewicz: Thank you, Senator. My name is Ashley Pushkarewicz and I am a Nashua resident.

The process leading up to my decision to submit this testimony has been very difficult emotionally. Like many other New Hampshire residents whose stories you read and, more importantly, the countless more that you will never hear about, coming forward to speak about the prejudice and oppression I face on a daily basis due to my gender identity expression is terrifying. Even now I am mindful that many of the people I work with and interact with on a daily basis may hold this statement against me.

The words transgender is very popular in mainstream media right now. A lot of people interpret it to mean just transsexuals, people who are transitioning medically between one gender to another. I am not one of those individuals. I made the decision several years ago that I was not going to pursue transitioning. A lot of this is because I want to pursue my work and my passion and I know that nothing could give me that job security, even though I might be dedicated to the work that I am doing. Without hormone therapy and surgery, current law does not allow me to change my legal sex to meet the gender that I know I am in my heart. Stuck in this gender ambiguity, I would face physical harassment, problems accessing medical treatment. Police have been called on me when I have tried to use a restroom assigned to my biological sex even.

Though I am not out about my gender identity at work, well, today I am going to be little more out than I was before, I also do not hide it. This leaves me walking an exhausting tightrope between defending who I am and expressing who I am and fear about how people will react. Currently, I have an amazingly supportive boss, but in previous times I have not. I have had employers who have looked at me in front of other co-workers and said, because I refuse to wear a dress to public events, that I was not part of the team and they were disappointed in me. I have had other employers who have told me that I was very confused because I wear men's button down shirts and pants and tried to educate me and that they would take time out of their work to take me shopping. Those might not mean anything to you. To

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be harassed on a daily basis by the people that I work with, to be called out and told that there is something wrong with how I am doing my job because of how I appear or how I relate, to have to go to my work and always be careful about the mannerisms, about the way my voice is, the way I stand, the way I relate. That is so exhausting that by the end of the day, it is hard to even say I want to look at my co-workers, let alone be at my job.

Currently, I am a fairly public figure with the work that I do and I coordinate volunteers. Hence, my work success depends on making sure that those around me feel comfortable relating to me. I like to think that I do my job well and I'm not interested in, as people say, "special protections". The way things are right now, though, I have to consciously filter what I do and who I am because if somebody interprets that wrong, I can be fired.

Some opponents of this law state that this outright discrimination does not happen or that, in the grand scheme of things, it is a very few cases. I can say from personal experience, it does. I have been asked by a supervisor before not to re-apply for a seasonal job after being told in weeks prior that I had the best responses and survey results coming back, that I was one of their best employees. They were going to ask me the following season to come back as a supervisor. She called me up and told me that because she had heard from several families that were concerned about my identity and expression that they were going to ask me not to re-apply for the job.

Senator Deborah R. Reynolds, D. 2: Ashley, I'm sorry. Could you sum up? We have a lot of other folks who would like to testify. Thank you.

Ms. Pushkarewicz: Sure. Basically, this means, this bill, that I will not be judged by the length of my hair, the type of clothing I wear. It means that I can be open to my co-workers, many of whom I believe legitimately care about who I am. Thank you.

Please see Attachment #10, Ashley Pushkarewicz's prepared testimony.

Senator Deborah R. Reynolds, D. 2: Thank you for coming. Any questions? Thank you very much for coming, Ashley.

Austin Nimocks? Is Austin here? Welcome. Have a seat and state your name.

Attorney Austin Nimocks: Thank you, Chairman Reynolds, members of the Committee. My name is Austin Nimocks. I work for the Alliance Defense Fund as Senior Legal Counsel. The Alliance Defense Fund is a national legal

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alliance. We deal with legal issues involving the sanctity of life, religious freedom and family values. We have eight offices nationwide and one international.

I'm here to express concern from a legal standpoint regarding the implications, especially the public policy implication, of enacting legislation that relegates sex to a state of mind instead of a biological reality. The ripple effects of enacting such legislation will hit multiple areas of law that may not have been considered yet by the Committee, and especially the general public. Enacting a public policy that relegates sex to a state of mind should be seriously considered with regard to these legal ripple effects before enacting.

For example, any designation of law which is sex specific like paternity statute will be placed into question. Paternity statutes are designed specifically to create a legal link between men and the children that they are responsible for creating. But, now the individuals and organizations who are pushing legislation like 415 are challenging paternity statutes, trying to create legal links between individuals who do not have biological connections. When you throw the specter of removing the designation of sex as a biological reality into the mix, you obviously place that statute into question.

You also are going to place statutes regarding correctional facilities into question where the legislatures in every state, for good reason, routinely separate men from women for protection and privacy reasons. New Hampshire has a women's correctional facility because, in intimate areas, obviously it is not a good idea to have men and women together. Yet, when it comes to the general public, this bill specifically purports not to extend the same protection to the general public.

You could have issues with regard to the marriage laws, specifically if the marriage law says that marriage is one man and one woman, but sex is a state of mind. You can have two men demand that they be issued a marriage license because one of them identifies themselves as a woman. These lawsuits are not hypotheticals.

What about the work place? Some employers have specific reasons to make sex designations in hirings, especially for public employers who put people in the public sphere. Sometimes you need a woman or a man specifically. This law places into question the ability to hire. More importantly, this law specifically says that an employer cannot question anybody's gender identity. In other words, if you have an individual who identifies as a sex other than what they are, an employer is not even entitled to know that in the hiring process before they find out who exactly they may have hired. I think that is

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specifically unfair to employers. It affects employers with regard to have uniforms and dress codes that may be sex specific. Obviously, the restroom and intimate area facility issue reflects on employers as well.

There is also a duty for employers to continually remove sex from the workplace. Most jurisdictions have sexual harassment laws because sex is not supposed to be a part of the workplace, yet this law makes sex a material issue in the workplace, as it does conflict with individuals who may have specific religious beliefs, which brings me to my last point. I'm going very quickly here to try to respect your time limitations.

Senator Deborah R. Reynolds, D. 2: We appreciate that. Thank you.

Attorney Nimocks: This bill has nothing in it whatsoever that purports to exempt individuals who have deeply held religious beliefs about who men and women are and those individuals are all over the state. I note that HB 436, the same sex marriage bill, does have a religious exemption in it. I don't think it is adequate. Yet, 415 doesn't even seek out any protections whatsoever for religious individuals. There are lots of individuals who believe that God created men and women and that doesn't change. And, it is not a state of mind; it is a biological reality. Those individuals are not only entitled to have those beliefs, those beliefs are protected by the First Amendment of the United States Constitution and there is no constitutional right to designate one sex. When you consider balancing the rights at issue here, the constitutional right clearly wins out. So, the absence of any religious exemption in this legislation whatsoever is a serious and gaping hole.

The last issue legally I would point out is with regard to law enforcement. Law enforcement routinely relies upon the ability to designate sex, sex designation on identifications and things like that. I think it would have an effect on the law enforcement community.

Senator Deborah R. Reynolds, D. 2: Thank you. Do you have, and Senator Roberge has a question for you, but if you have written testimony and you would like to submit that, that would be much appreciated. Senator Roberge?

Senator Sheila Roberge, D. 9: How does this affect the education arena?

Attorney Nimocks: It could have a dramatic effect on the education arena and going beyond, you know, bathrooms and locker rooms and intimate facilities. If educational institutions are required to honor an individual's designation of their own sex, and I will give you an example, then a boy

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would be required to be allowed to play on the girls' basketball team. If you just look at athletics and the circumstances where routinely we have men's and women's different teams because we recognize some of the physical characteristics and differences between men and women. Even if a school does embrace that, when a school, for example, starts engaging in athletic competition with other schools, that decision and policy is being forced on other schools and I think it creates a serious problem, a safety problem, that schools are going to have to grapple with.

It is customary, routine and accepted to segregate sexes in certain settings and educational settings, especially when we start getting into this as the kids get older. So, this law places into question the ability of teachers, administrators and school educators to segregate sexes in proper circumstances.

Senator Sheila Roberge, D. 9: And, how will it affect the workplace?

Attorney Nimocks: The workplace, again, specifically, I think that employers are entitled to know if they are going to be hiring somebody who is making a gender designation other than what they are, yet the law specifically says they can't know. Again, in the workplace, I think the biggest thing is that employers are supposed to constantly suppress sex in the workplace and this brings it bubbling up to the surface and there would be a conflict in the workplace with sex and religion. There always is and there always has been. People of religion, or who have religious beliefs, are entitled to carry those religious beliefs.

Senator Sheila Roberge, D. 9: There should be a religious exemption?

Attorney Nimocks: Yes, Ma'am. Absolutely.

Senator Deborah R. Reynolds, D. 2: Any other questions? Thank you very much. Thank you for your testimony.

Attorney Nimocks: And, Madam Chairman, I did not relegate my testimony to writing, but I will see in my travels if I can do that and submit it. I don't know when the Committee will be voting.

Senator Deborah R. Reynolds, D. 2: That would be great.

Attorney Nimocks: Thank you very much for the time. I appreciate the privilege.

DMB

Senator Deborah R. Reynolds, D. 2: Thank you very much. Thank you for coming.

The Chair calls Betsy Janeway.

Betsy Janeway: Senator Reynolds, members of the Committee. I think that Senator Fuller Clark said just about everything I really was planning to say and she said it so well that I won't repeat it. So, I am changing my testimony for the moment to tell you about one of my five children, adult children, and to say that I am in favor of this perfectly benign bill to protect basic human rights of a greatly misunderstood minority.

I, myself, am just learning about what transgender means, but at least I have the intelligence to go to the library and type in transgender and find books and information and find out what it means. I don't go to the bathroom to find out what it means. I am the parent of a young woman who seems to be acknowledging that the gender that she was born into may not be appropriate to who she knows she is. I have enormous fears for her. I am afraid for her because it is dangerous because there are no laws protecting her. Somebody just got killed yesterday in Colorado, a transgender person. She has been screamed at by a truck that rolled by and said I would like to rip your head off. These are not things that parents really enjoy knowing about their beloved children.

I wonder why people seem so reluctant to educate themselves about what transgender means. It is not that hard to find out. If you learn to understand, I wish we were a less violent, less prone to jump to conclusions about people in society. I wish we were kinder and wiser. I wish we would close the bathroom door and open the library door.

I hope this Committee has the courage to vote ought to pass on HB 415 because this bill really ought to pass. Thank you.

Senator Deborah R. Reynolds, D. 2: Thank you very much for coming, Betsy. Shannon McGinley. Is Shannon here? Shannon, if you could just state your full name for the record. Thank you.

Shannon McGinley: My name is Shannon McGinley and I live in Bedford. I am here representing Cornerstone Policy Research Action. I'm representing about five thousand, over five thousand families here in New Hampshire.

Sex is a biological fact, not a state of mind as this bill would have you believe. Men are men and women are women. No one can change that. No amount of hormones or surgery can change your DNA.

JJB

If you think that HB 415 is just about transgender rights, I would like to read for you some information that was on a website called equalitygiving.org. It is Strategic Giving for Lesbian, Gay, Bisexual, Transgender Equality. I am going to quote here and I will say when I am not quoting any more to make it very clear.

“Freedom of Gender and Genderqueer. Freedom of gender embraces transgender rights and then goes beyond to what is called genderqueer. See a broader picture.

Beyond two sexual orientations: genderqueer. Sexual orientation encompasses a spectrum from heterosexual to homosexual with some people falling between the two and preferring to identify as bisexuals. Similarly, gender encompasses a spectrum from male to female with some people preferring to identify as genderqueer (either not caring to identify as one of the two sexes or preferring to encompass both genders) instead of being constrained by gender stereotyping. Certainly, it enhances society to allow its members to self identify as they wish and love whomever they choose.

Gender identity issues: (I’m continuing to quote here). In this spectrum of gender and sexual orientation, transgender people and anybody who is gender variant and may not conform to traditional gender roles, including transvestites, transsexuals and those who are intersexed face significant inequalities. (And, then it goes on to bullet points) Severe employment discrimination; healthcare access and coverage; freedom to declare any gender (or no gender) on official documents including birth certificates, passport, drivers’ license, Social Security card, real ID for voting; access to restrooms; air travel scrutiny; gender stereotyping.” (I’m finished quoting)

It goes on with a list of different legal defense organizations to implement that which I have read to you above. I find that incredibly disturbing. The goal here seems to be more than just about transgender rights because, interestingly enough, that’s not mentioned at all in this bill. I think that the real goal here is to create a genderless society where we are all living in an androgynous society where we can go in and out of sexuality depending on what we feel like – men, women, whatever you want to be. I find it very concerning. I go on here.

The proponents of HB 415 have claimed that this measure was proposed to only protect a very small minority of the population born with some form of physical or generic abnormality from being discriminated against – a well-meaning idea, no doubt. However, the language of this bill was written as such so that it allows virtually any person under the sun to claim

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discrimination rights under the terms "gender identity or expression" as written in the bill. In fact, the very terminology used in the bill "appearance", "behavior", "regardless of assigned sex" actually contradicts the intent of those whom the proponents of HB 415 purport to be protecting. After all, if one is born with a chromosomal or physical condition, you would not seek to protect them on the basis of their chosen identity or expression.

The scope of protections within HB 415 goes beyond persons described in the above paragraph. It also goes well beyond persons with gender identity disorder (GID) or gender dysphoria (GD) (commonly referred to as transgenderism). GID or GD is classified in the *Diagnostic and Statistical Manual for Mental Disorders* as recognized by the Psychiatric Association and the medical community. Persons with GID need compassion and treatment for their disorder and in fact they too are already covered under the anti-discrimination laws.

I would like to read a few quotes.

Senator Deborah R. Reynolds, D. 2: Shannon, I really apologize. We have got something like forty people to hear and so I am going to have to ask you to sum up. I think all of you in the room need to understand that we do want to hear from you, but if each person is going to take five or ten minutes, that's going to limit the number of people that we are going to be able to hear. So, please sum up. Your testimony is helpful to us. If you want to submit anything in writing, we would love to have it. Thank you.

Ms. McGinley: I would like to bring up a couple of cases where the consequences of this type of legislation. In Gaithersburg, Maryland, Rio Sport and Health Fitness Club, this was in the media, they were streaming live where a man tried to use the women's locker room and a teenage girl in Colorado encountered a man at the Wal-Mart in the bathroom because he was feeling like a woman. Of course, in a bathroom, you are exposing yourself to go to the bathroom. As a mother, I find this particularly offensive for my children to be able to go into the restroom in such situations.

A man is a man and a closet full of dresses does not change that. People who are sexually confused need compassion and treatment and not special legal status.

Thank you. I will submit my testimony.

Please see Attachment #11, Shannon McGinley's prepared testimony and attachments.

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Senator Deborah R. Reynolds, D. 2: Thank you and I'm sorry to cut you off.

Ms. McGinley: Does anybody have any questions?

Senator Deborah R. Reynolds, D. 2: Anybody have any questions? Thank you for coming today. I am going to call on Dr. Anne Boedecker and, again, to all of you, everything you are saying is important to us, but you know, we have a finite amount of time. So, I urge you, if you are listening to testimony and you agree with it and you don't think you need to speak, you might want to keep that in mind because you might not be able to speak. Please go ahead Dr. Boedecker.

Dr. Anne Boedecker: Good afternoon. My name is Dr. Anne Boedecker and I am speaking in favor of HB 415. I do have written testimony, so I will stick to a few points.

Senator Deborah R. Reynolds, D. 2: Thank you

Dr. Boedecker: I am a psychologist and gender specialist in central New Hampshire. I have a PhD in Human Development and thirty years of clinical experience. I'm here to talk about what my clients experience and why this bill is important.

The first point is that, for every story that you hear from someone who is transgender, I can find ten other stories of clients that I have seen. You are going to hear the tip of the iceberg. Stories of people who have been harassed, discriminated against, beaten up, lost custody of their children, lost their life savings in divorce hearings, and otherwise had their lives devastated because they chose to address an issue that has been a problem for them for a long time.

When people come to me, they don't just come and say "I'm bored with being a man. I think I'd like to be a woman". It is something that they have struggled with for years. Most of my clients have contemplated or even attempted suicide. They have weighed the pros and cons and they have come to the conclusion that no matter how hard they fight it, who they are inside is something they can't deny.

The only treatment for this is to have their outward appearance match how they feel inside. It is a transition process. It is not done overnight. You can't go out and get a sex change. There are standards that are set forth by the World Professional Association for Transgender Health. There are at least three months of evaluation by a qualified therapist before even starting a hormone treatment. Hormone treatments take a while. You have to be

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presenting as your internal sex, as your gender identity a year before you can get the hormones, before you get the surgery. So, it is a long painful and expensive process. In this process, there are times when they may look like a man in a dress. By the end, most of them don't look like a man in a dress. In fact, I would imagine that all of you have seen someone that you didn't know was transgender, that you didn't know was a transwoman or a transman. I have people come into my office and they might have even told me that they are there because they are transgender and I will take one look and say, "Which way are you going?" because they are so convincing in how they look.

The other point I would like to make, obviously I understand that there are legal issues. Many of my clients have transitioned successfully on the job. The legal issues, the bathroom issues, all those have been addressed successfully. When they are addressed on an individual basis, case by case, there aren't any significant problems. The person who transitions becomes happier, becomes a more productive employee, they become happier and outgoing in their life. There are people here who five years ago would not have been able to walk in this front door, much less come listen to a hearing or testify. Becoming who they are gives them self-confidence. It makes them whole people and it makes them more productive.

I urge you to vote yes. If you have any questions, I am available to answer any technical questions. My e-mail and address is here. So, if you have any questions later. Thank you.

Please see Attachment #12, Dr. Boedecker's prepared testimony.

Senator Deborah R. Reynolds, D. 2: Thank you for your testimony. I want to note that Ed Muller has signed in in opposition to the bill, does not wish to speak. Rachael Robinson?

Rachael Robinson: Good afternoon. My name is Rachael and I am in the ninth grade.

Senator Deborah R. Reynolds, D. 2: Rachael, thank you so much for coming. Can you state your full name?

Ms. Robinson: Rachael Robinson.

Senator Deborah R. Reynolds, D. 2: Thank you, Rachael. Go right ahead.

Ms. Robinson: I am here to ask respectfully that you please vote no on HB 415. This bill is not what New Hampshire needs. This bill will force the belief on those who morally oppose it that gender is not important. But, men

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and women are different. No matter what anyone says, this is a fact. All I have to do is look at my mom and my dad to see this. My mom is compassionate and understanding and likes to talk things out, while my dad tends to be more to the point and matter of fact. God intentionally created them this way because both men and women each have something unique to offer. Once gender is no longer important, this kind of thinking will lead to other issues regarding morals such as same sex marriage.

You see, this bill actually discriminates against those who believe gender neutrality is morally wrong. And, there are many Americans who believe this way. A recent example is what happened when Miss California stated her belief that marriage was designed for a man and a woman. She was specifically asked her opinion and then unfairly judged for speaking her beliefs from her heart, politely and respectfully as well. To me, this is a perfect definition of discrimination.

HB 415 would discriminate against me as a person. I cannot imagine walking into a girls' bathroom and seeing a man in there. I sure would not like it. I would feel my privacy had been violated in a very big way. I imagine many people would feel this way.

This bill would also allow men and women in the same changing room. I do a form of karate called kenpo and would feel extremely uncomfortable if a man came in while I was changing, not to mention the fact that he also might be changing as well. I don't even change in the same room as my brother, let alone a man I don't even know. And, no matter what, there is no guarantee that men who have stuff other than changing on their mind will come into the changing room. I would never, ever feel comfortable going into a changing room again. This bill would infringe upon my sense of modesty.

And, what about school bathrooms? Has anyone even thought of the big problems that will come up? I am a teen and therefore I think like a teen. I know what will happen if other kids my age - boys and girls - are allowed to go into the same bathroom together. Will we have to hire people to stand in the bathroom all day and make sure that nothing bad happens in there? Personally, I would rather wait all day than go to the bathroom with a guy in there.

In conclusion, I am not going to judge other people, but I should have the right to voice my opinion on the actions of people that go against my beliefs and the beliefs of many of my friends. We deserve to feel safe and comfortable in the privacy of a restroom or changing room. How will we be protected? Having no choice in the matter violates our rights and freedom. Although I am only a teen, some day my friends and I will be the future of

America. We want our voice to matter. I plead with you to vote no on HB 415.

Thank you.

Please see Attachment #13, Rachael Robinson's prepared testimony and attachment.

Senator Deborah R. Reynolds, D. 2: Thank you very much for coming, Rachael. Thank you for your testimony. I want to note that Rachel Young has signed in in support of the bill, does not wish to speak. Amelia Curtis is signed in in support of the bill, does not wish to speak. I would like to call Gerri Cannon.

Gerri Cannon: Thank you, Madam Chair and Committee members. My name is Gerri Cannon and I am a resident of Merrimack, New Hampshire. I am a self-employed carpenter. I'm also the Council President of PFLAG-New Hampshire. PFLAG stands for Parents Families and Friends of Lesbians and Gays. I also am a member of the New Hampshire UCC (United Church of Christ) Committee for GLBT concerns. I'm also a transgender woman and I am standing up for people who can't be here today.

I'm going to submit my written testimony. I also have a copy of a letter that one of my friends from Milford handed to me to Congressman Hodes. I will submit that, too. She was have trouble trying to get any job because she is a transgender person as well.

You are going to hear a lot of stories today, but there are probably thousands more that you're not going to hear. People who can't be here, who are scared to death to be here. Most of them are really concerned about their family life, their jobs and just being able to walk down the street without being bothered. I have struggled with being a transgender person since I was a teenager and it wasn't only until my forty-fifth year that I actually came to grips with who I was and became public. It was either that or be suicidal. My parents, my family and I have dealt with me being who I am. I have two lovely daughters. They can accept their challenge with who I am, but they accept that this is who I am and that I am a much better parent now that I get to be who I am. It is not without problems, though.

I did lose my job from Hewlett Packard. I had problems in my early stages of transition where I was dressed as a female in my own personal time. I was told that I could not do that and ultimately I was told that I would be fired for doing that. When I sought out legal counsel, they said I had no protections here in the State of New Hampshire. So, I suppressed as much as I could and

JWB

ultimately, as part of the reason my family split up was that I became emotionally distraught. So did the rest of my family. Ultimately, there was a situation at work where one of my co-workers found me outside of work. It was reported and I was put under report and fired for insubordination. The very next lay-off, I was in the very next round to go. At the same time that I was let go, there was somebody else hired to take my spot.

We're not asking for special treatment here. We're just asking for equal rights. It was interesting, when I was there dressed as a man, I was fine, but as soon as I expressed what was going on inside me, many of my rights went away from my employment. It was real challenging to see that transition and the legal process that wasn't covered.

There are also some serious issues, too. I've worked with a lot of transgender people and many of them are suicidal. Many of them have been abused and there are many reports. In this document, I do provide you with a report nationwide on a number of hate crimes against GLBT people, of which there are 13% women and 2% men who identified as being transgender. Even just over our state line in Lowell, Mass, a couple of years ago, a twenty-two year old transgender woman was attacked and severely beaten just down the street from the police department.

So, I don't want that to happen here in New Hampshire and I encourage you to support this bill. Thank you.

Please see Attachment #14, Gerri Cannon's prepared testimony and attachment.

Senator Deborah R. Reynolds, D. 2: Thank you very much for coming today, Gerri. Any questions for Gerri Cannon? Thank you very much. I want to note that Brenda Robinson is here, has signed in in opposition, does not wish to speak. The next speaker I have, and I apologize in advance because I cannot pronounce your name. Siobhan Tautkus. If anybody has a name that is sort of like that and if you want to come up and testify. I apologize in advance. Thank you very much.

Siobhan Tautkus: Thank you very much. I'm Siobhan Tautkus from Manchester, New Hampshire. I have lived there for about twenty-five years and I have owned my own business there for about fifteen.

There are many unintended consequences, I'm sure, from this legislation. This is ripe for abuse. And, while I appreciate people who have sexual identity issues, I do not think this legislation is going to address them adequately and certainly will leave cities like Manchester ripe for mayhem.

JLB

We have over six hundred sexual offenders paroled courtesy of the State of New Hampshire to Manchester directly and, despite the testimony you have heard today, this legislation allows for the men to linger in our public bathrooms simply by claiming a gender matter. So, they could...

While I'm sure that some of these examples from around the country as in Colorado and, again, contrary to what you have heard, there have been reports where men have exposed themselves to teenage girls or men have loitered in bathrooms and they may not be transgender people, but this does give them that opening. We've got the four public pools there. We've got the Mall of New Hampshire. We have the airport. And, now you're asking our police force, which has a whole series of other issues in Manchester to deal with, to have to try to deal with these issues as well. This is a really big problem in Manchester and a unique one because of the way that we are set up with the halfway houses and now another federal halfway house. So, this bill caused great harm and the potential for further harm. Again, perhaps unintended, but you can certainly imagine that.

Finally I do fail to see how the desire for a handful of people for equal treatment, which this legislation will not do, will trump the rights of children the way that this legislation is crafted. So, I do stand in opposition. Thank you very much.

Senator Deborah R. Reynolds, D. 2: Thank you. Any questions? Thank you very much for coming today and your testimony. The next person I have is Sarah Blanchette.

Sarah Blanchette: Good afternoon. My name is Sarah Blanchette and I'm a post-operative male to female transsexual. Most of my adult life I struggled with my gender identity. Inside of me, my heart and soul, my mind, they are female. It doesn't matter that I was born with male genitalia, a male body, my identity is that of a female. What I realized at some point was that I either had to accept and deal with that or I would not survive. You have already heard many people talking about constant thoughts of suicide, which I did have. I caused a lot of pain in my family by transition, which is not something I relish doing, believe me. But, for my survival, I had no choice. It is not a matter of choice. It is what you have to do to be able to continue.

I worked for a company for seven years. In that time, I received many accommodations for the work that I did, always putting the company first. When my decision was made to transition, I went in and spoke with one of the vice presidents; informed them of what I was going to be doing and what my situation was. Approximately a month later, she called me into her office and provided me with a two-page letter that basically read, and I will quote

this part of it, "You recently disclosed to senior administration your transsexual status. Upon consideration, you are immediately relieved of your duties". That's why HB 415 is important because I had been a good person, a good employee, always willing to help the company. But, because I was different, they were allowed to get rid of me and there was no recourse in the law to protect me.

We don't look for anything more than being able to live our life out in peace, in safety, in dignity. Just because we have been made different due to a quirk of biology, really. People are born with one hand shorter than the other or one leg shorter or different colored hairs. It is all biological. In our particular case, the biology went slightly skewed and developed along two different roads that were not meant to be. I firmly believe in God. My faith in God is the only thing that has gotten me through this journey of mine. I have no doubts that I am the way I am because that is God's plan for me in this life.

Thank you.

Please see Attachment #15, Sarah Blanchette's prepared testimony.

Senator Deborah R. Reynolds, D. 2: Thank you very much for coming. Any questions?

Senator Matthew Houde, D. 5: I have just a quick question.

Senator Deborah R. Reynolds, D. 2: Senator Houde?

Senator Matthew Houde, D. 5: Did you seek redress of your termination?

Ms. Blanchette: Yes, I did. My first contact was with the Human Rights Commission, State of New Hampshire and it was then indicated that there was nothing through their office that I could do about it. I subsequently did seek representation from GLAD, Gay and Lesbian Advocates and Defenders and pursued along those avenues.

Senator Matthew Houde, D. 5: Thank you.

Senator Deborah R. Reynolds, D. 2: Thank you very much for your testimony. The next person is Chuck McGee. Is Chuck McGee here? Okay. How about Pamela Colantuono? Is Pam here?

Pamela Colantuono: Good afternoon. I am a native of New Hampshire, born and raised, which is very rare here in New Hampshire. I am protecting the

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state that I was born and raised in. I am opposing this bill adamantly. If you will, this does not even make common sense. I am also a mother of three and I would like to be listened to by Senator Reynolds.

Senator Deborah R. Reynolds, D. 2: Certainly.

Ms. Colantuono: This does not provide stability in the State of New Hampshire. It is going to tear at our social structure and I will tell you why. Fourteen years ago, I was here before a committee testifying for the passage of an obscenity bill which we are still fighting the state of pornography in this state. It is a \$250 billion industry and rising. This will open the doorway. This is not about... This will open a Pandora's box, if you will. This is also going to increase the crime rate and it is not about acceptance to a social agenda. I am very sympathetic of a minority that is here today. I'm very sympathetic. I believe maybe they need to look to another avenue, maybe the labor laws. I think that, and I will be very short because we have other people here, but it definitely is something that I cannot tolerate and I will rise against those who pass this bill.

The other thing that I feel is very, very important that this is not about passing a social agenda. This is about letting those who don't have a good social economic status, and this is what the agenda here is today, and this is a very bad avenue to allow to come into our state.

Again, I was born and raised here. I have seen the social structure just decline and we have enough in Manchester, and that's where I'm from and Ms. Tautkus had explained that we have enough to handle in the economic status of our state.

Thank you.

Senator Deborah R. Reynolds, D. 2: Thank you for your testimony. Any questions? Thank you for coming today. Call Lisa Mottet. Lisa?

Attorney Lisa Mottet: Hello. My name is Lisa Mottet. I am the Transgender Civil Rights Project Director at the National Gay and Lesbian Task Force. I have written testimony and I am going to keep my oral testimony very brief.

As the Transgender Civil Rights Project Director at the Task Force, I study, track and draft legislation throughout the country just like this. I want to first correct the record on two quick legal points. There is a very large religious exemption in New Hampshire law that this is amending; the largest religious exemption in the New England states. So, religious institutions are fully able to be exempt from the law. Second, this law has no applicability at

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all in areas of education. So, the worries about what will happen in schools are not founded.

Quickly, I want to talk about laws in other states and how they have been interpreted. There are thirteen other states with laws like this: over one hundred municipalities. If you look at this nationwide, nearly 39% of the country lives in a jurisdiction with a transgender inclusive law. The first law passed in 1975. So, because of this, we know a lot about how these laws have been interpreted and enforced and what we have to say is good. The government agencies that are generally charged with enforcing these laws are able to handle the small number of complaints that come in. There have been almost no court cases filed under these laws. Instances of discrimination are usually resolved informally when a transgender person who is being discriminated against is able to say that is actually illegal, please don't fire me or please stop the harassment happening at my workplace. That is exactly how we want these laws to work, by being resolved informally like that.

You have already heard someone express concerns about unintended consequences in the restroom and Senator Clark put into the record letters from three state commissions that said that this hasn't happened in their states at all. It is also true nationwide. New Hampshire isn't breaking new ground here as previously mentioned. There have been no bathroom or shower or other sexual predator problems in any of the states or cities with these laws.

If you listen very carefully to the examples that the opponents bring up against these laws, you will probably notice that they are very hypothetical or those that are mentioned do not involve men who are dressing as women, do not involve men who are adopting a female identity, and do not involve men who are using the law to try to get into a space. Instead, perpetrators just walk into women's dress rooms and commit these crimes. They don't need to try to cloak their illegal behavior in legal behavior. That is not what perpetrators do. One example talked about actually just today was in Rio's Health Club in Gaithersburg. Theresa Rickman, who is the local leader in Montgomery County of the Citizens for Responsible Government, a group kind of like the folks you hear are here opposing, admitted on a pod cast that the man who went into one of the locker rooms was actually meant to get some media attention. Basically, it was staged; it wasn't real.

The illegal conduct that people are concerned about remains fully illegal if this bill were to pass.

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Senator Deborah R. Reynolds, D. 2: Lisa, could you please sum up? We appreciate all your testimony, but there is a bunch of other people who would like to speak.

Attorney Mottet: Exactly. In my written testimony, you will also find that I talk about how there is a lack of federal protection and I don't think I need to get into that. Alright?

Please see Attachment #16, Attorney Mottet's prepared testimony.

Senator Deborah R. Reynolds, D. 2: Thank you.

Attorney Mottet: You're welcome.

Senator Deborah R. Reynolds, D. 2: The next person signed in opposition, but does not wish to speak is Kathy Molano. I apologize if I am not pronouncing it correctly. Did you want to come forward Joe? You did sign in, yes. I didn't mean to skip over you. Thank you. I'm sorry Kathy about that. Please take a seat Joe and state your name.

Joe Marino: Hi. My name is Joe Marino from Wolfeboro. I come with a little different twist on this. I'm here under the authority of Article 32 of the New Hampshire Constitution for the Senate to address the constitutional covenant with the people of New Hampshire via your oath as it applies to HB 415 and your authority to legislate over the bill with respect to Article 31, which requires the passage of laws for the public good. That, in fact, the bill is unconstitutional in its natural sense and outside your authority to legislate. That it is a moral issue for another jurisdiction and that such jurisdiction must be the home or the church.

I believe the arguments brought before the General Court on the issues of gender or lack thereof, religious or secular viewpoints, rights and privileges and the myriad of same sex love stories propagated by the genderless faction have exhausted their time and their place before this Legislature.

Consideration and attention should not be drawn to your responsibilities as lawmakers to uphold your end of the protocol by carrying out your lawful functions as you swore to do according to the Constitution.

According to *Black's Law Dictionary 6th Edition*, your oath under Article 84 is a solemn appeal to a supreme being in attestation of truth, coupled with an appeal to a sacred or venerated object with an invocation to a supreme being to witness the party and to visit him or her with punishment if their statements are false. The venerated objects, of course, are our constitutions.

Our state constitution contains the articles of fundamental law to which you attach your oath of support upon which all legislation must be premised.

Article 38, Part 1 tell us that you must maintain a frequent recurrence to the fundamental principles of the constitution and a constant adherence to justice and all the social virtues that are indispensably necessary to preserve the blessings of liberty and good government. Does a positive vote on genderless legislation inculcate the essence of social virtues that our Christian republic is built upon? Do the blessings of liberty and good government rest upon a profile of genderless sexuality? Not in the biblical sense, I'm sure. Then what are the people to expect of our legislators?

Article 38 says this. They have a right to secure or to require of their lawgivers an exact and constant observance of the fundamental constitutional principles in the formation and execution of the laws necessary for the good administration of government.

Are you observing the principles inculcated in our founding documents? We have a right to require that you do.

Finally, Article 10, Part 1 tells us government is instituted for the fundamental, for the common benefit, protection and security of the entire community, the whole community, not a select few.

This legislation is repugnant to our form of law. It denies the common benefit, protection and security of the citizenry and it leans to the private benefit of a privileged few while it strikes at the very heart of our Christian based republic. You have a responsibility to reject HB 415 under the authority of your oath on behalf of the citizens of the State of New Hampshire and I would ask that you do so.

Please see Attachment #17, Joe Marion's prepared testimony.

Senator Deborah R. Reynolds, D. 2: Joe, I'm sorry, could you just sum up. We're glad to hear your testimony, but if you could just sum up because we've got a bunch of other speakers.

Mr. Marino: Yes, I will sum up.

Senator Deborah R. Reynolds, D. 2: Thank you.

Mr. Marino: I don't think I have been more than three minutes. But, the fact of the matter is what I am doing is saying to the Senate that you have a responsibility to act constitutionally, but you're not doing that. And a

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number of people here have spoken and raised all the issues that are going to be, all the problems that are going to have to be confronted if you pass this legislation. I have the same issues. I have a list of them. I gave them to you and I hope that you would pay attention to them and respect your oath to the people.

Senator Deborah R. Reynolds, D. 2: Thank you. Thank you for coming today. Any questions? Thank you very much. The next person is Muriel Ring.

Muriel Ring: Hello. My name is Muriel Ring. I have been a resident of New Hampshire since 1965, '75 and I currently reside in Somersworth. I am a teacher and the mother of three children, Shirley, Pierce and Luke, who was once my daughter Ayshe.

In my written testimony, I chronicle her journey from a little girl to an adolescent who came out and said to me that she was bisexual when she really meant she was coming out as a lesbian. She was very successful. She went to Oyster River. All the way through, she graduated top of her class at Brown University.

When she started coming home from Brown, at that time, she was an activist lesbian by that point. She went to Brown and she was rather butch and she started to evolve with more and more male characteristics. When I visited or when she came home, I noticed that she was now wearing men's clothing, her mannerisms were more masculine and she was very sad. Her personality had changed. She went from being a happy rather spontaneous joyful child to being someone who was fairly withdrawn. Her communication with the family lessened and it was painfully strained. After many tearful phone calls, soul searching and intensive therapy, she began gathering information about how to transcend the disconnect between the way she was presenting and her intensifying identification as a man. She was very ambiguous. When she would walk down the street, she was heckled, names were called. She was shrieked at when she went into bathrooms because people couldn't figure her out. So, listen to the other side. I'm a mom, too. Honest to god, I want my child protected.

Luke has gone through the whole transition. He went to Strafford County Court with his sister and myself. We flanked her. We sat in front of the judge and wondered what he was going to say to her. He lectured a little bit, but at that point, Ayshe became Luke. Luke is my son and I love him. I didn't care when he was born whether he was a little boy or a little girl. He is my child. So, after graduating from Brown, he did not come home; he went to San Francisco because there it is open and it is safe. New Hampshire, from

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my perspective, is not safe for my child. There is no assurance that his rights would be the same as everyone else's, that the law would protect him from harm or offer him equal opportunities. As a mother, the images of Matthew Shepard are indelible and that is reality. I fear for my child going to the bathroom and being brutalized by someone who isn't tolerant and finds out who he is. So, it tore at my heart. I could only support Luke as he moved to San Francisco. He has been there for the past five years. He is gainfully employed. He is supervising director of a social service agency funded by the City of San Francisco which provides counseling, housing and health support as well as a safe place for transgender people to gather.

I speak for Luke and I speak for the rest of the transgender community in New Hampshire. They navigate a road that is dangerous and filled with rejection and mockery. Many cannot find housing or employment, let alone afford to have the surgery or purchase the hormonal treatments that would help them to appear to be the gender with which they identify. It is not about the bathrooms; it is about finding a place to live. That's why there are people on the streets. They can't afford it and they are denied housing. That is not right.

I don't know how people can look the mother of a transgender child in the eye and say your child cannot have the same life as my child. Like Luke, they are all their mothers' children. They are not dangerous; they are not perverts; and they are no more likely to cause harm than you and I. It is not like people are skulking around looking for people to attack. I want my son to come home. I want our State of New Hampshire to include and protect him as it does my other two children and your children. I want him to have a fair shot at the employment for which he is qualified; to have the housing he chooses and can afford; and all the rights, privileges and protections that all other citizens of this State can count on. I want to know that the State which he calls home will not deny him the rights given to every category of citizens except the ones to which he belongs.

Some have said that extending the rights and protections which all others in this state have to transgender people is too much, too fast. May I quote Dr. Martin Luther King, who, when confronted with that argument in reference to civil rights for black Americans stated, "Justice delayed is justice denied". On behalf of my son Luke and the community of transgender people in New Hampshire, and in the name of what is right and just, I ask your support of HB 415.

Please see Attachment #18, prepared testimony from Muriel Ring.

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Senator Deborah R. Reynolds, D. 2: Thank you for your testimony. Any questions? Thank you for coming. Philip Mansfield?

Philip Mansfield: Good afternoon. My name is Philip Mansfield and I am from Wolfeboro. I have come before you to speak in opposition to HB 415. I would like to ask each of you to search your hearts and minds for the consequences of this bill. Then I believe common sense will prevail. Please vote no on HB 415. Thank you and God bless you.

Please see Attachment #19, Philip Mansfield's prepared testimony.

Senator Deborah R. Reynolds, D. 2: Thank you very much for your testimony. I would like to call Laura Jefferson.

Laura Jefferson: My name is Laura Jefferson and I live in Henniker. I come before you as an expert witness. I am in favor of HB 415. The more I have heard, the more I realize how lucky I have been, although that is not how a lot of my friends put it.

In 1979, the week before I got married, my fiancé, my best friend, told me he had always wished he had been a woman and I thought, this isn't good, but, we will overcome it. We both had good intentions. He wants to be my husband. He wants to be the father of our children. He was a good man. He tried for a long time; I tried for a long time. In 1998 we parted. After a while our kids were able to speak to her again. She has never missed a child support payment. She has succeeded at getting both of them through college. Because of her job not firing her, not discriminating against her, I have health insurance, as do the children.

The most painful part of my divorce was that my church community didn't say, "Oh, we feel bad". They said, "How can he do that? He looks funny. That is just awful. Why did he decide to do that?" And so, instead of getting some backup from my friends, I became a poster child for transsexuals. I said it is not like he has a choice. It is not like he thought this would be fun to do. It is not like he is doing it on whim. This has been a thing that has been part of his life and part of my life and part of my kids' lives ever since he can remember. I think it took courage to come and talk to me about it before we were married. It maybe wasn't too bright of us to go ahead and get married, but it was 1979 and Ann Landers said, "Oh, you should just laugh about this together".

I'm so delighted to live in a state that is considering the least and the most apparently frightening of its disenfranchised citizens. I am so delighted to be living in New Hampshire where, when I moved to Massachusetts said, "Oh,

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they hate gay people there". I thought no actually not. I also love New Hampshire and want to protect it and I want to protect the people in it and I want to protect the people who are not transsexual and have inadvertently married one, the people who are transsexual or not and who have inadvertently given birth to one. It doesn't help anybody for this to be a stigma. It doesn't help anybody for this to be an occasion for people to be persecuted for any reason.

And, I should add that my ex-husband, who was a good man, is now a very good woman. She is the head of the University Ministry of the Church.

Senator Deborah R. Reynolds, D. 2: Thank you very much for coming today. I want to note that Samantha Magee is here and signed in in opposition, does not wish to speak. Pastor Jeff Owen is here signed in in opposition, does not wish to speak. I will now call Bradley Guida.

Bradley Guida: Good afternoon.

Senator Deborah R. Reynolds, D. 2: Good afternoon.

Mr. Guida: I don't have anything prepared. I'm pretty concerned about this bill on a lot of levels. I have a four-year-old daughter, a six-year-old daughter, and a nine-year-old son and I think that this bill is opening the door, literally, to things we don't really want to open. For instance, my four and six-year-old daughters go into the ladies' room and I watch like a hawk outside to make sure that nobody goes in. If my four and six-year-old daughters, either of them came out and said that there was somebody with a penis in there, I would be a little bit concerned. I, as a father, am charged to protect the mental, emotional and physical well-being of my children, all of them.

You have heard many testimonies from many people up here and I'm going to tell you this. People can say what they want. You heard a lot of untruths up here. The internet is a wonderful thing. I have searched the State this very morning and I looked for sexual assaults on females and children in bathrooms and there are thousands. Okay? Senate committees don't usually hear about them, do you? But, the Attorney General's Office do. I heard a lady up here earlier say that three different states, that the Senate committees had mentioned nothing of it. It is not your job. It is the Attorney General's job. So, whoever said that, they were flat wrong. The co-sponsor of this bill stated that nothing has happened in regards to the other states that this has been passed in. With all due respect, she is flat wrong. She is flat wrong. I suggest to this Committee to do some research yourself. Do some

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research yourself. It is very simple. Get on the internet. Start checking out the different states. Check out what is happening.

As a father, as I said, as a father, I stand completely opposed to this bill. Now, I also stand opposed to any hate crimes, people getting beat up or murdered or any type of assault at all on anybody, be it transgender, heterosexual, homosexual. I do not confer at all. I completely oppose that. There are certain lines of human rights that we cannot pass. Okay? We cannot assault other people because of their sexual preference, because of the way they look, because of the pigment of their skin. This is a very, very scary road we're going down and I suggest and I request that this Committee look at this wholeheartedly. There's a lot of doors. Somebody said Pandora's Box? Exactly. There's a lot of doors that may be opened by this bill and once it is opened, we cannot turn back.

Senator Deborah R. Reynolds, D. 2: Thank you for coming today and thank you for your testimony. Any questions? Cynthia, is it Tebbetts? Thank you.

Cynthia Tebbetts: Good afternoon, Madam Chair and members of the Committee. Thanks very much for allowing me to speak. My name is Cynthia Tebbetts. I am a ten-year resident of Goffstown, New Hampshire and a lifelong resident of Hillsborough County.

I have been employed with the same employer for twenty-two years. When I first came out about my transgender status, I knew that I was in fear of potentially losing my job. I am the first employee in the ninety-two year history of my conservative family-owned business, and as a sole mortgage holder, I am the sole provider for my eighty-one-year-old mother. This was a very huge financial risk I was taking and not a type of gamble I like to take. I was a longtime loyal employee with stellar reviews and I should not have had this fear. But, ultimately and unfortunately, in the State of New Hampshire currently I do.

I presented a five-page letter to the company president of what he could expect from me and what was happening and what I in turn could do for the company as well. We set up a mutual agreeable timeline and worked out everything through the proper channels. I just didn't show up one day wearing a dress or a skirt and say, "Oh, by the way, I'm no longer John; I'm now Cynthia". I was assured, as the president of the company read my letter that, as a long time valued employee, my standing within the company was very secure. Unfortunately, not every transgender person in the State has been as fortunate as I have been. I very much appreciate that. As the president of the company read my letter, he would stop and ask questions and make comments and realized, as he read it, that it would make me a

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much better employee in the long term, and it has. Also, as he was reading my letter, he said, "Well, we can set up some kind of special rules". I said, "No, please, that is not what I want. I do not want special rules. I want to be treated as an equal just like every other employee in the company." He thanked me very much and said that was going to make his job that much easier and much easier for the hundred plus employees I was currently working with.

Based upon my history of a sharp sense of humor, he did say, "Well, you know, you probably will get some teasing and a little bit of razzing" and I said "Absolutely, I totally understand that." I said, actually, if people didn't do that, I would feel as though they were treating me different and I don't want to be treated any different. But, he did make it perfectly clear to me that if that should cross the line and go over the borders of humor, he wanted to be notified immediately. The next day he called the vice president of the company and when he spoke with him, said that if there was anything that was considered harassment, he wanted to be notified immediately and if he was not, he was going to hold the vice president of the company personally responsible. This is very rare in the State of New Hampshire. I am very, very fortunate and very, very lucky to have an employer that stood behind me of being a good loyal employee. Unfortunately, I know many transgender people that have, because of their status, have lost their employment and that is just not fair.

During the time of my transition, I also worked part time for a little more liberal company. They stuck by me as well, and even though I was out for a few weeks while I was having my surgery, both companies stuck by me and that would have been the perfect time for them to go against me and lay me off, but they did not. I had good secure employers based in the State of New Hampshire. I wish I could say the same for everybody else that has spoken so far and have yet to speak, but unfortunately it is just not true as the law currently stands.

Also, for years, I have spent a lot of time supporting, fiscally and time wise, to very conservative state politicians who in turn have taken to the press these lies, hate and fear mongering. These are the same people that I have given my time to. I have been labeled as an extreme liberal, a sexual predator, gender misassigned, my kind, and a pervert. I can assure you these are all false accusations. In some instances, by these same people I have been treated in the same manner of discrimination that we are here to fight against.

Both of my employers have used me, pre-op and post-op, as a leader and a positive role model for the other employees to follow. The transgender

community has the same responsibilities as the general public. We always have to give that extra 10% to work a little bit harder because of the fact that we know we are always in potential danger of losing our job. No matter how negative a light some masses may look at us, our bills, mortgages, property taxes and such all have to be paid and we all have the same family values as the common man.

This supposed bathroom bill has been sensationalized beyond recognition. The way it has been misrepresented is a travesty and a disgrace. We are simply looking forward for the addition of transgender people to end discrimination and hate crimes statute so that any of our cases presented by transgender people can be heard by the Human Rights Commission.

Senator Deborah R. Reynolds, D. 2: Cynthia, can you sum up?

Ms. Tebbetts: I'm at the end now.

Senator Deborah R. Reynolds, D. 2: Thank you.

Ms. Tebbetts: I just want to say that we are not looking for special rights, just equal rights that allow us to be contributing positive members of society. No person should have to deal with discrimination and, unfortunately, the way the law stands in the State of New Hampshire currently, that is not the case.

To go against some of the comments made earlier, I am also a former chairman of the Merrimack Valley Young Republicans and I'm really not happy with the way my party has treated me.

Please see Attachment #20, Cynthia Tebbetts' prepared testimony.

Senator Deborah R. Reynolds, D. 2: Thank you very much for coming today. I'm going to call Representative Fran Wendelboe.

Representative Wendelboe: Thank you, Madam Chairman. If you would give me the one minute warning, I would appreciate it. Good afternoon. My name is Fran Wendelboe. I represent Belknap County District 1 and I would like to talk about some of the issues that have been brought forward. Number one, somebody said that there was an exemption for education. I have been looking at the human rights legislation here that is in statute and I do not find any such section of this and would like to have that cited.

I have been a landlord for about twenty-five years and I have to say I have never asked anybody to raise their skirts or lower their pants when I took an

JJB

application for a rental. I have rented to homosexual people; I have rented to heterosexuals that are unmarried. I think it is offensive for many landlords in this State to be painted with this brush why people can't find a place to live.

The second area I would like to talk about is all this bathroom bill. It is not the truly transgender people that are the concern. I think don't ask, don't tell works pretty well. But, what this law does is it opens the door for people with mischief at heart to get cover and all they have to do is claim that they are getting in touch because it is a state of mind if you look at the definition of gender expression or gender identity. I want to give you a couple of examples.

Let's say Fran worked at Victoria's Secret and was hired to measure ladies in the dressing room for their undergarments. One day Fran comes to work as Frank, expecting to hit the ladies' dressing room and Victoria's Secret says "Gee, we're sorry, Frank. But you no longer have a job." I think Victoria's Secret would get sued under this law.

Think of your frail elderly grandmother going into the hospital and being introduced to her female roommate and as it is in hospitals, there is not a lot of privacy. Let's say the curtain comes over and your frail, elderly, possibly confused grandmother looks over and happens to see her female roommate laying there using a male urinal and realizing that that's a man. Just think how confused and upset that elderly person would be. And, when I brought this up on a local TV show, I was told by one of the activist proponents of this bill, "Oh, a hospital would never put a transgender person in with the opposite sex in a room". So, I said, in other words, hospitals are exempt from this. He ended up saying, "Oh, no, no, no, I didn't mean that". Well, the House attempted to bring thirteen amendments to clear up some issues like that and was unsuccessful. Nursing homes and hospitals truly are covered under this bill.

The right to a jury trial. I am very concerned that if somebody is charged, whether they are a landlord or an employer, that they go to the Human Rights Commission, not to a jury trial as most of us have as a constitutional right. So, there are many unintended consequences and I've got to tell you, my voters in my district certainly are not calling me to say please support this. They are saying, "We don't want to feel that our children can't feel comfortable going into a locker room." I took my granddaughter to Steele Hill Resort recently. We were in the locker room changing and there were women in all different levels of undress. I asked the ladies in there this question. We have this bill before us. How would you feel if somebody came in here that was biologically a male? They were totally offended at the thought that

JTB

there could be somebody like that in there while they were in all different kinds of undress. So, I think you have to look at situations like that. It is not just the bathrooms.

Thank you.

Senator Deborah R. Reynolds, D. 2: Thank you for your testimony. Any questions? Thank you very much. Ryan Marvin? Is Ryan Marvin here?

Unidentified speaker: He stepped out.

Senator Deborah R. Reynolds, D. 2: Okay. How about Marianne Storer? Folks, it is about 3:00 and we are going to go a little bit beyond this, but we are going to have to close the hearing because the Senate Committee has other matters.

Marianne Storer: Madam Chairperson, members of the Committee, I will defer my testimony. I have already put in written testimony.

Please see Attachment #21, prepared testimony from Marianne Storer.

Senator Deborah R. Reynolds, D. 2: Thank you very much, Marianne. Alexis Keef?

Alexis Keef: I also put in a statement.

Please see Attachment #22, prepared testimony from Alexis Keef.

Senator Deborah R. Reynolds, D. 2: Okay. Thank you very much, Alexis. Representative Paul McEachern has signed in in support, and wanted to speak. Representative, do you want to defer to members of the public or do you want to speak?

Representative McEachern: I will be thirty seconds.

Senator Deborah R. Reynolds, D. 2: Okay. Go right ahead, sir.

Representative McEachern: Thank you, Madam Chair. My name is Paul McEachern and I am a proud Democrat from Portsmouth. I think that most of us can agree that Article 2 of Part 1 of the Constitution protects all of us from discrimination. The next step is, well, if that is so, why do we need a law? I think that same argument was probably made against the Civil Rights Act of 1964 when that was enacted. We can make that argument

JRB

today and we can feel good. But, I think the body as prominent as the Senate that it found it in their public policy to protect the most powerful among us, the insurance companies, to allow them to contribute to us as politicians confines our public policy and perhaps the same public policy given to support the insurance bill of leveling the playing field can protect the least among us who are coming out of the shadows to testify here today. That would not have happened ten, fifteen, twenty years ago. They would not have had that courage and I think if we are going to be a legislative body, it is our job to enable the Constitution and to create statutes that give it life. Thank you.

Senator Deborah R. Reynolds, D. 2: Thank you very much, Representative. Any questions? Thank you for coming. I know Representative Margie Maybeck has signed in in opposition to the bill, does not wish to speak. Roberta Ross has signed in in opposition to the bill, does not wish to speak. David Ross? Is David here?

Unidentified speaker: He stepped out for a minute.

Senator Deborah R. Reynolds, D. 2: Okay. Louise Gaudreau has signed in in opposition to the bill, does not wish to speak. The following people have signed in in opposition, don't wish to speak: Diane Burley, Arthur, I can't read your last name, so I'm not going to try. I apologize. Joshua Owns, Riley Burley, Colin Phillips, Casie Phillips, Cody Phillips. And, Walter Stapleton, if you're here, please come up if you would, sir.

Walter Stapleton: My name is Walter Stapleton and I am a citizen from Claremont. Nobody can argue with the principle of respect and fair and unbiased treatment of people, regardless of their differences. That is a shared social, ethical, religious and humanistic basis for the dignity of people. But, if we overreach protections against discrimination, even unintended, then we have either set up a privileged or protected class or diminished the rights of others, or both.

My opposition to HB 415 is not so much for content, but it is with form and particulars. The bill, as I saw it, has about three or four lines of definitions for gender identity and expression, has no definition for sexual orientation later appearing in the bill. I didn't see anything in there regarding the word transgender which was used to some extent here this afternoon. That troubles me.

Everyone can, I suppose, say sexual orientation ought to be obvious. Well, it is not necessarily obvious. We have heard a lot of testimony here today about various experiences, various stories, and all of those have intricate

implications of a variety that requires more than a couple of lines in a legal statute.

I'm troubled that we don't have a definition for sexual orientation in this bill and I would say that that is important so that we differentiate from sexual orientation in a defined way from sexual disorders, deviate behaviors as might be defined in the *Diagnostic and Statistical Manual of Mental Disorders* as I see published in the Fourth Edition in the year 2000 at page 566 to 582. I did submit a written piece relative to my testimony today and I would like to add to that an excerpt of those various deviations and disorders.

Why is this important? I have heard some moving testimony here today by transgender and for transgender and homosexual people who have been abused and discriminated against and as people we cannot tolerate that. But, we don't want to overreach or pass a law that is incomplete in its definitions, protections. These things have to be... This is a complex issue. Psychologists are divided on various aspects of it. We want a bill, if there is going to be one, that's got more than three lines of definition. This should have a page of definition, if not two pages of definition so that we can exclude these questionable behaviors and identify the transgender problems and the others that are experienced according to testimony today.

So, I'm opposed to HB 415, not on intent, but on its inadequacy in the writing of the bill.

Please see Attachment #23, prepared testimony and attachments from Walter Stapleton.

Senator Deborah R. Reynolds, D. 2: Any questions for Mr. Stapleton? Thank you very much for coming today, sir. Representative Weber has signed in in support. Do you want to speak or do you want to defer?

Representative Weber: I would just say that Senator Fuller Clark's remarks absolutely covered my position.

Senator Deborah R. Reynolds, D. 2: Thank you, Representative. Thank you very much. Bob Maviki? I apologize. Come forward please. Thank you very much, Toni. Please state your name for the record.

Toni Maviki: I was a former bailiff in court and also a law enforcement officer in the State of New Hampshire. This may be very difficult for me to do this, so I'm very emotional. I was a law enforcement officer and I am transgender.

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I was harassed verbally and physically assaulted by my fellow officers. I was pummeled into a concrete wall by a fellow officer. When my body began to develop with hormonal changes, I was snapped in the breast with rubber bands. I was kicked. I had my supervisors call me on the radio and ask me to report to a certain destination and there were other officers there and would comment on how my body was developing and how my butt would move like a girl when I walked. I told them it was because I was a girl and they told me you better not be or we will kick your ass. They also told me that this wouldn't stop until I left. I filed complaints, I took it up the chain of command. When I filed sexual harassment complaints with my supervisors, they sent my supervisor an e-mail saying that I filed the complaint and then the supervisors in front of other officers outed me. They also told me they would handcuff me to the flag pole and take my clothes off.

When it got so bad that I feared for my safety after reporting what happened, I left after I was told it wasn't going to stop and I lost my job. I tried to pursue legal action and found that there was no law to protect me. I carried a badge and I looked after all these people.

After that, it became very difficult for me to leave my home. I have had nightmares ever since about the things that happened.

I have tried to pursue a federal case and because federal cases are so difficult to pursue and so expensive, I haven't been able to retain legal counsel to pursue that case. It is the only recourse I have because New Hampshire has no law that I could have exercised to protect myself.

I have dealt with a lot of people that have committed a lot of crimes, some repulsive and I always treated them with dignity, respect and I treated them like a human being. That's what this bill is about. Everybody should be protected because we are all human beings. If you close your eyes and you listen to me, it is not about whether I'm male or female; it is about the fact that I am a human being and I deserve to be protected.

Last week, after a year and a half, I obtained another job in a police department and I met a chief of police and he is probably one of the most wonderful people that I think I have known in a long time. I got hired as a woman and I am treated like a woman on the job. But, I had to leave the State of New Hampshire to do that. I have a lot to offer to the people of the State of New Hampshire and protect them from harm and I can't even do that.

Other people would like to confuse the issues when it comes to hormones. I have as much hormones in my veins as you ladies do. We don't go to the

JTB

bathroom to attack people. When you take enough hormones, it transforms your internal body that it does not function like men who want to attack people in bathrooms.

I ask you to support this bill unanimously because it is the right thing to do. Thank you.

Please see Attachment #24, prepared testimony from Toni Maviki.

Senator Deborah R. Reynolds, D. 2: Thank you very much for coming today, Toni. Thank you. I don't know whether or not David Ross. Is David back in the room? David, did you want to come forward, sir? Okay.

David Ross: Good afternoon. My name is David Ross. I live currently in Salem, New Hampshire. I was born in Boston, but I lived in Massachusetts the first half, almost two-thirds of my life and the last part to date here in New Hampshire.

I am opposed to HB 415. I didn't realize how much is in this bill and I have to admit that I heard so many call it the bathroom bill and I had concerns about men or women that are born biologically with one sex and having access to another restroom, claiming that they feel more comfortable, that they, in their hearts, feel that they are really more of the other sex and therefore would be more comfortable themselves. There has been convincing arguments, I believe, on both sides from their hearts. The various professional arenas are giving their testimony and their experience.

I just come as one who is a Christian. I know some people can say once you bring up your faith, well that's individual beliefs and we shouldn't count it. But, the bible does very clearly in the beginning say that God created man and woman, two distinct individuals and sexes. So, from birth, that is how it happens. If you read the scriptures, all through, it refers consistently with a man's nature and a woman's nature. In the past, I have known individuals who have struggled with the transgender concerns, even though the concerns of one in particular who very much blames the religious groups and Christians and was a great struggle. I empathize with these individuals who have gone through those routes. The individuals who are homosexual and lesbian and some very fine people. I would say. At the time, we all have standards and what this bill is proposing is one more addition to a list basically that is changing the fundamentals of the fabric of society. I believe, based on the bill talked about the greater good and trying to take in scope of all views and what is the best for society.

I believe that, for the protection of future generations, that the gender identity and expression language should not be included. I do have grave concerns myself where it could open access to those on the, some would say, the extreme, but we don't necessarily know who those are, really are, of having very great access that would endanger women and children and perhaps men. But, also this sets a precedent of acceptance and normality to our young children in future generations. I do believe that God's word holds the answer.

Again, I'm not somebody who is coming here just to simply say something very evil. I don't hate people for homosexual or lesbian or transgender, transsexual. I thought about this. It was very difficult because we are coming down to the end line as far as what started with one man and one woman and marriage being (I have a couple more sentences to go), what is called traditional marriage now. A man and a woman together. Now, we're at the point of admission before, not only looking at recognizing different sexual unions and living arrangements, but now the very foundation of what it means to be a man or a woman.

So, I just appeal to all of you to really consider what this is doing and to not vote for this. I think it is in our best interests to not include this in our religion. Thank you very much.

Senator Deborah R. Reynolds, D. 2: Thank you very much for coming. Any questions? I note that Liz Marcoff has signed in support, does not wish to speak. Jennifer Madden is our next speaker.

Dr. Jennifer Madden: I have some testimony from Dr. Robert Zinnes, a family physician in Hudson and Dr. Elliot Jones who is ... (inaudible)

Senator Deborah R. Reynolds, D. 2: Okay. Could you just have a seat, Dr. Madden and just state your name for the record before you start to testify. Thank you.

Dr. Madden: My name is Jennifer Madden and I live in Nashua, New Hampshire. I am a family physician in Amherst, New Hampshire and I am a post-operative male to female transsexual.

These testimonies, one is from Dr. Robert Zinnes in Hudson, family practice, and Dr. Elliott Jones, endocrinology in Nashua.

One thing I would like to speak to is that transgender people don't choose to be transgender. Sex and gender are not synonymous. It is true that we tend to use chromosome patterns as determination of whether a baby is a boy or a

DMB

girl, but we don't draw blood on them. We typically just look at the appearance of the baby and try to decide. Then, if there is some ambiguity, then they do those tests. But, there are many other ways to determine the sex of a baby besides chromosomes and it is estimated that one in a thousand children have some form of genital or sexual ambiguity. Many of them are minor and then some are major. If you can imagine that the testes and the ovaries develop in the first trimester and the brain develops in the third and the brain has an abundant number of sex hormones receptors, you can imagine how this process that is sort of like a professionally choreographed ballet could go wrong. The steps in the progress of an under developing baby can have things happen to it. You can see a situation where the ovaries might be female, that the ovaries would be there, but that the brain would be sex male. I believe this is true and there's a lot of resources going on trying to support this. You can see birth defects when they are obvious, but if you have a birth defect to your brain, you can't see it. I have felt like I was female almost all my life.

In the summer of 2005, I came out to my employer after seeing a psychologist for a while and trying to work these issues out. My employer tried to be supportive, but they asked me to wear clothes that didn't look too feminine, to avoid talking to my staff about this and, as I started to take hormones, they wanted me, one administrator asked me to bind my chest with an ace wrap if that was comfortable. About three months later, a group of them came to my office at the end of the day and handed me a letter stating that I was being put on paid medical leave until they could decide what to do with me. I was threatened with termination if I contacted any patients and I was required to have a full psychiatric evaluation. During this evaluation, I was asked questions like, "Do you enjoy watching houses catch fire?" and "Do you like to kill animals?" It was degrading. Many other transgendered employees in this room have been subjected to the same humiliation.

After five months of medical leave, I was allowed to return to work, but not in Merrimack, the town I had been a family physician in for seven years. My employer's plan, which they actually researched, was to hide me away in some obscure place for a couple of years and then bring me back as a new physician with a new identity. I worked in urgent care for them for two years and then they let me have my practice in Amherst. The problem with this plan, though, is that I can't deny who I am and it makes me feel dishonest to try to do so. I'm not sick and I don't want to be treated like I have a terrible illness. The main reason I sought psychological help in the first place was that I was feeling overwhelmed with guilt and shame of my continued deception to family and friends and I couldn't live my life like that any more.

It is fear that propagates prejudice and discrimination. There is no one in this room you need to fear. You should judge people by their merit and not whether they look odd, their hands are too big, their voice is too deep, they are too tall, too short, too strong, not strong enough, or they don't have the best fashion sense. I'm proud to be here with them today.

Please see Attachment #24, prepared testimony from Dr. Madden.

Senator Deborah R. Reynolds, D. 2: Thank you very much, Doctor, for being here. Any questions? Thank you very much. Maria Forger. Is Maria here? Okay. Come forward, Maria.

I just want to note that we are well beyond the hearing time and we are going to have to wrap up at some point and those of you who have not had a chance to testify and are on the list, I just want to explain to you that we do have a finite amount of time. You may not be reached. We will try to get in as many people as we can. So, I just want to make that announcement because I know some people have been very patient and are anxious to speak. Unfortunately, we are just probably not going to get to hear from everybody. So, with that in mind, go right ahead.

Maria Forger: Thank you. My name is Maria Forger and I am from Merrimack, New Hampshire. Thank you for listening to our comments today.

I don't think that anybody can come here and sit in this seat whether you're pro or against this bill and not have any type of compassion for the stories that we have heard. The gentleman who was a police officer. My heart goes out to you. I am the daughter of a policeman and the sister of a brother who was killed in the line of duty. So, the police profession is an honorable one, and unfortunately there are those who maybe did not uphold that.

That being said, this law may have started out to be something that could protect people because no one wants to see discrimination of anyone for any reason. However, it will be utilized, in the way that it has been written, it will be utilized in ways that you have not intended. That's what we really want you to look at here.

It is not the hysteria of whether it is a bathroom bill or not. It is the reality that you are, through this legislation, going to redefine gender in our society and I have no bones to pick with transgender people. As I said, the different stories that I have heard and other people here have listened to cause tremendous compassion from anyone who is a human being and I would like to think all of us in this room are human beings. We don't want to see anyone discriminated against.

JMB

However, you need to write a law that is going to be applicable to them in the way that they need it most. In their areas of employment to protect them from the atrocities that we have heard they have been subjected to. In the areas of private life where they are persecuted on the streets. Those things that are negative slurs and assaults, assault and battery is punishable under the law, whether you are a transsexual person or whether you are male or female.

I don't want to debate where male and female originated, even though in my heart I know where it originated, and I don't want to debate when or if a fetus is one or the other. However, you need to relook at this law and you do not need to cast it as it is.

So, I challenge you, I challenge you to be the legislators that we wished you to be when we elected you, to seek, to really and truly champion the weak and the voiceless in our society in a way that best treats them and that does not take one small sector of society and then, in protecting them, totally obliterate another. That is my plea.

I feel compassion for these people who are here. I feel compassion for the scenarios that they have lived in. I have to tell you, though, that job discrimination occurs no matter whether you are transgender or not. I have been discriminated against in a job, a professional position. I don't need to go into the length of details of it, but it doesn't really matter whether you are white, black, male, female, young, having a baby, maybe you're come into an employment situation and now you are pregnant and they don't want you around anymore because they are not going to pay for maternity leave. So, you need to look at the real plea that the transgender society is asking of you to look at. You need to develop a law that will address those concerns and thereby protect them and give them a vehicle and an avenue to call out against these hate crimes and such because no one, no one who is truly human and has a heart in their bodies, could say that those things are appropriate, what we have heard of. Whether or not they need counseling or not is between them and their counselors and their lives.

That is my statement. I also submitted a statement in writing that says other things. I hope that you will respectfully read these things. I see that there are so many people here that have a voice and want to speak out. I thank you for your time.

Senator Deborah R. Reynolds, D, 2: Thank you for being here.

JRB

Ms. Forger: You are given a task that is huge, but I truly urge you to rise to the challenge and to truly make a law that is going to help people.

Please see Attachment #25, prepared testimony from Maria Forger.

Senator Deborah R. Reynolds, D. 2: Thank you very much for your testimony. I just want to note there is a number of people here. I think we have had a number of speakers on both sides, but more so in favor of. I would just ask, since we are going to have to close the hearing shortly, if those of you who have signed in support do want to speak, if you could perhaps search yourselves and decide who might want to speak who hasn't spoken. We do want to wrap up pretty soon here. The next person I have is Janson Wu, who is here to speak. Janson, if you can come forward.

Attorney Janson Wu: Good afternoon. My name is Janson Wu. I am a staff attorney with GLAD. I think the last time I was in front of this Committee I spoke for fifteen seconds. I'm hoping for maybe thirty seconds. I know this Committee and all the legislators have received an overwhelming number of e-mails and phone calls from constituents for and against this bill and I know that that can be powerful, particularly the e-mails, against this bill and the sometimes very hateful arguments against this bill.

First of all, I do believe that those opinions are in the extreme and I do have faith in New Hampshire and believe that in mainstream values of fairness and dignity for all. I think, at the end of the day, if we pass this bill, it is something that we will look back on and be incredibly proud of.

The second thing which I would ask, as you go over e-mails is to consider the e-mails in opposition and think about how those are the attitudes and obstacles that transgender individuals have to face every single day and imagine what that must be like to have that every single day when you walk out your door.

I'm not a transgender individual, but in my work I feel that I hear those stories every day. We have a legal info line and, as part of that legal info line, we take calls from transgender individuals from New Hampshire who need help, who have been discriminated against, who have been attacked and, unfortunately, it is incredibly difficult for me to do my job because I have to tell each and every one of them that there are no specific protections in New Hampshire. As much as I want to help them, as much as it is my job to help them, I can't do it. So, that is why this bill is so incredibly and desperately needed right now.

Thank you so much.

JMB

Please see Attachment #26, Attorney Wu's prepared testimony.

Senator Deborah R. Reynolds, D. 2: Thank you very much. Any questions? Thank you very much for coming. Richard Burley? Welcome, sir.

Richard Burley: Madam Chair and Committee, thank you for being patient and listening and extending the time. My name is Richard Burley. I am a veteran and I was in business for roughly twenty-five years in the State of New Hampshire. I wasn't bailed out in the '80s, but we got through and I think, because of strong moral beliefs, is that you pay your bills. I could have easily robbed my business and allowed the bank to absorb it and the taxpayers, but I absorbed it and took less pay. At one time, I could have worked two jobs and made more money than I was in my business.

So, I think we don't have a gender problem here. It is a lust of the heart. That's the problem. And, let me explain to you. In my business, there was a point in my life where the dollar started meaning more than anything else and I allowed pornography to come into my business. Business started selling. I sold more magazines, tapes and any other thing. I will tell you this. I started observing those that came in and I will tell you what, it wasn't just those that were struggling with their gender. It wasn't just the average mom and dad. It was every walk of life and that's why I say we have a lust of the heart problem here.

So, I heard a testimony of Ted Bundy, a serial killer. Most of us have heard of him. He was on Family Focus, Dr. Dotson's show. He was the one that was giving the interview with the understanding that he couldn't make money on it. This Ted Bundy could have sold his interview for hundreds of thousands of dollars to NBC, ABC or any of the other liberal networks. But, he picked one to focus on the family with the understanding that you will give this out free.

Senator Deborah R. Reynolds, D. 2: Richard, I apologize. Can you just speak to the bill and sum up? Because we are getting short. Okay.

Mr. Burley: I am getting to my point. My point was this. Ted Bundy said, "Hey, look if you want to stop this slippery slope we're on, if you want to stop the moral downslide, you've got to stand up and say no to pornography. I'm asking this Committee to be bold, stand up and say we're on a slippery slope. It is a lust of the heart.

We want to live our lives the way we want to live them and I know what it is to be discriminated against. I have been discriminated against. I have left

that business life behind and I am now an evangelist and I go around and I share the gospel of Christ. I have been spit on. I have been hauled off by the police. I have been physically assaulted and I can tell you this. I know what discrimination is.

Senator Deborah R. Reynolds, D. 2: Thank you.

Mr. Burley: I oppose this bill and I would ask you to consider that. Thank you.

Senator Deborah R. Reynolds, D. 2: Thank you very much. Deborah Bershel?

Dr. Deborah Bershel: I'm Dr. Deborah Bershel, a transgender family physician who provides primary care to many New Hampshire residents, a number of whom are themselves transgender. As a transgender family physician, I can give credence to the fact that the public's perception of us is shrouded in ignorance and that has easily led to an abrogation of our rights. The psychological stress of both coming out to family and friends is indeed unbearable, but it is often the fear of losing one's job that handcuffs us to living our lives in the wrong gender.

But, honestly, it came to me as quite a surprise when I felt the pain of discrimination from the Chief of Family Medicine at my hospital in Cambridge, Massachusetts. He had himself provided medical care for transgender patients, but he was unsure about my mental stability given my decision to transition. He had informally buttonholed a few colleagues at the hospital and they had suggested that I might be on probation for up to one year. There is no denying that transition can be a strain, but my retort to him was, "Are you planning to place all doctors on probation if they are going through the stress of a divorce or if they are on medication for depression?" Fortunately, saner minds prevailed higher up in the hospital administration, but I truly felt like it was only for the luck of the draw that I had avoided humiliation among my colleagues and patients and the loss of gainful employment.

My point is, if a highly qualified professional like this family physician can think along these lines, then what is the protection that the average office worker would have. A seemingly reasonable and fair supervisor or boss could easily abrogate the rights of a transgender man or woman under the current state of affairs in New Hampshire. Passing New Hampshire SB 415 will serve to make it easier for businesses to more seamlessly incorporate transgender workers because our treatment under the law will no longer be

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ambiguous. So, I strongly encourage you to vote in favor of SB 415 and give testimony to this State's belief in the rights of the individual.

Please see Attachment #27, prepared testimony from Dr. Bershel.

Senator Deborah R. Reynolds, D. 2: Thank you very much, Dr. Bershel. Jim Farrelly? Come forward, sir. I apologize if I mispronounced your name.

Tom Farrelly: That's okay. Not a problem. I will try to be brief because I know that you are trying to close up. My name is Tom Farrelly and I'm a forty-eight year old New Hampshire native.

In 1996, I opened up a commercial real estate firm here in New Hampshire for a major national global company. In the last twenty-three years or so, we have transacted significant real estate deals with companies trying to get them from the private sector to move to New Hampshire or to grow their operations in New Hampshire. I have to tell you that I am convinced, having seen boardrooms and how decisions get made about where they are going to go or which operation they are going to grow in, that HB 415 starts to take New Hampshire's profile in the business community down the wrong path. People would never come out and admit it.

It is like today when people say, "You know, we're all about lead and we're all about green". Secretly, the EFO says, "I'm all for it as long as it doesn't cost me anything". All I can tell you is, if you start to look at the Pandora's box that 415 could open up where you would be concerned when you are interviewing ten people and one of them is transgender or possibly wanting to express themselves in a gender other than the one that they were born with, you're going to be a little bit afraid about not hiring that person. I just think that this thing would be opened up for lawsuits and it is going to make the hiring and firing, you hire a person for a certain role and they are well into that role and that particular job as the gender that you hired them and then all of a sudden they make a decision that they want to change their gender. You might need to relocate them in the organization to a different function in the best interests of the company and all of its employees, and you're going to find yourself with... It is going to be just a real slippery slope. I do think that it is bad for business.

I do think that it changes the face of New Hampshire nationally and it becomes a less desirable place for companies. They are just not going to want to deal with the hassles that the lawsuits are going to bring. Absolutely without question. I also think that in that situation where you are looking to hiring people that sometimes the more qualified people are going to be

JHB

discriminated against because the company felt pressured to hire one person over another based off of this rather sensitive issue.

In conclusion, I just think that God gave gender. It is a fact of reality; it is not a state of mind. I do think that HB 415 would have permanent, serious negative consequences on businesses in New Hampshire. I think it would be detrimental to our ability to attract additional businesses in New Hampshire and I just hope that you vote against this bill and that the bill does not pass. We need to stop it now. I also am involved in the Boy Scouts and I just think to myself the Boy Scouts, the Girl Scouts, churches, all these organizations that would be presented with extraordinarily difficult decisions and nuance decisions to make on the slippery slope that once this Pandora's box is open. So, I do ask that you guys vote against this and thank you very much for your time.

Please see Attachment #28, prepared testimony from Tom Farrelly.

Senator Deborah R. Reynolds, D. 2: Thank you for your testimony.
Roberta Barry?

Roberta Barry: Thank you for extending the time. I am Roberta Barry. I live in Keene, New Hampshire. I am speaking to you today as an ally of the transgender community. I urge you to pass HB 415. I represent PFLAG (Parents, Family and Friends of Gays and Lesbians), of which we have about five hundred thousand members nationwide. Our work is for the recognition, respect and civil rights due to all human beings. We challenge ignorance, prejudice and fear and seek to change attitudes of society towards our loved ones.

My work in this organization has allowed me the privilege of getting to know many transgender persons. I have deep respect for their courage in living their lives honestly by making the transition to the gender in which they were supposed to have been born. I have listened to their stories of sacrifice in order to live in their true gender identity. I have also heard their great joy when they are finally able to live and to present to the world totally as the man or the woman they are supposed to be.

I heard people say, "Why do some people think that they need to have specially made protection under the laws". Well, the fact is, if we fail to speak specifically of those minorities who may need protection, it becomes easy to exclude them.

I am going to use the special ed law as an example because I am a retired educator and I worked in special ed. When I started teaching, it was legal to

exclude handicapped children from public education. I even worked as a private tutor for many of those families who had handicapped children. Non-discrimination policies and laws had to name those students with disabilities in order to ensure that they would be treated fairly and equally. Yes, that was a slippery slope and it did cost money and still costs an awful lot of money. But, I have witnessed the improved quality of life for tens of thousands of families because of the use of the word disabled in the anti-discrimination laws and policies. This same improvement in the quality of life will apply to the transgender minority. So, I urge you to support this bill.

Please see Attachment #29, prepared testimony from Roberta Barry.

Senator Deborah R. Reynolds, D. 2: Thank you very much for your time. Any questions? I just want to note Jeremiah Platte has signed in in opposition, does not wish to speak. Timothy Chevalier has signed in in opposition, does not wish to speak. Gretchen Post has signed in in opposition, does not wish to speak. **Please see Attachment #30, prepared testimony from Gretchen Post.** David Bates. Is David here? Okay.

We have only a short window of time folks and I would urge those who really, really want to speak to consult with each other about this. Again, I am very sorry, but we can't just go on and on and on here. I would like to call Leah Peters. Representative Butler, if there are some of the people that you really want to speak, you might want to just ask them to see if they could get together maybe and decide who is going to speak because we are going to have to close the hearing shortly. Is Leah Peters here?

Leah Peters: I'd like to defer my time to somebody else.

Senator Deborah R. Reynolds, D. 2: Thank you, Leah. Carol Perkins is signed in in support, does not wish to speak. Anne Marie Durant?

Anne Marie Durant: Good afternoon. My name is Anne Marie Durant. I am a resident of Concord, New Hampshire. I live and work here and I have worked for the State of New Hampshire for over thirty years. I'm a registered nurse and I am board certified in psychiatric and mental health. I would like to just address two issues very briefly - the first being social justice and the second being the stigmatization of minorities.

The stigmatization of minorities helps to vilify them in the public eye and predisposes them to all kinds of stresses and mental health issues. It also predisposes them to violence at the hands of others.

The need for social justice for all minorities in our society is just a basic right.

JMB

I'm just here to ask you to please support this bill. Thank you very much.

Senator Deborah R. Reynolds, D. 2: Thank you very much for your testimony. In Representative Chandler here?

Representative Butler: Senator Reynolds, Leah Peters will speak. Mo Baxley is going to defer.

Senator Deborah R. Reynolds, D. 2: Okay. Thank you very much. Leah, do you want to come forward? Thank you very much.

Leah Peters: I'm going to just read part of my materials for you guys.

Senator Deborah R. Reynolds, D. 2: Thank you for that.

Ms. Peters: This is just my small statement. I'm just going to read my statement. I have a friend who runs a transgender support site on line.

Senator Deborah R. Reynolds, D. 2: Leah, just state your name for the record. Thank you.

Ms. Peters: Leah Peters from Derry, New Hampshire.

Senator Deborah R. Reynolds, D. 2: Thank you very much, Leah.

Ms. Peters: I have a friend, Laura Amato, who runs an on line support group for transgender people. She does a lot of work with suicide prevention.

Senator Deborah R. Reynolds, D. 2: Leah, could you speak up just a bit? Thank you.

Ms. Peters: And, I asked for her input as far as this issue goes and she sent me the following statement. I'm just going to read that statement and that's going to be it.

"Hi Leah,

Sure, I would be happy to help. The numbers are morbid and they should be. When the veterans' suicide rate went up 2%, the world was outraged. However, the transgender suicide rate has been estimated at 31% and higher. Where is the outrage for us?

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Laura's Playground (that's the name of her site) is a transgender support site serving transsexuals, cross dressers, transgenderists, androgyne and intersex groups. Our main mission is to prevent suicide. We operate several transgender suicide prevention crisis chat rooms. We have over eighty moderators and twenty supervisors, all certified in youth suicide prevention. In five years of operation, we have handled 70,800 suicide crises from all groups. We have had over 8.6 million visitors. The rate for transsexuals, though, is the highest in the transgender community. Both in a survey here and our crisis records, we have found one eye-popping statistic. Over 50% of transsexuals have had at least one suicide attempt before their twentieth birthday, some as young as seven, many with multiple attempts. What about those that didn't make it? Is the world outraged? No. As we are the only site preventing transgender suicide, we have the actual numbers, not estimates.

It gets worse when you look at the reasons for this astronomical suicide rate. Almost all were victims of the following: non-acceptance or homophobia by family and friends or others, discrimination in hiring, housing and employment. Some were victims of hate crimes and violence. Some were upset with their body image. This is further exacerbated by the fact that 70% of our members are unemployed or underemployed due to their condition or appearance. What other groups face these numbers? In short, most of these suicidal thoughts from members came because of the way they were treated by others and are entirely preventable. Where is the outrage for our suicide numbers? It is time to stop the madness."

That was from Laura Amato. That's all I was going to read. I was just going to say please pass 415.

Please see Attachment #31, prepared testimony and attachments from Leah Peters.

Senator Deborah R. Reynolds, D. 2: Thank you very much. Did you want to distribute that or give that to the clerk so we could have copies of that? Thank you very much, Leah. I want to note Representative Dee Hogan is signed in in opposition, does not wish to speak. Esther Phillips is signed in in opposition, does not wish to speak. Melinda Luther has signed in in opposition, does not wish to speak. And, is Don Bartlett here? Do you want to come forward, sir? Go right ahead, sir. State your name for the record.

Don Bartlett: Don Bartlett. I previously submitted some research documentation on the gay marriage bill and I believe the root cause, the root issues in transgender people's lives are the same issues from their childhood. So, if you have those documents, you can just refer to them. The documents are from the National Association for Research and Therapy of

Homosexuality. It is a non-religiously affiliated, non-profit professional organization dedicated to research and treatment of homosexuality and other transgender issues. Also, there is a group of psychiatrists, psychologists, certified social workers, marriage and family counselors, educators and interested laymen. I just wanted to say please refer to that. I believe the same issues apply. I am in opposition to this bill. Thank you.

Senator Deborah R. Reynolds, D. 2: Thank you for your testimony.

Mr. Bartlett: You're welcome.

Senator Deborah R. Reynolds, D. 2: We have a large number of people who have signed in in support. I would like to call Gail Morrison if Gail is still here.

Mr. Luther: My wife had to leave, but I would like to speak for her - Melinda Luther.

Senator Deborah R. Reynolds, D. 2: Okay. I will be right back with you. Gail Morrison still here? How about... I will just note for the record that a number of people have signed in in support, do not wish to speak. Representative Timothy Horrigan was here. I don't know if he is still here. Did you want to speak, Representative?

Representative Timothy Horrigan: I guess there isn't a microphone here anymore. My name is Timothy Horrigan. I am a Representative from Durham, Lee and Madbury and I spoke on the floor on HB 415. I hope I will be quicker and do a better job than I did then.

I guess one thing I need to correct in my testimony is that I thought it would be in Reps' Hall, so I refer to the fact that you're physically in the House side of the Senate wall, when in fact here we are now in Room 201-203. My point was that the wall between genders is not quite as absolute as we would like to think and it is true, I guess, that male and female are social categories, but they are also cultural and biological categories and actually you really can't separate the two things. Our social nature and our spiritual nature are just as much part of our biology as our chromosomes and all that. Of course, we had male and female long before we knew there was any such thing as chromosomes.

I also said in my written testimony that, in the House hearing, judging by the written testimony because I missed the actual hearing, as I did the exec session, that there seemed to be few if any witnesses that came forward against HB 415, even though the outcry was obviously, there is like a large

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anti hysteria against this bill outside the hearing. A number of citizens did come here and testify against the bill, so I'm grateful they took the time even though I disagree.

Senator Deborah R. Reynolds, D. 2: Representative, can you sum up because we are going to have to close the hearing in about five minutes?

Representative Horrigan: Okay. I'm grateful. I'm glad I got the chance to be here at all because we won by the narrowest possible margin after a lot of, I think, twenty-two roll calls and two divisions. I also urge you to vote ought to pass and I think ought to pass without, even though I did actually vote for the many amendments, ought to pass without amendment. I think that this is a simple bill. I think it is common sense and I think it is excellent the way it is and you should vote ought to pass just the way it is.

Please see Attachment #32, prepared testimony and attachments from Representative Timothy Horrigan.

Senator Deborah R. Reynolds, D. 2: Thank you very much, Representative. Sir, someone back there. Not you Representative. A gentleman back there. Do you want to come forward? Okay. Go right ahead, sir. Are you Jim? You had signed in, sir. I'm sorry. No problem.

Jim Luther: I want to say that my name is Jim Luther. I'm from Hollis and I am against this bill and thank you Madam Chairman and Committee.

I agree with some of the folks. I am against discrimination and all of these work related issues. I run a company. I think that is abhorrent that anybody would be terminated outside of performance and I stand against any types of discrimination. My concern is that this opens a much bigger door and that I'm not sure what is behind this bill. But, they are saying that there is a bizarre and clear attempt to strike any reference to gender in this bill, HB 415 and the marriage bill, HB 436. I want to just point out a couple of things that are happening.

For instance, there is a letter here from the Mass Department of Transportation that just came out that they have changed their policy regarding gender. It says the Mass Registry of Motor Vehicles (this is dated January of this year) has amended its policy to enable transgendered individuals to more easily change the gender designation on their licenses and identity cards.

Under this new policy, it is no longer necessary to submit medical proof of sex reassignment surgery. An individual who wishes to change the gender

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marker will submit just an updated application together with a gender designation change form. In addition, the Registry of Motor Vehicles will no longer require an individual provide an amended birth certificate in support of this new gender designation marker. I believe these changes are fair, reasonable and sensible. I have excluded some of the other things.

That is very concerning where we could go on that.

There is some crazy things happening out there. For instance, here is an individual, I don't know if you saw this story. This is a man in Philadelphia who basically (definitely a man: here's the picture) who basically wanted to go into the women's washroom there and the manager was very concerned about this and they had to call the police. This was quite an incident. But, it says, after the incident a complaint was filed against Kmart with the City's Human Relations Commission. The store manager was apparently forced to apologize and guarantee that this wouldn't happen again. These are the kind of things that are happening out there.

Here is another individual. This was a report for the *Los Angeles Times* who has changed his gender twice. First, he was a man, Mike Penner. In 2007, April, *LA Times* sports reporter Mike Penner came to work and announced that he was going to start coming to work dressed as a woman and use the name Christine Daniels. And, that's what he did. For eighteen months, she was the darling (that's just a description there). But, then after eighteen months, he decided he didn't want to be a woman, she didn't want to be a woman, went back to being a man. So, there is a lot of confusion.

In my town of Hollis we are dealing with this very locally. We have a bus driver in our town who just decided to start dressing as a woman and just every day adding more and more with no notification, nothing to the school board or anything. Then, one day, forced the bus off the bus route, on the side of the road with these kids and basically explained to them, in pretty strong language, "This is what I stand for". The Town has done, there has been nothing happening because they are so afraid of what legal issues. I have sixteen-year-old daughter, fifteen-year-old son. If my kids were on that bus, I would have been very, very concerned and my kids would have been very upset at that.

These are the things that concern me. I think the bill is very broad, the language is very broad. I agree with the issues related to work and housing and I think these are absolutely important, but I think when we use the word expression, gender expression, I think that is way too broad. I could express one thing today and tomorrow I could express something different; the next day something else. I mean, it is a grave concern to me. I am definitely

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against this bill and I hope that you will really consider that. We will be watching and we will be voting next year. Thank you very much.

Please see Attachment #33, prepared testimony from Melinda Luther.

Please see January 21, 2009 letter from The Commonwealth of Massachusetts, Executive Office of Transportation, Registry of Motor Vehicles and two www.MassResistance articles submitted by Jim Luther, identified collectively as Attachment #34.

Senator Deborah R. Reynolds, D. 2: Thank you very much. The last speaker we are going to have time, and for that I apologize, but we're going to have to close the hearing, is Alexis. Did you want to speak? Okay. You will be our last speaker of the day.

I want to note that there are a large number of you signed in in support. I'm not going to go through reading all of the names. I want to thank the House Reps who have signed in in support of the bill who I have not had time to call. I appreciate your courtesy to the public. So, go right ahead.

Alexis Keef: Okay. This is a story about my work. I started working where I work now, a graphics shop in Merrimack, New Hampshire as a man prior to me having transition.

Senator Deborah R. Reynolds, D. 2: I'm sorry. Can you just state your name?

Ms. Keef: My name is Alexis Stanley Keef.

Senator Deborah R. Reynolds, D. 2: Thank you. Speak up just a little bit. Okay?

Ms. Keef: Everything was very good and I got along with everyone and did good work. I left my job for a couple of years for some medical problems and was later asked to come back to fill a different position working in the office as a graphic artist. This was okay for a short time. In working with them before my transition and having grown up with a couple of the employees that I got along really good with.

I transitioned approximately six years ago and, in that time, they hired back an old employee who calls himself a skin head. He used to tell me the only reason that he would talk to me is because he knew me before when I was a male. Despite this, he harassed me every day. I got all the jokes about my

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sexual preference and identity. So, I had to play along to be on his good side, so to speak. At this point, I began to hate my job that, at one time, was my passion. I got anxiety just from driving to work and thinking about how I was going to have to deal with him. I would never know what to expect from him. Good days, he would leave me alone. Bad days, he would continue to harass me. The whole time I was there he used to call me him, he or him in front of customers because he knew it bothered me. I had mentioned this to the owner several times to please get him to stop. The owner would speak to him and refer to me as the queer getting upset and time to lay off a little. This would work for a couple of days and then it would start again.

However, at that time, the company was for sale and I felt my only hope was the new owners would support me, but that just wasn't the case. The harassment continued to the point where I felt I needed to contact a lawyer. The laws didn't apply to me. In meeting with the owner several times to speak with this person, he began to hate me and I felt threatened while at work all the time. I felt my only option was to try to get along with this person or find employment elsewhere. It took a while to get him to the point where I could tolerate him. After all, we had to work together. We sorted things out on his terms...

Senator Deborah R. Reynolds, D. 2: Cell phone please. Thank you.


Ms. Keef: We sorted things out on his terms with me always looking bad. Still, I always felt uncomfortable around him. Eventually this person was fired because of his mouth and his attitude towards other employees. Now, I am okay and have taught my fellow employees and the new owners how to co-exist with a transgendered person, which is just treat me like everyone else.

I think the law could have given me some protections from this person and maybe it would have been resolved a lot sooner and I suffered a lot less. All I ever wanted to do was my job to the best of my ability and I did not need the extra stress of playing some stupid games to make myself look bad and others feel good. This is just not fair, not right, and hopefully illegal. So, this is the reason I'm supporting HB 415.

Senator Deborah R. Reynolds, D. 2: Thank you very much. Any questions? We are going to close the hearing. I want to thank you all for being here and for all of your testimony and support.

Hearing concluded at 4:00 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "L. Gail Brown". The signature is written in a cursive style with a large initial "L".

L. Gail Brown

Secretarial Supervisor

7/13/09

34 Attachments

ATTACHMENTS TO HB 415 - adding certain terms regarding non-discrimination to the laws

Attachment #1, Representative Ed Butler's prepared testimony

Attachment #2 – Senator Fuller Clark's prepared testimony

Attachment #3 – April 23, 2009 letter from New Hampshire Coalition Against Domestic and Sexual Violence

Attachment #4 – March 17, 2009 letter from Jamie Sharp, Deputy Director, Civil Rights Division, Colorado Department of Regulatory Agencies

Attachment #5 – April 1, 2009 letter from Ralph Rosenberg, Executive Director, Iowa Civil Rights Commission

Attachment #6 – March 10, 2009 letter from Sharon Ortiz, Interim Executive Director, State of Washington Human Rights Commission

Attachment #7 – Letter from Jennifer Madden, MD

Attachment #8 – Attorney Joni Esperian's prepared testimony on behalf of the New Hampshire Commission for Human Rights

Attachment #9 – Ann Marie Banfield's prepared testimony

Attachment #10 - Ashley Pushkarewicz's prepared testimony

Attachment #11 - Shannon McGinley's prepared testimony and attachments

Attachment #12 - Dr. Boedecker's prepared testimony

Attachment #13 - Rachael Robinson's prepared testimony and attachment

Attachment #14 - Gerri Cannon's prepared testimony and attachment

Attachment #15 - Sarah Blanchette's prepared testimony

Attachment #16 - Attorney Mottet's prepared testimony

Attachment #17 - Joe Marion's prepared testimony

Attachment #18 - prepared testimony from Muriel Ring

Attachment #19 - Philip Mansfield's prepared testimony

Attachment #20 - Cynthia Tebbetts' prepared testimony

Attachment #21 - prepared testimony from Marianne Storer

Attachment #22 - prepared testimony from Alexis Keef

Attachment #23 - prepared testimony and attachments from Walter Stapleton

Attachment #24 - prepared testimony from Toni Maviki

Attachment #24 - prepared testimony from Dr. Madden

Attachment #25 - prepared testimony from Maria Forger

Attachment #26 - Attorney Wu's prepared testimony

Attachment #27 - prepared testimony from Dr. Bershel

Attachment #28 - prepared testimony from Tom Farrelly

Attachment #29 - prepared testimony from Roberta Barry

Attachment #30 - prepared testimony from Gretchen Post

Attachment #31 - prepared testimony and attachments from Leah Peters

Attachment #32 - prepared testimony and attachments from Representative Timothy Horrigan

Attachment #33 - prepared testimony from Melinda Luther

Attachment #34 - January 21, 2009 letter from The Commonwealth of Massachusetts, Executive Office of Transportation, Registry of Motor Vehicles and two www.MassResistance articles submitted by Jim Luther, identified collectively as Attachment #34

Good afternoon. Thank you Madam Chair and members of the committee.

For the record, I am Representative Ed Butler from Carroll County District 1.

By now you all know this bill. It adds the words gender identity and expression to our nondiscrimination statutes and it adds that term to our hate crimes law as well. This bill will make it possible for our Human Rights Commission to support basic protections against discrimination in housing and employment.

Where did this bill come from and why do you have to deal with it now?! Well, I guess, as with many issues related to minorities, those who are the least visible and vocal, get the least attention. And why have transgender people been less vocal and visible – because their history has shown them that we are frightened by people who do not conform to gender norms, especially those who express themselves in the role opposite their biological gender. In the history of transgender people coming to this point, today, of being able to stand up in front of you in this hall of power, there are myriad stories of discrimination, abuse and rejection, some of which you will hear today. There has been reason for this group of people to be less visible.

Even in the gay and lesbian community some didn't acknowledge transgender men and women as a part of our larger community. After all, sexual orientation – gay or lesbian or bisexual – is about attraction to someone of one sex or another. Being transgender is about sexual identity – male or female – not necessarily orientation.

You may have seen the acronym, GLBT. Eventually we realized that we are all a part of a group of sexual minorities; that we have all experienced discrimination because of who we are and came to understand that we must support each other in our efforts to achieve inclusion & equality. Thus GLBT - gay, lesbian, bisexual and transgender.

The NH transgender community, and indeed the transgender community around the country, has been becoming more active. Just as with the long march towards equality for *gay and lesbian* NH residents that this legislature

has witnessed and supported -- with nondiscrimination protections and relationship legislation – the transgender community is coming out and asking for acknowledgment, understanding, respect and safety.

The path, for minorities, towards inclusion in our communities is not an easy one. It is an unfortunate behavior of many of us to reject or push away that which is unknown or different. It is easier for us to believe that which is not the norm; that which is difficult for us to understand – is wrong; is bad; is inferior; is evil. And so we reject. Sometimes violently so. Today you will hear stories of that rejection. That difficulty and unwillingness to grow towards understanding this community of people. You will hear about the discrimination they experience. And you will hear the difficult choices that transgender people make on the journey to become who they really are. And you will hear about their incredible courage, strength and resilience.

How do I – how do we – in this brief time we have with you today, help you to understand why it is so important that you support and help to pass this piece of legislation before you? Obviously the opposition -- those who fear this group of people -- has taken the upper hand with their campaign of distortion and fear-mongering. You will hear from those who will testify today in support of this bill why those fears are unfounded and, in fact, why transgender people, every day, must fear us. Yes, rather than being a threat to society, it is the other way around. We, the majority of people who are not transgender, we who express ourselves in societally-acceptable ways relative to our gender, are a threat to them.

Please support the struggle that has brought this community to you today. Give them the basic protections that we all deserve –that most of us have had our entire lives – the right to have & keep our jobs; the right to have and keep our housing; the right to be protected from abuse. Providing those protections today will give this community of men and women a safety net that will allow them, as it has the gay and lesbian and other minority communities, the security to become more productive and involved members of our society. The choice to provide these basic protections is now yours to make.

Attachment #2
Senator Fuller Clark

When Representative Butler asked me to co-sponsor this incredibly important bill, I was honored to do so.

I believed and continue to believe that New Hampshire is a state that is committed to ensuring fairness and equal opportunity for all. That we as citizens of this state abhor intolerance and bigotry against any one of our citizens. Passage of HB415, the gender equity bill, would support and protect the transgender members of our state so that they too will have the full opportunity to become productive and contributing members of our communities.

Unfortunately, pervasive discrimination and hate violence against the transgender individuals is preventing this particularly vulnerable population from protecting themselves at their jobs, in their homes, within their communities and on the streets.

Unfortunately, opponents of this bill aided by the press have shamefully sought to distract from the real

issue of discrimination and violence by bringing the debate literally to the toilet. By frivolously nicknaming this bill “the bathroom bill,” opponents, again supported by the press, have scared the public into believing that this bill would allow sexual predators into public bathrooms and endanger the safety of women and children.

Nothing could be farther from the truth. In fact, these objections are flat out lies. The truth is that in the 13 states and over 100 municipalities that have enacted similar legislation across the country, there has not been one single reported instance of bathroom misconduct arising from the law. That is the truth that should have made its way into the press and to the public at large.

In my hand, I have letters from the human rights commission in three states that have such protections for transgender individuals – Colorado, Washington, and Iowa – and those letters confirm that they have

not received even one complaint related to bathrooms.

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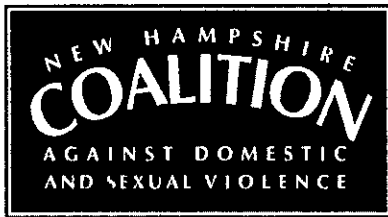
The truth is that New Hampshire already has criminal and civil laws that prohibit inappropriate behavior in public restrooms, and nothing in HB 415 affects those already existing protections.

The truth is that all people will be safer as a result of this bill. Again, I have in my hand a letter from the New Hampshire Coalition Against Sexual and Domestic Violence and the New Hampshire Women's Lobby, denouncing these bathroom scare tactics as meritless and supporting HB 415. They say in their letter:

“We are saddened by those individuals and groups that are deliberately misleading legislators and the public by creating an unfounded fear about women’s safety in connection with this legislation. Not only does this scare tactic detract

from the very real issues of violence facing women in the New Hampshire, it also ignores the serious threats to personal safety that many transgender and gender non-conforming people in the New Hampshire experience on a daily basis.”

I thought New Hampshire was better than falling for these distortions and lies. Now I am not so sure. The New Hampshire citizens I know understand the fundamental and mainstream value of treating people with dignity, respect and fairness. The New Hampshire citizens I know and represent are the fair-minded people that want our state to protect the rights of all our citizens; I also know that the distortion and misnaming of this bill is an outrage and embodies the very core of ugly and misplaced prejudice we all hope this bill will prevent.



Attachment
3

April 23, 2009

Good afternoon Chairwoman Reynolds and members of the Senate Judiciary Committee.

As organizations dedicated to the rights and safety of men, women and children throughout New Hampshire, the **New Hampshire Coalition Against Domestic and Sexual Violence** and their 14 member programs and the **New Hampshire Women's Lobby** support House Bill 415, AN ACT adding certain terms regarding non-discrimination to the laws.

As you may know, this bill would amend New Hampshire's hate crimes and key non-discrimination statutes to be explicitly inclusive of transgender people by adding "gender identity or expression" as a protected characteristic. It is our understanding that some legislators have misconceptions and misinformation about the legislation and its effect on public safety and in particular, the safety of women and children. We are writing to clarify any misunderstandings that may exist.

The purpose of HB415 is to protect transgender people and other gender non-conforming individuals from violence and discrimination. HB415 will not affect individuals' rights to privacy or safety in public areas. Some claim that this bill will threaten women's safety in public bathrooms and locker rooms. This is a deliberate scare tactic and this claim is without merit. This argument is based on assumptions that male predators will misrepresent themselves as transgender in order to enter female-only bathrooms and locker rooms with the intent of harassing and harming women. Some believe that this individual would then be exempt from prosecution by the law if the individual claims to be transgender.

Our organizations believe that these fears and claims are unfounded and fundamentally untrue. ***An individual—transgender or not— who enters a women's bathroom to harass or attack women would continue to be prosecuted under the proposed law.*** In addition, transgender women and men using the bathroom that is consistent with their gender identity and gender expression are no more a threat to public safety and individual privacy rights than are other individuals. In fact, data from a 2007 report entitled "Violence Against Women in New Hampshire," conducted by the University of New Hampshire Survey Center, the New Hampshire Division of Public Health Services, and the New Hampshire Coalition Against Domestic and Sexual Violence, clearly shows that for the majority of victims of either sexual or physical violence, the perpetrator of the most recent assault they experienced was someone whom they knew. In New Hampshire, as elsewhere in the U.S., a woman is most likely

to be harmed by someone in her own circle of friends and family.

As you undoubtedly know, violence and discrimination against women are very serious issues in our society. Our organizations fight to stop violence and discrimination, and we have made great strides in our efforts. However, our work cannot be complete unless we curb the violence regularly experienced by those whose gender identity or gender expression does not conform to others' expectations.

We are saddened by those individuals and groups that are deliberately misleading legislators and the public by creating an unfounded fear about women's safety in connection with this legislation. Not only does this scare tactic detract from the very real issues of violence facing women in the New Hampshire, it also ignores the serious threats to personal safety that many transgender and gender non-conforming people in the New Hampshire experience on a daily basis.

We urge you to support HB415, AN ACT adding certain terms regarding non-discrimination to the laws, in order to bring safety and security to all individuals in New Hampshire.

Sincerely,

The New Hampshire Women's Lobby

The New Hampshire Coalition Against Domestic and Sexual Violence

**RESPONSE to Sexual &
Domestic Violence**
Berlin; Colebrook; Lancaster

Turning Points Network
Claremont; Newport

**Rape and Domestic Violence
Crisis Center**
Concord

Starting Point
Conway; Ossipee

**Sexual Harassment and Rape
Prevention Program (SHARPP)**
University of New Hampshire
Durham

**Monadnock Center for
Violence Prevention**
Keene; Jaffrey

New Beginnings
Laconia

WISE
Lebanon

**The Support Center at
Burch House**
Littleton

YWCA Crisis Service
Manchester; Derry

**Bridges: Domestic and
Sexual Violence Support**
Nashua; Milford

Voices Against Violence
Plymouth

A Safe Place
Portsmouth; Rochester; Salem

**Sexual Assault Support
Services**
Portsmouth; Rochester



Dora

Department of Regulatory Agencies

Bill Ritter, Jr.
Governor

D. Rico Munn
Executive
Director

Division of Civil Rights
Steven Chavez
Director of Division of Civil Rights

Attachment # 4

1560 Broadway, Suite 1050
Denver, CO 80202
(303) 894-2997
(303) 894-7830 (fax)
(800) 262-4845 (toll free)

200 West "B" Street, Suite 234
Pueblo, CO 81003
(719) 542-1298
(303) 869-0498 (fax)

222 S. 6th Street, Suite 301
Grand Junction, CO 81505
(970) 248-7303
(970) 248-7304
(970) 242-1262 (fax)

<http://www.dora.state.co.us/civil-rights/>

March 17, 2009

Ms. Lisa Mottet, Director
Transgender Civil Rights Project
National Gay and Lesbian Task Force
1325 Massachusetts Avenue NW, Suite 600
Washington, DC 20005

Dear Ms. Mottet:

You have requested information regarding the new anti-discrimination protections covering transgender people under Colorado law. We are pleased to provide the following summary of the law, together with a review of the claims that the Colorado Civil Rights Division (CCRD) has processed since the law went into effect.

In 2007, Colorado enacted Senate Bill 25, which amended the employment provisions of the Colorado Antidiscrimination Act, C.R.S. §24-34-301, *et seq.*, to include protection for the class of "sexual orientation." This amendment became effective on August 3, 2007. In 2008, Colorado enacted Senate Bill 200, which expanded this protection to housing and public accommodations. This amendment became effective on May 29, 2008. The Act now defines "sexual orientation" as including "heterosexuality, homosexuality, bisexuality, transgender status, or the perception thereof."

CCRD is responsible under the Act for processing administrative charges of discrimination filed against employers or other covered entities. To date, 47 complainants have filed charges alleging that they were discriminated against on the basis of sexual orientation. Confidentiality requirements of the Act prohibit CCRD from disclosing any personal details, including the identity of complainants or respondents, involved in these cases. We may, however, provide a general overview and a summary of the types of allegations filed.

Of the 47 charges filed to date, 43 were employment cases, 2 were housing cases, and 2 were public accommodations cases. CCRD has closed 24 of these cases, while 23 are still being actively processed as of this date. Following are additional details concerning these cases, including the cases filed by subcategory of sexual orientation and types of allegation:

Breakdown by Subcategory of "Sexual Orientation":

Bisexual	1
Gay/Lesbian	32
"Perceived As"	3
Straight/Heterosexual	4
Transgender	7
Total Charges Filed (Aug 3, 2007 - March 17, 2009)	47

Breakdown by Type of Allegation of Discriminatory Conduct*:

Employment Cases (43 Charges Filed)

Harassment	24
Discharge	26
Constructive Discharge	10
Suspension	2
Unequal Compensation	2
Failure/Refusal to Hire	1
Demotion	2
Refusal to Promote	2

Housing Cases (2 Charges Filed)

Harassment	2
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Public Accommodations Cases (2 Charges Filed)

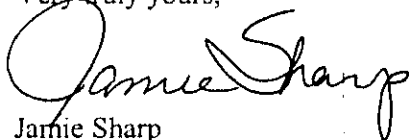
Denial of Access	2
Harassment	1

**Note: An individual charge may involve more than one allegation of discriminatory conduct. For example, a complainant may allege harassment together with constructive discharge.*

Finally, you have asked whether any individuals have attempted to use the new protections covering transgender status in Colorado "in inappropriate ways in bathrooms, locker rooms, and with dress codes." This has not occurred in any of the cases filed with CCRD. Of the 5 charges of employment discrimination filed by individuals who identified themselves as transgender, all of the cases involved allegations of unfair employment practices such as discharge, suspension, or discriminatory harassment. Of the 2 cases of public accommodations discrimination filed by individuals who identified themselves as transgender, both involved denial of access and one of the cases involved a claim of discriminatory harassment.

I hope this information has been responsive to your request. Thank you for your interest.

Very truly yours,



Jamie Sharp
Deputy Director
Civil Rights Division
Colorado Department of Regulatory Agencies



Attachment #3

STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

IOWA CIVIL RIGHTS COMMISSION
RALPH ROSENBERG
EXECUTIVE DIRECTOR

4/1/2009

Lisa Mottet, Esq.
Transgender Civil Rights Project, Director
National Gay and Lesbian Task Force
1325 Massachusetts Avenue NW, Suite 600
Washington, DC 20005

Dear Ms. Mottet.

In 2007, with passage of SF 427, Iowa joined the growing ranks of states which extended the scope of civil rights laws to include sexual orientation and gender identity. Since July 1, 2007, the official date the new law took effect, our agency has received 47 complaints, alleging discrimination based on sexual orientation (36), or gender identity (11). Over 20 months of work with this bill shows that our state averages about 2-3 cases per month—which based on regional and national research is not that dissimilar from other states.

We have been very clear with employers and the public as to what the law covers and does not cover. The following examples are from our brochures –available at http://www.state.ia.us/government/crc/docs/sogiEmploymentbrochure_july08.pdf

May an employer enforce dress and grooming standards?

Yes. An employer may establish and require an employee to adhere to reasonable workplace appearance, grooming and dress standards that are directly related to the nature of the employment ; dress codes are not precluded by state or federal law as long as an employer allows an employee to appear, groom and dress consistent with the employee's gender identity.

Does the new law require employers to eliminate gender-segregated restrooms?

No. It is still legal in Iowa for employers to maintain gender-segregated restrooms. The new law does require, however, that employers permit employees to access those restrooms in accordance with their gender identity, rather than their assigned sex at birth.

During legislative debate, opponents argued these laws could be dangerous because they can be used by sexual predators to gain access to women's restrooms and locker rooms. We have simply not been informed of any such occurrence. We have not received any formal complaints, though we have received informal inquiries about 'bathroom' use.

During debate and implementation, we did receive inquiries on cross dressing at work. We have not received any complaints based on this fact situation. Under our law, employers have the right to enact reasonable dress codes. We have also educated members of the public and lawmakers that people who cross dress are highly unlikely to do this in a work situation.

I strongly believe that our strategies of keeping our bill as non partisan or bipartisan, working with both business and labor, garnering strong support from the faith communities, could be a template for other states. And I would be more than willing to help with other states.

Sincerely,

Ralph Rosenberg

Attachment #6



STATE OF WASHINGTON
HUMAN RIGHTS COMMISSION

711 South Capitol Way, Ste. 402 • PO Box 42490 • Olympia, WA 98504-2490
(360) 753-6770 • 1-800-233-3247 • FAX (360) 586-2282

www.hum.wa.gov

March 10, 2009

Lisa Mottet, Esq.
Transgender Civil Rights Project, Director
National Gay and Lesbian Task Force
1325 Massachusetts Avenue NW, Suite 600
Washington, DC 20005

Dear Ms. Mottet,

Thank you for your recent inquiry about the gender expression/ identity protections under the Washington Law Against Discrimination (WLAD), RCW 49.60. The Washington State Human Rights Commission (WSHRC) enforces the WLAD. The WLAD prohibits sexual orientation and gender expression/ identity discrimination in employment (employers with eight or more employees), housing, places of public accommodation, and credit and insurance transactions. The WSHRC views the new sexual orientation and gender expression/identity jurisdiction as a natural extension of civil rights.

The WSHRC has had jurisdiction over sexual orientation and gender expression/ identity discrimination since June 2006. Overall, we receive 3-4 complaints a month that allege sexual orientation or gender expression/ identity discrimination. Since implementation in 2006, about one-quarter (30) of these complaints are based on gender expression/ identity protections. Most of the gender expression/ identity complaints are in the area of employment, which is consistent with complaints filed under other jurisdictions.

While the number of filed complaints has not been huge, we have received a high number of inquiries from employers, housing providers and potential complainants who have questions. Many of these questions are about the gender expression/ identity protections under the WLAD. We have tried to be very proactive, in order to anticipate and answer questions before possible discrimination occurs. We get about ten inquiries a month.

In particular, we have received many questions about restroom use for transgender individuals. Since implementation, the WSHRC has offered guidance on this issue to employers and places of public accommodation. Simply, transgender individuals should be able to use the restroom corresponds to his or her gender identity. For example, a transgender girl or woman (male to female) should be able to use the women's restroom and a transgender boy or man (female to male) should be able to use the men's restroom. These questions have not been burdensome or difficult to answer, and employers have been very appreciative of the clarity we can provide on this issue.

In our effort to provide outreach and education to employers, we always remind people that these protections do not prohibit an employer from taking action in allegations of harassment or other inappropriate behavior. We are not aware of any circumstances in which people have inappropriately tried to access locker rooms, restrooms or other gender-separated facilities because of the gender expression/ identity protections under the WLAD.

We have received a limited number of complaints regarding restroom or locker room usage. Examples of complaints include:

- A transgender woman, who alleged that she was asked to leave a gym to which she was a member, after gym staff learned that she was transgender. We were not able to investigate the case because it was not filed within the statute of limitations.
- Two transgender men, who alleged that they were asked to leave the men's restroom at a mall after another patron notified security. The case is being settled and will include comprehensive training for the security company.
- A transgender woman, who alleged that she should not be required to fulfill the physical education requirement at her community college, due to her transgender status. The case was closed No Reasonable Cause because the college was able to demonstrate a willingness to consider multiple accommodation options that would have allowed the student to complete her physical education requirement.

We have received very few questions and no complaints about dress codes. A dress code should allow a transgender employee to dress in a manner that is consistent with his or her gender identity. As long as dress codes are applied in a non-discriminatory way to all employees, we do not anticipate that dress code issues would arise in many situations.

We have a number of resources on our website at www.hum.wa.gov. Please feel free to pass these resources on to other civil rights agencies and others who are considering new sexual orientation and gender expression/ identity protections. I hope this information is useful. If you or others have additional questions or need more information, please feel to contact me at sortiz@hum.wa.gov or 360-753-258.

Sincerely,



Sharon Ortiz
Interim Executive Director

Attachment # 17

Dear Senator Martha Fuller Clark

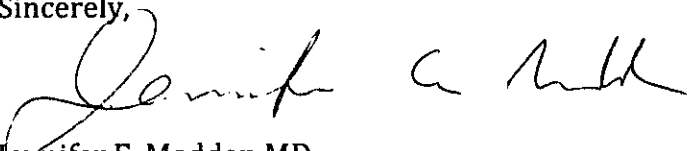
I am writing to ask you to please vote for HB415, the bill that will add gender identity and expression to current non-discrimination laws. As you may know, it's a personal issue for me. As a physician and a post-op transsexual, I can't understand why anyone would want to vote against it. In my practice, I have a large group of transgendered individuals that come to me for their medical care and I know first hand the hardships they face and the prejudice and injustice they endure. I would welcome you to come to one of our support group meetings and meet some of them.

There's a lot of medical evidence to support the concept that the brain is sexed during the third trimester of pregnancy while the sex organs develop in the first. For most people, they can't imagine a brain sex different then their physical body but for transsexuals, it's a struggle we live with every day. Transgendered people should not be feared. They are not sex predators or evildoers. They're like me, simply people who are different, often misunderstood, but no more of a threat to others than the average person. Many of us are professional people; doctors, lawyers, and business owners. Yet many are poor, often deprived of employment or housing, and looked down upon by society.

I believe all people should be treated with dignity. My own journey has taught me a lot about prejudice and how people are often judged by preconceived beliefs and perceptions. I am one person trying to change my part of the world. I hope you'll take the time to contemplate what I've written.

Please call me if you have any questions or if you'd like to meet with me.

Sincerely,



Jennifer E. Madden MD
5 West Point Terrace
Nashua, NH 03062
603-595-0597 H
603-494-9341 C

Attachment # 8

New Hampshire Commission for Human Rights

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HANFORD AUTEN - 271-6839

ADMINISTRATIVE SECRETARY
DEBORAH EVANS - 271-2768

SECRETARY
NANCY RODGERS - 271-2767

My Name is Joni Esperian and I am the Executive Director of the New Hampshire Commission for Human Rights. The Commission is a civil rights law enforcement agency charged with investigation and adjudication of founded cases of discrimination, also known as the Law Against Discrimination (RSA 354-A) in employment, housing, lending and public accommodation.

I speak on behalf of the Commission this morning which unanimously supports the passage of House Bill 415. The Commissioners and I see this amendment to our statute as entirely consistent with our mission to promote respect, equality and justice for individual citizens without regard to the characteristics one is born with.

When establishing the Law Against Discrimination, the General Court found that discrimination in employment, housing, lending and public accommodation based on age,

sex, race, religion, color, national origin, marital status, familial status, physical or mental disability or sexual orientation threatens the rights of citizens and menaces the institutions and foundations of a free democratic state. Indeed, those members who created the Law Against Discrimination saw that the peace, order, health, safety and general welfare of the state and its inhabitants was undermined by unchecked Discrimination.

The Law Against Discrimination was directly tied to the fulfillment of the provisions of the Constitution of this State concerning civil rights. The General Court referred to Part First of the Constitution of New Hampshire, the Bill of Rights. The Bill of Rights within the Constitution of this State was passed in 1784. Article 2 is referred to as *Natural Rights*. It states,

All men have certain natural, essential, and inherent rights – among which are, the enjoying and defending of life and liberty: acquiring, possessing, and protecting, property; and in a word, of seeking and obtaining happiness. *Equality of rights under the law shall not be denied or abridged by this state on account of race, creed, color, sex or national origin.*

Italics emphasis added.

The Equal Rights Amendment (*italics*) was added in 1974.

The only thing that matters in employment, housing and public accommodations is merit, civility and respect.

As it stands right now, there is NO statutory protection for any person who is transgendered, defined to mean a broad category of individuals.

In 1986 the Commission was presented with a Charge of Discrimination in employment alleging the victim was fired for being transsexual. The Commission twice concluded it had no jurisdiction to take the Charge. The victim challenged the ruling in Rockingham County Superior Court. In a 1988 Order, Judge Hollman stated that since the current Diagnostic and Statistical Manual of Mental Disorders (DSM III) indicated transsexualism was a psychiatric condition known as "gender dysphoria" it therefore was a mental disability and qualified under that basis, thereby giving the Commission jurisdiction.

Since that time, the Commission has taken Charges of Discrimination involving transsexuals under the "mental disability" basis category. Nevertheless, the *Jane Doe v. Electro-Craft Corporation* decision is not ideal legal authority on which to take charges. In terms of ranking legal authority it is last, 3 out of 3.

The highest authority is the Constitution. Next is statutory authority, such as the bill you are considering today. Last is decisional law, which are rulings from judges. This *Jane Doe* ruling, visionary and the product of good legal advocacy, is not the product of our highest court, the New Hampshire Supreme Court, therefore it carries the

authority of something less than a New Hampshire Supreme Court decision also.

If transsexuals, and other members of the transgender community are included in a protected category of the Law Against Discrimination, similar to national origin, for example, as lawmakers you will be clear in three important ways:

- 1) You act entirely consistent with the Constitutional Bill of Rights and the Law Against Discrimination that was intentionally tied to the Constitution by this General Court thereby following precedent;**
- 2) You are being clear with employers, property owners, lending companies and owners of public accommodations about what is expected of them; and**
- 3) You are telling all of NH's citizens that the General Court will enforce the NH Constitution's Bill of Rights through the Law Against Discrimination because it is legally mandated and as lawmakers it is irrelevant if it is a politically popular or unpopular group of citizens. Our Bill of Rights and Equal Rights Amendment intended equality for all.**

Thank you for listening to the Human Rights Commission's position on this Bill. I am happy to answer your questions.

**Joni N. Esperian, Esq.
Executive Director**

Members of the New Hampshire Commission for Human Rights Board of Commissioners are: Gayle Troy, Chair; Professor Sheryl Shirley, William Brennan, Esq.; David Cole, Esq.; Behzhad Mirhashem, Esq.

April 22, 2009

Good afternoon my name is Ann Marie Banfield and I live in Bedford NH. I come here today to testify against the passage of HB 415. I simply come here as a mom who cannot figure out why the legislature is considering such extreme bills that can negatively affect our children.

With all of the problems in our economy and public education, it frustrates parents like me who sees Democrats pushing forward radical legislation that does nothing to improve the economy or the quality of education in this state.

With the passage of this bill, what prevents a kindergarten teacher from coming to school one day as a man and then the next day as a woman? Will we now be forced to deal with these extreme political issues, thanks those legislators who seem oblivious to the needs of the parents and children in this state?

With the passage of this bill, what prevents an athletic coach in a school who may actually be a predator from entering a girl's locker room and using the excuse that he felt like a female that day? Where is the recourse to prosecute someone like that? That puts our daughters in a vulnerable position that can be dangerous.

NH has some of the poorest standards in both math and science. I'd like to read a short quote from Education Secretary Arne Duncan who quoted in the Chicago Tribune for saying this: *"In too many places....., we are lying to children now. [When] we tell a child they are meeting the state standards, the logical implication is that child's on track to be successful. In too many places....., if you are meeting state standards you are barely qualified to graduate from high school and you are totally unqualified to go to a university and graduate,"*

The reason I read that quote is to highlight what this legislative body is missing. Secretary Duncan admits that states like NH are lying to children when our students meet our current state standards. So where does our legislature focus on this year? Genderless marriage, physician assisted suicide and a bathroom bill.

Are the Democrats that out of touch with mainstream NH voters? With all of the problems in the economy and in public education, it is a huge disappointment that instead of focusing in on fixing those problems, they've decided to push forward politically extreme legislation that is completely out of touch with the average NH family.

I urge you to vote NO on HB415.

Ashley Pushkarewicz

NH HB145 Testimony

The process leading up to my decision to submit this testimony has been very difficult. Like many other New Hampshire residents, whose stories you will read, and the countless more that you will never hear about, coming forward to speak about the prejudice and oppression I face on a daily basis due to my gender identity/expression is terrifying. Even now I am mindful that many of the people I work with, and interact with on a daily basis, may hold this statement against me.

The word "transgender" is a popular topic these days on magazines, even Oprah, and invokes very impassioned controversy. For the most part people think of it as an identity that refers to individuals whom choose to undergo medical procedures to change their physical sex. However, there are many whom do not fit the societal norms around what is defined as "man" and "woman", but will never medically transition. I am one of those. Several years ago I made the decision not to transition primarily because of how it would drastically hinder my ability to pursue the work that I was passionate about. Without hormone therapy and surgery current law does not allow me to change my legal sex to meet the gender that I know in my heart and mind is who I am. Stuck in this gender ambiguity I have faced physical harassment, problems accessing medical treatment, and police called on me when I have tried to use public restrooms that matched my biological sex.

Though I am not "out" regarding my gender identity at work, I also do not hide it. This leaves me always walking an exhausting tight rope between defending my right to

express who I am, and the fear of how people will react. Currently I have an amazingly supportive boss, but in the past I have had supervisors who went out of their way to harass me about the way I expressed my gender. For example one boss approached me at work to ask if I was confused because I was wearing a men's button down shirt when "women's shirts buttoned on the other side". She also offered quite adamantly to take me shopping and buy appropriate clothes that "accentuated my god given curves". My response was to thank her for the offer but that I was quite aware of what type of clothes I was purchasing. At that job not a day would go by that I would not be harassed by one of my co-workers trying to "fix" what they saw as my gender confusion. There is no way I would relay to you how mentally and emotionally draining that was.

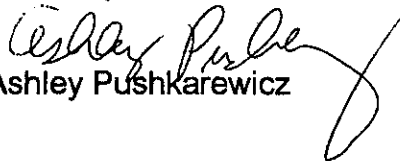
Currently I am a fairly public figure with the work that I do, and also coordinate volunteers; hence my work success depends on making sure that those around me feel comfortable relating to me. I like to think that I do my job well, and am not interested in as people say "special protections". The way things are right now though, I always have to consciously filter or change my mannerisms and appearance depending on who I may encounter because if someone interprets my identity "right or wrong" and I can be fired. Some opponents of this law state that such outright discrimination does not happen, but I can tell you from personal experience that it does. Several years ago I found myself on the other line of a phone with an apologetic program director. Though she had previously stated that I had received some of the best reviews of any of her staff, and wanted me to promote me as a supervisor the following summer, she was calling to ask me not to re-apply for the position. She said it broke her heart but I was

one of a couple staff whom a few families had expressed discomfort concerning our identities and mannerisms.

To me this legislation means the safety to be judged by the quality of my work, and not by the length of my hair or what type gendered type of clothes I wear. It means that I can open up to my co-workers, many of whom I believe to legitimately care about getting to know me, and not fear what may happen if the wrong person finds out I prefer male pronouns. It will mean not having to end the days emotionally and physically exhausted. In short it will not only make me a healthier person, but also better able to contribute to my friends, colleagues and work.

Thank you for your time in this matter.

Sincerely,


Ashley Pushkarewicz

Attachment # 11



TO: Members of the Senate Judiciary Committee

FROM: Shannon McGinley on behalf of Cornerstone Policy Research *Action*

DATE: Thursday, April 23, 2009

RE: In Opposition to HB415
Relative to adding the terms "gender identity or expression" to the anti-discrimination laws

Sex is a biological fact, not a state of mind as this bill would have you believe. Men are men, women are women. No one can change that. NO amount of hormones or surgery can change your DNA.

If you think that HB415 is just about transgender rights, please visit: www.equalitygiving.org (see attached)

HB436 says that gender is irrelevant in marriage.

HB415 says that gender is irrelevant in society.

Even if HB436, the same sex marriage bill fails - under HB415, who is to prevent two men from attempting to obtain a marriage license and one of them claiming to be a woman under the cover of "gender expression?"

The proponents of HB 415 have claimed that this measure was proposed to only protect a very small minority of the population born with some form of physical or genetic "abnormality" from being discriminated against - a well-meaning idea no doubt. However, the language of this bill was written as such, so that it allows virtually any person under the sun to claim discrimination rights under the terms "gender identity or expression". In fact, the very terminology used in the bill: "appearance", "behavior", "regardless of assigned sex", actually contradict the intent of those whom the proponents of HB 415 purport to be protecting. After all, if one is born with a chromosomal or physical condition, you would not seek to protect them on the basis of their chosen "identity" or "expression".

During the House Judiciary Committee's deliberations on this bill, it was accurately recorded that the persons this bill aims to protect, those born with the conditions stated above, or those who have undergone or are currently undergoing sex re-alignment surgery (commonly referred to as transsexuals), are already covered under the state's anti-discrimination laws, under the term "sex".

However, the scope of "protections" within HB 415 goes beyond persons described in the above paragraph. It also goes well beyond persons with Gender Identity Disorder (GID) or Gender Dysphoria (GD) (commonly referred to as transgenderism). GID or GD is classified in the Diagnostic and Statistical Manual (DSM) for Mental Disorders and recognized as such by the American Psychiatric Association and the medical community (see: <http://allpsych.com/disorders/sexual/genderidentity.html>). Persons with GID need compassion and treatment for their disorder; and in fact they too are already covered under the anti-discrimination laws, under the term "mental disability".

Cornerstone Policy Research: Testimony on HB415

Rather, HB 415 would provide 'protections' for ANY PERSON who simply claims discrimination on the grounds of "expressing" the gender of their choosing. Attached, you will find a list and sources of common terms and expressions widely accepted within popular culture and contemporary academic settings that fall under "gender identity and expression". As you will see, the list currently stands at 72 terms and expressions. It is quite obvious to see how many employers, businesses, municipalities, and other institutions may be placed in the position of having to make precarious decisions for fear of being sued on the grounds of "gender expression" discrimination. Undoubtedly, countless numbers of lawsuits will result should this legislation pass as written.

Additionally, in regard to the use of public facilities and accommodations, sections 12 and 13 explicitly state:

354-A:16 Equal Access to Public Accommodations a Civil Right. The opportunity for every individual to have equal access to places of public accommodation without discrimination because of age, sex, **gender identity or expression**, race, creed, color, marital status, physical or mental disability or national origin is hereby recognized and declared to be a civil right. In addition, no person shall be denied the benefit of the rights afforded by this section on account of that person's sexual orientation.

Once again, you can imagine the countless amounts of litigation that could arise given the broad ambiguity and interpretations of "gender expression" if this law were to pass.

Finally, the obvious question should be asked: if the bill's intention was simply to prevent discrimination of just transsexuals, or even transgenders, why was that not explicitly stated in this legislation? We believe it is because those were not the only persons this bill intended to write into the anti-discrimination laws. For that reason and the reasons stated above, we respectfully ask that you please vote "NO" on reconsideration of HB 415.

A man is a man. A closet full of dresses doesn't change that. People who are sexually confused need compassion and treatment, not a special legal status.

Thank you.

Cornerstone Policy Research

For a list of "gender and identity terms" and sources, please see attached:

"This past fall we put the transgender civil rights issue on the nation's radar. The Democratic leadership now knows we exist."

Donor Dr. Dana Beyer

Freedom of Gender and Genderqueer

Freedom of gender embraces transgender rights and then goes beyond to what is called Genderqueer. See a broader picture...

BEYOND TWO SEXUAL ORIENTATIONS: GENDERQUEER



Sexual orientation encompasses a spectrum from heterosexual to homosexual with some people falling between the two and preferring to identify as bisexuals.

Similarly, gender encompasses a spectrum from male to female with some people preferring to identify as genderqueer (either not caring to identify as one of the two sexes or preferring to encompass both genders) instead of being constraint by gender stereotyping.

Certainly, it enhances society to allow its members to self identify as they wish and love whomever they choose.

GENDER IDENTITY ISSUES

In this spectrum of gender and sexual orientation, transgender people and anybody who is gender variant and may not conform to traditional gender roles, including transvestites, transsexuals and those who are intersexed face significant inequalities:

- Severe employment discrimination
- Healthcare access and coverage
- Freedom to declare any gender (or no gender) on official documents including birth certificate, passport, drivers' license, passport, social security card, real ID for voting.
- Access to restrooms
- Air travel scrutiny
- Gender stereotyping

WHO TO SUPPORT AND FUND

- National Center for Transgender Equality (NCTE)
NCTE is working on a broad range of goals, including reversal of harmful practices and executive orders that adversely impact the transgender population. An example is the new requirement for employers to match the gender of employees on Social Security records.
- Transgender Law Center (TLC)
The Transgender Law Center utilizes direct legal services, public policy advocacy, and educational opportunities to advance the rights and safety of transgender individuals. Now an independent organization, TLC was a program of the National Center for Lesbian Rights. It does most of its work in California.
- Sylvia Rivera Law Project
The Sylvia Rivera Law Project works to change policies in New York State affecting transgender, transsexual, intersex and gender nonconforming people. This work is achieved through training, lobbying and litigation.
- Gay and Lesbian Advocates and Defenders (GLAD)
GLAD has a history of litigating transgender issues in the Northeast. Cases include: tax deduction for sex reassignment surgery, firing upon disclosure of transitioning as well as landmark victories to include transgender non-discrimination in Massachusetts and Connecticut statutes.
- National Center for Lesbian Rights (NCLR)
NCLR has successfully litigated some key cases for transgender people including winning the Kanteras v. Kanteras case which included dissolution of marriage and child custody in Florida.
- ACLU Lesbian and Gay Rights Project
The ACLU has been very active in protecting the rights of transgender people. They are working on non-discrimination protection in federal employment as well as protections for transgender inmates in need of appropriate medical treatment.
- GenderPAC
GenderPAC is actively working to end discrimination and violence caused by gender stereotypes by implementing several important programs including:

beyondmarriage.org

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[PDFs: STATEMENT | SUMMARY](#)
[→ SIGN YOUR NAME](#)

Beyond Same-Sex Marriage: A New Strategic Vision For All Our Families and Relationships

Executive Summary ([click here to read the full statement](#))

The time has come to reframe the narrow terms of the marriage debate in the United States. Conservatives are seeking to enshrine discrimination in the U.S. Constitution through the Federal Marriage Amendment. But their opposition to same-sex marriage is only one part of a broader pro-marriage, "family values" agenda that includes abstinence-only sex education, stringent divorce laws, coercive marriage promotion policies directed toward women on welfare, and attacks on reproductive freedom. Moreover, a thirty-year political assault on the social safety net has left households with more burdens and constraints and fewer resources.

Meanwhile, the LGBT movement has recently focused on marriage equality as a stand-alone issue. While this strategy may secure rights and benefits for some LGBT families, it has left us isolated and vulnerable to a virulent backlash. We must respond to the full scope of the conservative marriage agenda by building alliances across issues and constituencies. Our strategies must be visionary, creative, and practical to counter the right's powerful and effective use of marriage as a "wedge" issue that pits one group against another. The struggle for marriage rights should be part of a larger effort to strengthen the stability and security of diverse households and families. To that end, we advocate:

Ø ~~Legal recognition~~ **Legal recognition for a wide range of relationships, households and families – regardless of kinship or conjugal status.**

Ø **Access for all, regardless of marital or citizenship status, to vital government support programs including but not limited to health care, housing, Social Security and pension plans, disaster recovery assistance, unemployment insurance and welfare assistance.**

Ø **Separation of church and state in all matters, including regulation and recognition of relationships, households and families.**

Ø ~~Freedom from state regulation of our sexual lives and gender choices, identities and expression.~~

Marriage is not the only worthy form of family or relationship, and it should not be legally and economically privileged above all others. A majority of people – whatever their sexual and gender identities – do not live in traditional nuclear families. They stand to gain from alternative forms of household recognition beyond one-size-fits-all marriage. For example:

- Single parent households
- Senior citizens living together and serving as each other's caregivers (*think Golden Girls*)
- Blended and extended families
- Children being raised in multiple households or by unmarried parents
- Adult children living with and caring for their parents
- Senior citizens who are the primary caregivers to their grandchildren or other relatives
- Close friends or siblings living in non-conjugal relationships and serving as each other's primary support and caregivers

over 80 terms

Gender Identities

The following terms are used in both popular culture and contemporary academic settings to describe the virtually unlimited manifestations of "gender identity":

Androgeny / Androgenous
Bigendered
Bi Dyke
Boi
Boy
Boydyke
Bro-sis
Butch
ButchDyke
Camp
Cross Dresser (CD)
Cross-Living
Drag (In Drag)
Drag King
Drag Queen
Dyke
FTM or F→M or F2M (Female to Male)
Femme
Femme Dyke
Female
Female Bodied
Female Impersonator (FI)
Fetishistic Transvestite
Gender Illusionist
Gender Neutral
Gender-Bender
Gender-Blender
Genderqueer
Genetic Boy
Genetic Male/Man (GM)
Genetic Female/Woman (GF/GW)
Genetic Girl (GG)
Girl
Grrl
Half-dyke
Hermaphrodite
Heteroflexible
Hir
Intersex
MTF or M→F or M2F (Male to Female)
Male
Male Impersonator
Metamorph
Monogendered
Multigendered
Neuter

No-gendered
Non-op
Omnisexual
Pansexual
Pre-operative Transsexual (Pre-op TS)
Polygendered
Post-operative Transsexual
Queer
Queerboi
Shape Shifter
Stem (a feminine-identified lesbian)
Stud (a masculine-identified lesbian)
Trannyboi
Trannydyke
Trannyfag
Transboi
Transgendered
Transgenderist
Transitioning
Transmale
Transsexual (TS)
Transvestite
Trans-identified
Trisexual
Two-Spirit
Ze

Notable quotes:

○ “Being queer means pushing the parameters of sex, sexuality, and family; and in the process, transforming the very fabric of society. We must keep our eyes on the goals of providing true alternatives to marriage and of radically reordering society’s view of reality.” - *Paula Ettelbrick, law professor and homosexual activist*

◇ “I think the fluidity of gender is the next big wave in terms of adolescent development... Gender has become part of the defining way that youth organize themselves and rebel against adults.” - *Caitlin Ryan, clinical social worker at San Francisco State University, past president of the National Lesbian and Gay Health Foundation, and consultant to the Gay Lesbian and Straight Education Network (GLSEN) on the issue of Gay Straight Clubs on high school campuses.*

“At the very basic level, it’s about telling society that we’re not going to adhere to your rules. At some level, it is very political and anti-mainstream society. And on a different level, it’s also very personal — trying to figure yourself out.” - *T.J. Jourian, a 24-year-old graduate student at Michigan State University who specifically calls himself a “transmale.”*

“It’s pretty simple...You are what you feel.” - *Laura Dziejwior, a 17-year-old senior at a Chicago Catholic high school.*

"If you're not a man or woman, words like gay or lesbian don't fit you anymore. The words from just a few years ago aren't adequate to talk about who we are, where we're coming from, and who we are like." - *Sam Davis, founder of United Genders of the Universe*

Comments on labels associated with "gender identity:

"The language thing is tricky.....I feel sorry for straight people." - *Thom Lynch, director of San Francisco's LGBT Community Center.*

"Tricky, but healthy and empowering. We in society.....are developing new understandings of sexual orientation and gender identities.....We don't really have enough language to describe that; therefore we have to create new words." - *Carolyn Laub, director of Gay Straight Alliance Network.*

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My name is Dr. Anne Boedecker, and I'm speaking in favor of House Bill 415. I am a psychologist and gender specialist in central NH. I have a PhD in Human Development and 30 years clinical experience. I'm here to talk to you about what my clients experience and why this bill is important to them, and to all of us.

I have been seeing clients with gender identity concerns for over 10 years. I get a phone call or email almost every week from someone who is transgender, or what we call *gender variant*. Some are men who identify as women; others are women who identify as men. Some are in-between, and will always be in-between. Some of the phone calls are from parents of children who refuse to accept the gender assigned to them at birth. They are often confused, conflicted, anxious, depressed and afraid. Many have told no one about the secret feelings they have had since early childhood. Most have tried fitting into the gender role they were assigned at birth. It never works for very long – the feelings of gender dysphoria won't go away until they're able to be themselves. Many have contemplated or attempted suicide because of these feelings.

These are ordinary, decent, citizens - students, skilled and laborers, professionals of all kinds – trying to make a living like everybody else. They live in fear of being found out, knowing that they can be fired just because they are different. As I work with them on making peace with who they are, I'd like to be able to assure them that coming out and becoming who they are inside won't cost them their job, or their marriage, or custody of their children. But I've seen too much discrimination, harassment, and even outright violence – all because someone doesn't fit the stereotypes that our culture imposes based on assigned gender. And in NH at this time there are no specific protections from discrimination, harassment or hate crimes for them. Knowing that there are protections for them would make them feel safer, more secure, and less anxious.

People don't just decide one day to go out and get a sex change. I've never had someone come in and say "I'm bored with being a guy. I'd like to try being a woman." It often takes years for someone to get up the courage to call me. And the World Professional Association for

Transgender Health has developed clear guidelines for the process that these clients must go through in order to change their gender. They must be evaluated by a qualified therapist for at least 3 months before starting hormone treatment. They also must live presenting as a woman, or man, for a year before being eligible for sex reassignment surgery. For male-to-female transsexuals, the process of transforming themselves to look like women is long, painful and expensive. Female-to-male transsexuals can "pass" more easily, but the sex reassignment surgery is even more expensive, and not as successful at creating the desired outcome. Many people who identify as transgender are not able to make the full transition, or decide not to for a variety of reasons. They will never have the gender marker on their driver's licensed changed, and will always present differently than their legal gender. They are permanent residents in a "no-man's land", and will always be identifiable as transgender.

I'd also like to say a word about cross-dressers. Cross-dressers are mostly married heterosexual men who simply enjoy dressing as a woman part of the time. It's not much different from men who enjoy dressing as soldiers and doing historical reenactments. Most of them dress in the privacy of their homes; some like to get together and socialize. A few are gay men who like to dress up and perform in clubs. They are not perverts or pedophiles.

Being transgender has nothing to do with sexual preference or perversion. To think that someone could use this law to excuse trying to molest children in bathrooms is absurd. These are scare tactics arising out of ignorance. Children are most often molested by family members, or someone they know and trust. My clients avoid public bathrooms, for the most part! They fear harassment, and they don't want to offend anyone.

We live in a society that likes things in black and white, male or female. That does not fit the reality of human experience. There have always been people who do not fit either mold. They are as much part of the natural order of things as you and I. We no longer burn them at the stake, or in the ovens at Auschwitz, but they are still vulnerable to harassment and discrimination. Protecting them will reduce barriers to employment and help them be more productive. Many of my clients have transitioned successfully at work, and they have become happier, more productive workers. I wish some of their employers were here today, because I know they could attest to that.

So please, vote YES on HB 415! Help end discrimination against people who happen to be transgender.



Good Afternoon. My name is Rachael and I am in ninth grade.

I am here to ask ^{respectfully that} you to please vote no on HB415. This bill is not what New Hampshire needs. This bill will force the belief on those who morally oppose it that gender is not important. But men and women are different. No matter what anyone says, this is a fact. All I have to do is look at my mom and my dad to see this. My mom is compassionate and understanding and likes to talk things out, while my dad tends to be more matter of fact and to the point. God intentionally created them this way because both men and women each have something ~~unique~~ unique to offer. Once gender is no longer important, then this kind of thinking will lead to other issues regarding morals, such as same sex marriage.

You see, this bill actually discriminates against those who ^{believe} ~~believe~~ ^{in gender neutrality} ~~believe~~ gay marriage is morally wrong. ~~Yes! You did hear me right.~~ And there are many Americans who believe this way. A recent example is what happened when Miss California stated her belief that marriage was designed for a man and a woman. She was *specifically asked* her opinion and then unfairly judged for speaking her beliefs from her heart. Politely and respectfully as well. To me this is a perfect definition of discrimination!

HB415 would discriminate against me as a person. I cannot imagine walking into a GIRLS Bathroom and seeing a man in there. I sure would not like it. I would feel my privacy had been violated in a very big way. I imagine many people would feel this way.

This bill would also allow men and women in the same changing rooms. I do a form of Karate called Kenpo and would feel extremely uncomfortable if a man came in while I was changing ~~in there~~. Not to mention the fact that he also might be changing as well! I don't even change in the same room as my brother, let alone another man I don't even know. And no matter what, there is no guarantee that men who have stuff other than changing on their mind will come into that changing room. I would never, ever feel comfortable going into a changing room again. This bill would infringe ~~on~~ upon my sense of modesty.

And what about school bathrooms? Hasn't anyone even thought of the big problems that will come up? I am a teen and therefore I think like a teen. I know what will happen if other kids my age - boys and girls - are allowed to go into the bathroom together. Will we have to hire people to stand in the bathroom all day and make sure that nothing bad happens in there? Personally, I would rather wait all day than go to the bathroom with a guy in there.

If I get married and have children, I want my children to understand that men and women are different. Children learn by watching the adults around them and today kids are very confused. I can see that it is no simple matter to just teach what we believe at home, because kids see so much around them that give mixed messages. I know this because I see the impact today's culture has on my friends and I. We are taught at home and at church that gay marriage is morally wrong, and then we find ourselves surrounded by people that tell us that all it's really about is love. If two people love each other, then it's

OK to get married. And you know what - I admit I've thought ... hmmm - maybe they're right. But then I think so - is it OK if I marry my father? Or my brother? Or maybe I fall in love with my cousin, so now we have the right to get married? Thankfully I have good role models that can reinforce my values. HB 415 kills what parents are saying. And we teenagers already have enough to be confused about in today's culture.

In conclusion I am not here to judge other people, but I should have the right to voice my opinion on the actions of people that go against my beliefs, and the beliefs of many of my friends. We deserve to feel safe and comfortable in the privacy of a rest room or changing room. How will we be protected? Having no choice in the matter violates our rights and freedom. Although I am only a teen, someday my friends and I will be the future of America. We want our voice to matter. I plead with you to vote **NO** on HB 415. Thank-you.

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4-21-09

Miss California USA Loses Crown after Defending Marriage

by Jennifer Mesko, editor

'It's not about being politically correct. For me, it was being biblically correct.'

Miss California USA Carrie Prejean said she knew she'd lost the Miss USA crown as soon as she spoke in favor of one-man, one-woman marriage.

During Sunday night's Miss USA telecast, Prejean was asked whether other states should follow Vermont's lead in legislating same-sex "marriage."

"In my family, I ... believe marriage should be between a man and a woman," she said. "No offense to anybody out there, but that's how I was raised."

Prejean later told NBC: "I knew at that moment, after I'd answered the question, I knew that I was not going to win because of my answer — because I had spoken from my heart, from my beliefs, and for my God."

Even Donald Trump, who co-owns the pageant, said her answer "probably did cost her the crown." Prejean finished as first runner-up to Miss North Carolina.

Perez Hilton, a gay-activist blogger, was the judge who posed the question to Prejean. He called it the "worst answer in pageant history" and called Miss California profane names.

"That is not the kind of woman I want to be Miss USA," he told MSNBC. "Miss USA should represent all Americans. And with her answer, she instantly was divisive and alienated millions."

Interestingly, tens of millions of Americans in 30 states — including California — have passed constitutional amendments to protect the definition of marriage.

"The majority of California's voters — more than 7 million people — voted to protect traditional marriage," Ron Prentice, chairman of California's ProtectMarriage.com, told Fox News. "And we congratulate Miss California for her conviction to speak her beliefs."
Hilton apologized Monday for his comments, but today said he stands by what he said.

Keith Lewis, who runs the Miss California competition, also lashed out: "I am personally saddened and hurt that Miss California believes marriage rights belong only to a man and a woman. ... Religious beliefs have no place in politics in the Miss California family."

Prejean said she would give the same answer again.

"Bottom line is, I believe marriage should be between a man and a woman," she told NBC. "It's not about being politically correct. For me, it was being biblically correct.

"I wouldn't change a thing."

FOR MORE INFORMATION

President Barack Obama seems to agree with Miss California.

Watch a special *Turn Signal* report on the pageant.

To send Carrie Prejean a message on Facebook, just type her name into the search box.

(NOTE: Referral to Web sites not produced by Focus on the Family is for informational purposes only and does not necessarily constitute an endorsement of the sites' content.)

Share on Facebook

Post to MySpace

If you enjoy reading stories like this one, sign up for the free *CitizenLink Daily Update* e-mail. You'll get news and commentary from Focus on the Family Action delivered right to your computer.

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My name is Gerri Cannon. I'm a resident of Merrimack, NH. I'm a self employed Carpenter. I'm also the Council President of PFLAG-NH (Parents Families and Friends of Lesbians & Gays) and a member of the NH UCC (United Church of Christ) Committee for GLBT Concerns.

I'm a Transgender Woman that has been standing up for those that can't be here.

Being transgender is not a lifestyle one chooses. When my mother asked me why I chose this lifestyle I let her know that this is not a lifestyle I would choose. The lifestyle I chose was to make every attempt to live the way society expected me to and present myself. For many transgender people, hiding that driving force within themselves results in the highest suicide rate for any class of individuals. I have talked with many Transgender people on the phone who are challenged by their internal need to be who they are. They are typically concerned about losing their families, jobs and places to live. It takes a lot to bring these people back to realize that they have value and self worth.

For those individuals who decide to be true to themselves, they are faced with Job discrimination, loss of family connections, public ridicule and medical challenges that they need to help them become more complete and acceptable to the rest of society.

Today you will hear a few of the many stories about transgender people, trying to live life here in New Hampshire. What you won't hear are the many more stories of people that told me that they were too scared to testify, for fear of losing their jobs or their families.

I've struggled with being a transgender person since I was a teenager back in the 1960's. I decided back then to try and fight my internal needs and do what everyone expected me to do. I got an education. Found a great High Tech job. Married and raised two children. All the while I was fighting my own need to be more female than male. Around the age of 45 I finally came out to myself and my family. I started seeing a therapist and started appearing in public as Gerri. This was the start of my "transition." It was a realization that I could go out in public and be comfortable with myself. However, most of my early "Public" life was spent in Gay clubs, hidden away from the general public.

During that time I was a Senior Marketing Manager for the combined companies of Digital, Compaq and Hewlett Packard Corp. where I had worked for 30 years. As long as I stayed hidden in gay clubs, I was left alone by my Management. But as I grew comfortable with myself I started appearing more often as Gerri. This frustrated my management and I was threatened if I continued.

I ultimately was put on notice by my management and was threatened with job loss if this continued. When I contacted a lawyer to see if they could help I was informed that there were no explicit protections for Transgender people in NH that could be used to protect me.

Over the following year I did as I was told. During that time my marriage and attitude deteriorated and my spouse and I separated. While living alone I decided to start living and working full time as Gerri. I submitted my transition letter to human resources at HP. Within 2 months HP had a major layoff. I was in the first group to be released. The very weekend I was let go another person was hired into my group to do a job I was fully capable of doing.

What is being asked for in this bill isn't for any special treatment. What we are asking, is for Transgender people to be treated like everyone else. What is happening today is that Transgender people in NH are losing jobs, they are being hurt or raped, and in most cases it's not even being reported.

While the intent of this bill is to primarily reduce discrimination it is also to improve the safety for transgender persons. Nothing in this bill will change existing NH laws that protect people from harm in our state. This bill makes sure that our laws continue to protect everyone, by explicitly including our gender diverse community.

In a 2006 compilation of reports from 12 anti-violence agencies across the country recorded a total of 1672 victims of anti-LGBT hate crimes. Of the number of victims, at least 15% were transgender individuals (13% women, 2% men). In June of 2007, just over the State line in Lowell, Massachusetts, J. Nickola, a 22 year old transgender woman was attacked and severely beaten by 3 men on a public street in downtown Lowell.

What's to stop this from happening here in NH?

I have to admit that when I walk down a Manchester City street at night I am much more aware of the risks women have to worry about, now that I live my life as one.

**House Bill 415 is needed so that transgender people will have explicit rights to protect them in our State.
– Thank You**

**Gerri Cannon
12 Owls Court
Merrimack, NH 03054**

(603) 429-0170

A Letter Sent to Congressman Hodes from Brianne a resident in Southern NH that requested that her last name not be included.

Hello Congressman Hodes,

I am writing to urge your support for HB 415. From my past correspondence with you, I sense that you would support such a bill. I had gender reassignment surgery over 3 years ago and have been discriminated against for a job ever since despite hundreds of job applications and dozens of great interviews.

Prior to my transition I was a successful well-paid marketing communications person. Now I cannot even get a job that pays \$8/hr. Without my permission, the Nashua Telegraph outed me as a transsexual on their front page when they discovered I had finally filed a suit in Federal Court against one of the companies that has discriminated against me. This has made my situation even worse.

I have spent many years just trying to blend in as a woman in mainstream America. I had some decent success doing just that, with the exception of a job, until this article hit the real time and virtual press and was subsequently picked up by a dozen other publications. My home has been targeted with eggs and paint balls, I've received some nasty phone calls, found realtor cards in my door, etc.

I am close to being financially destitute now after going through all my resources and making under \$300/mo. selling books online. I've had to bury my pride and resort to some public assistance in the form of food stamps and medical coverage. However, I do not have enough to pay my bills anymore and am in danger of losing my home.

I recently applied to be a census taker and did very well on the test (98) but my application is being held up in Washington because of my name/gender change. I was told by the census bureau in Concord that it should have been approved in very early Feb. because I had passed all the other steps except for this hold up with the name/gender change. Though it only pays \$15/hour and is part time, it IS a job and I could really use the money. Is there anything you can do to expedite this situation?

**Sincerely,
Brianne**

Note: Paul Hodes did have one of his staff members intervene on my behalf for the Census job. It was implied by people in Washington that my application was moved to the bottom of a huge pile of applications because of my name change. Hodes staff put some pressure on them and I received a call from the Census bureau about 2 days later. Unfortunately, it was too late because all of the hiring for my area had been done. They offered me a position as a replacement census taker and said "at the very least, you'll get paid for the week long census training."

Attachment #15

Good afternoon,

My name is Sarah Blanchette and I am a post-operative male to female transsexual. Throughout my adult life I struggled with my gender identity. My heart, mind, and soul were female, yet my physical body was male. By my early 40s, the anxiety and the driving need to live and be accepted as a woman became incessant.

I began seeing a therapist to help me understand and deal with what was happening. But as I discovered myself and explored my options I realized that if I did not transition I would sink deeper into depression and would not be able to function on any level. If I did transition I knew it would cause my family a great deal of pain. I would risk losing my life as I knew it—my family, my friends, my home and possibly my job. My last option was suicide, which I thought about frequently. I decided that I must transition and set a date of May 2004 to start—living—full time.

In March of 2004 I notified the VP of Administrative affairs where I worked that I suffered from Gender Identity Dysphoria. I told her about my struggle, my plans to live full-time as a woman, and my hope that this transition would not disrupt my work. I assured her that I would continue to present myself in a professional and appropriate manner, and asked for her support and understanding.

A month later I was called to the Vice President's office, where she handed me a two-page letter. It read in part, and I quote, "You recently disclosed to senior administration your transsexual status. Upon consideration, you are immediately relieved of your duties..." end quote. I felt like I had been thrown to the wolves. I felt like I was being discriminated against just because I did not fit their mold of who I should be.

At the time, I had been employed for 7 years in information technology at this institution. I loved my job and was happy to have a workplace I considered home. I had been a loyal employee and had on many occasions put my employer's needs above my own and the needs of my family, working weekends and holidays as necessary to accomplish my job. I had received a number of commendations for having performed my duties in a professional and efficient manner.

I was devastated. On a practical level, losing my job was terrifying. How would I support my family? Or continue saving for retirement? Or pay for my transition?

On a personal level, their decision felt like a judgment that the life I had risked so much for, was wrong. And that I was wrong for living it. But what I wanted was really something very basic—to live my life freely, and with dignity. I had approached them with honesty, and in return asked for their support and understanding. They could not—or would not—give me that.

What happened to me is one of the reasons that it is so important that you support HB415. We do not seek special treatment; we seek equal protections under the law. This bill will insure that we may be who we really are without the need to worry about persecution and discrimination just because we are different.

Thank you.

**Testimony of Lisa Mottet, Esq.
Transgender Civil Rights Project Director, National Gay and Lesbian Task Force**

Senate Judiciary Committee

In Support of House Bill 415

April 23, 2009

Thank you for your attention this afternoon. My name is Lisa Mottet. I am the Director of the Transgender Civil Rights Project at the National Gay and Lesbian Task Force, headquartered in Washington, DC. The Task Force is the oldest lesbian, gay, bisexual, and transgender national political organization. I am here to testify in support of House Bill 415.

As the Director of the Transgender Civil Rights Project, I study, track, and draft local, state and federal legislation that prohibits discrimination based on gender identity and expression. In fact, I have worked in this capacity for over 7 years and in the process have assisted upwards of 50 localities and 9 states with successfully passing legislation similar to the bill before us today.

I was asked to share information about implementation of laws like this in other states, address how this law affects restroom access, and finally talk about the availability of federal discrimination protections.

First, laws in other states. Thirteen states have statewide prohibitions on gender identity discrimination. Minnesota was the first state to enact these provisions in 1993. Colorado, Iowa and Vermont enacted their laws in 2007. In addition, California, Hawaii, Illinois, Maine, New Jersey, New Mexico, Oregon, Rhode Island, and Washington have these laws. In addition to these 13 state laws, over 100 local jurisdictions have enacted nondiscrimination ordinances that protect people on the basis of gender identity; the first passed in Minneapolis in 1975. They have passed all over the country, including in places that some might consider unlikely, such as two counties and one city in Kentucky. Collectively, if you add up all the people that live in these jurisdictions, 39% of the U.S. population is covered by one of these discrimination laws. In addition, there are 12 states that have hate crimes laws that clearly protect transgender people, the most recent being Washington state, whose Governor signed their law yesterday.

Because the first transgender-inclusive nondiscrimination law passed in 1975 and because nearly 40% of the population is covered by a transgender-inclusive nondiscrimination law today, we are able to say a lot about how these laws have and have not been interpreted. The short version is that there are no problems in the implementation of these laws. Government agencies charged with enforcement, such as human relations commissions, have been able to handle the small number of complaints that come in under these laws. Notably, nearly no court cases have been filed under these laws. Speaking with attorneys and enforcement agencies across the country, instances of discrimination are resolved informally when the business is made aware of the law or, more rarely, complaints are resolved by the human relations commission. We can expect the same here in New Hampshire.

Some have expressed concerns that this law could have unintended consequences when it comes to restrooms. Specifically, some have charged that this bill would permit men into women's restrooms, causing an increase in assault or other crimes. I cannot emphasize enough that this charge is absolutely incorrect. None of the other states or localities have experienced this or anything like this. Some of the laws that, like this bill, clearly protect transgender people have been on the books for over 30 years, and in none of these places are there any known reports of these outlandish scenarios happening. In fact, I have attached to my testimony today three letters from state-level enforcement agencies stating that they have not had any problems like those described.

- Iowa's Civil Rights Commission says, "During legislative debate, opponents argued these laws could be dangerous because they can be used by sexual predators to gain access to women's restrooms and locker rooms. We have simply not been informed of any occurrence."
- Washington State's Human Rights Commission says, "We are not aware of any circumstances in which people have inappropriately tried to access locker rooms, restrooms, or other gender-separated spaces..."
- Colorado's Division on Civil Rights says, "This has not occurred in any of the cases filed with CCRD."

Because of time constraints, I was only able to reach these three states before the hearing. Because of my over 7 years working on this issue, I am confident that we would hear the same statements from the rest of the states and cities with these laws.

I am also attaching a letter from the New Hampshire Coalition Against Domestic and Sexual Violence, representing 14 local centers/houses/service agencies that work to address violence against women, and the New Hampshire Women's Lobby. They wrote the letter in support of the bill because it is a common sense anti-discrimination measure that helps many and hurts no one, including the women and children these organizations were founded to protect and assist. In their letter, they note that they are "saddened" that some are "deliberately misleading legislators and the public by creating an unfounded fear about women's safety in connection with this legislation." On the national level, many women's organizations support legislation like this as well, aware that this legislation actually benefits women and children, not endangers them.

In other states, opponents have cited numerous examples of incidents of assaults or voyeurism happening in women's restrooms as why a law like this should not pass. If you listen closely, however, you will discover that in zero of these incidents did any of these men dress as women, or claim a female gender identity, to gain access and in none of these incidents did the perpetrator use a discrimination law to try to justify their presence in the restroom. These perpetrators simply walked into these women's restrooms and committed their crimes.

Instead, the only effect this bill would have related to restrooms is that transgender people, who genuinely live and identify as the gender different than their birth, would be able to use the restroom appropriate to the gender in which they live. This probably happens most of the time throughout New Hampshire right now, and no one ever notices. However, discriminatory denials

do happen and it is important that a transgender person is not fired or denied service over questions about access to the bathroom.

The solution of allowing a transgender person who genuinely lives in the gender opposite of their birth to use the gender-appropriate bathroom has been embraced as the practical solution by Fortune 500 companies that seek to have a diverse workforce. And, it has also been recommended by social forces such as Dear Abby.

Finally, I want to address whether federal law protects transgender people from discrimination and hate violence already, as I have heard that some believe this to be true. In fact, federal hate crimes laws only cover race, color, national origin and religion. Federal employment discrimination law, Title VII of the Civil Rights Act of 1964, does prohibit discrimination on the basis of sex. Unfortunately, court after court has held that “sex” discrimination does not protect people who have changed their sex. For example, the Fifth Circuit said, in the 2002 case of *Oiler v. Winn-Dixie*, that Title VII only protected “men because they were men” and “women because they are women.” Thus, transgender people cannot rely on federal law to protect them from discrimination.

In sum, House Bill 415 is in line with laws in other states that have been implemented successfully without any problems. This bill should be adopted in your effort to create a more just and free state.

I am available to answer any additional questions you have about discrimination based on gender identity and experiences in other states with laws like House Bill 415.

Thank you.

Joe Marino/Wolfeboro NH

Here under the authority of Articles 32 of NH constitution

TO ADDRESS

Your constitutional covenant with the people of NH, via your Oath, as it applies to HB415 and your authority to legislate over the bill. *ARTICLE 31/1 LAWS FOR public Good*

That in fact the bill is unconstitutional in its natural sense and outside your authority to legislate. That it is a moral issue for another jurisdiction. And that such jurisdiction must be the home or the church.

(CHURCH AND STATE)

I believe the arguments brought before the General Court on the issues of gender/or the lack thereof, religious or secular viewpoints, rights and privileges, and the myriad of same sex love stories propagated by the “genderless” faction have exhausted their time and place before the legislature.

Consideration and attention should now be drawn to your responsibilities as lawmakers to uphold your end of the political protocol by carrying out your lawful functions as you swore to do according to constitutional principles.

According to Blacks Law Dictionary 6th Edition your oath under Article 84 is:

“ ... A solemn appeal to a Supreme Being in attestation of truth ... coupled with an appeal to a sacred or venerated object ... with an invocation to that Supreme Being to witness the words of the party, and to visit him/her with punishment if false.

The venerated objects of course our constitutions!

Our state constitution contains the articles of fundamental law to which you attach your oath of support, upon which all legislation must be premised. What should your objective be?

Article 38 /Part 1 tells us you must maintain:

“A frequent recurrence to the fundamental principles of the constitution and a constant adherence to justice ... and all the social virtues that are indispensably necessary to preserve the blessings of liberty and good government”

Does a positive vote on “genderless” legislation inculcate the essence of the “social virtues” that our Christian Republic is based upon?

Do the blessings of liberty and good government rest upon a profile of “genderless” sexuality?

NOT IN THE BIBLICAL SENSE THAT’S FOR SURE!

Then what are the people to expect from their legislators?

Article 38/Part 1 says:

“They have a right to require of their lawgivers ... an exact and constant observance of fundamental constitutional principles in the formation and execution of the laws necessary for the good administration of government.”

Are you observing the principles inculcated in our founding documents? We have a right to require that you do.

Finally:

Article 10/Part 1 tells us that:

“Government is instituted for the common benefit, protection, and security of the whole community” ... not a select few

This legislation is repugnant to our form of law. It denies the common benefit, protection and security of the citizenry, ... and leans to the private benefit of a privileged few while it strikes at the very heart of our Christian based republic. You have a responsibility to reject HB415 under the authority of your oath on behalf of the citizens of NH and we ask and expect you to do so.

Thank you,

Gus Marino
patriot101@myfairpoint.net

MY QUESTIONS ARE THESE .

OWING TO THE STANDARDS OF YOUR OATH .

- ① HOW WILL YOU ALIEN YOUR LEGISLATIVE DUTIES REGARDING THE "GENDERLESS" BILLS BEFORE YOU WITH THE SOCIAL VIRTUES INCULCATED IN ARTICLE 38 (PG 39)
- ② WHERE DID YOU FIND WITHIN OUR CONSTITUTIONS THE EXPLICIT OR IMPLIED AUTHORITY TO ABROGATE THE FUNDAMENTAL PRINCIPLES OF OUR LAWS WITH SPECIAL PRIVILEGES FOR A SELECT FEW AS DESCRIBED UNDER ARTICLE 16 (PG 35)
- ③ CONSTITUTIONALLY:
UNDER WHAT CLASS OF MEN WILL YOU PLACE TRANSVESTITES, TRANSGENDERS, HOMOSEXUALS, LESBIANS ETC, ETC .
AND .
UNDER WHAT DEFINED CONSTITUTIONAL CLASS WILL YOU CATEGORIZE THESE NEW "GENDERLESS" FAMILIES
- ④ HOW WILL YOU EXPLAIN THE LEGISLATIVE ~~GENDER~~ ~~BASED~~ ~~TO~~ THE OTHER 99% OF THE AMERICAN PEOPLE WHOM YOU INTEND TO STRIP OF THEIR NATURAL FUNDAMENTAL RIGHTS TO PRIVACY, SECURITY, ^{SAFETY} AND NATURAL SOCIAL FUNCTIONS WHICH THEY EXPECT TO HAVE PROTECTED BY AND UNDER OUR FUNDAMENTAL CONSTITUTIONAL PRINCIPLES OF LAW.

Hello. My name is Muriel Ring. I have been a resident of New Hampshire since 1975 and I currently reside in Somersworth. I am a teacher and the mother of 3 children, Shirley, Pierce and Luke, who once was my daughter Ayshe. The story I tell you is true. It is not about a child who from an early age knew she was in the wrong body or sneaked around wearing her brother's clothes. It is the story of an unfolding as all children unfold to become who they are destined to be. To tell you the truth, I had no clue.

Ayshe was born in Frisbee Hospital in Rochester, New Hampshire. She grew up in Durham and attended Oyster River Elementary School, Oyster River Middle School and Oyster River High School. She was a happy, playful child with many friends. In school she was an A student, a musician who played piano, drums and trombone in the Jazz Bands and she was athletic, an ace soccer goalie. Early on in high school, she began to become what some may call "alternative". She dyed her hair orange, left her legs hairy and she wore feminine clothes only when a special occasion dictated it. She had no interest in having a date for the Prom. Her happy childhood days were ending and the challenge of being "gender variant" and subject to judgment and rejection were beginning. When she was a senior, she apprehensively

confided in me that she was bisexual; but it soon became clear, that she was a lesbian. It was frightening for her but as she came out one- by- one to her close friends and immediate family, she found acceptance and support.

Telling her grandparents and other extended family was another matter.

Fearful, she somehow she found the courage and rode out the shock waves of opinions, questions, and letters asking “Are you sure?”, or stating “It’s just a phase!” . Her deepest desire was and remains to be accepted without condition.

Ayshe applied to and was accepted at Brown University. Every time she came home or we visited, it was obvious that she was becoming more masculine in appearance and mannerisms yet she still had some physical characteristics that also identified her as female. She endured heckling and name calling, cruel comments in the Women’s Room and hateful stares as she struggled outwardly to express who she was discovering herself to be inwardly. During her senior year at Brown, her communication with the family lessened and was painfully strained. Her natural happy spirit was perceptibly subdued. Finally, after many tearful phone calls, soul-searching and intensive therapy, she began gathering information about how to transcend the disconnect between the ambiguous way she presented and her

intensifying identification as male. Ayshe requested that friends and family refer to him with male pronouns, which we did. He, as we now refer to him, had surgery and began to take testosterone which diminished female characteristics and enhanced male ones. His legal name was changed from Ayshe to Luke in the Strafford County court house. His sister and I were there. Luke had made the transition.

As his mother, I would not be honest if I did not tell you that these times were numbing, that there were days when I felt disoriented and could not find my voice, times when I felt paralyzed and wondered how to tell my brother, my friends, how to come to a place of embracing this inconceivable change in how I thought life was going to be. I was filled with anxiety and fear..for myself and for my son. Where was he going? Would he let me go along? How would the world treat him? How could I shelter him from the suffering that lay ahead? One day I awoke and realized that he did not choose this difficult life; that this wonderful human being was the courageous expression of who he truly is; that I did not care before he was born if he were a male or female and I did not care now. He is my child.

4

Much to my sadness, after graduation from Brown, Luke did not return to his home state of New Hampshire. He did not feel safe or at home here anymore. There was no assurance that his rights would be the same as every one else's, that the law would protect him from harm or offer him equal opportunities. As a mother, the images of Matthew Shepard are indelible. Though it tore at my heart, I could only support Luke as he moved to San Francisco. He has been there for the past five years. He is the Supervising Director of a social service agency funded by the City of San Francisco which provides counseling, housing and health support as well as a safe place for transgender people to gather.

I speak for Luke and for the rest of the transgender community in New Hampshire. They navigate a road that is dangerous and filled with rejection and mockery. Many can not find housing or employment, let alone afford to have the surgery or purchase the hormonal treatments that would help them appear to be the gender with which they identify. And yet, like Luke, they are their mother's children. They are not dangerous, they are not perverts and they are no more likely to cause harm than you or I.

I want my son to come home. I want our State of New Hampshire to include and protect him as it does my other two children and your children. I want him to have a fair shot at the employment for which he is qualified, to have the housing he chooses and can afford and all of the other rights, privileges and protections that all other citizens of this State can count on. I want to know that the State which he calls home will not deny him the rights given to every category of citizens except one the one to which he belongs.

Some have said that extending the rights and protections which all others in this State already have, to transgender people is too much, too fast. May I quote Dr. Martin Luther King, who, when confronted with that argument in reference to civil rights for Black Americans stated, "Justice delayed is justice denied." On behalf of my son Luke and the community of transgender people in New Hampshire and in the name of what is right and just, I ask your support of HB0415.

Attachment #19

Good Afternoon:

My name is Philip Mansfield from Wolfeboro

I have come before you to speak in opposition to house bill 415. I would like to ask each of you to search your hearts and minds for the consequences of this bill, then I believe common sense will prevail. Please vote NO on house bill 415. Thank You + God Bless

Cynthia Tebbetts
42A Morgan Circle
Goffstown, NH 03045

(603) 494 – 7628

Good Afternoon,

My name is Cynthia Tebbetts. I'm a resident of Goffstown and a life long resident of Hillsborough county.

I've been employed in Hooksett and the same employer for twenty-two years. Two years ago, when I came out about my transgender status, I knew I was in fear of potentially losing my job. I was the first employee in the 92 year history of Cummings Printing, a very conservative company, to undergo such a transformation. As a single mortgage holder and sole provider for my 81 year old mother, this was a huge financial gamble. As a longtime, loyal employee with stellar reviews, I should not have had this fear. But unfortunately in the State of New Hampshire, I do.

I presented a five page letter to the company president. It detailed the changes that would be happening and allowed us to discuss the many issues and a time line that would be mutually agreeable. It also outlined what I needed from the company and what they in turn could expect from me.

I was assured as a long time valued employee, my standing in the company is secure. Unfortunately, not every transgender person has had that same commitment. As the president read through the letter, in my presence, he would often stop to ask questions or comment. At one point, he commented that he could make a few special rules. I stopped him and stated "Please, I do not want any special rules or treatment. I just wanted to be treated the same as any other employee" He agreed and thanked me because that would make things easier for him and for my one hundred plus co-workers.

Based upon my history of a sharp sense of humor, he reminded me that some teasing could potentially come my way but if anything should cross the line, he wanted to be made aware, immediately. This was re-enforced the next day, when the president spoke to the vice president and told him that should anything cross the line and the president not be made immediately aware, he was holding the vice president personally responsible. With this action, I was truly blessed. In New Hampshire, I was an exception. Numerous others aren't as fortunate.

My part time employer, a much more liberal employer based in Massachusetts, also were extremely co-operative in my transformation. Granted I start there over nine years ago as seasonal help, as a valued employee, I've been kept on the payroll much longer than I had ever anticipated. As time approached for my legal name change, my manager was leaving the company and a new crop of seasonal employees was due within weeks. Where legal,

Newbury Comics immediately had me change all paper work to my new name, prior to the probate court order. They wanted to help make the transition much smoother for the new manager, employees and myself. Once again, I was very fortunate that I had employer, that was looking out for my interest as well as their own.

As the current discrimination law stands in New Hampshire, I could have easily been terminated because of my transformation, immediately or during my leave of absence for surgery. But I wasn't. I wish I could say the same for many others in the transgender community in New Hampshire.

I spent many years volunteering for conservative state politicians, whom have in turn have taken to the media with lies, hate, and fear mongering. Via these same people, I've been referred to lately as "an extreme liberal", "sexual predator" "gender misassigned" "my kind" and a "pervert." False accusations, all together. In some instances I was being viewed in the very manner of discrimination that this very bill is designed to prevent.

Both employers have continued to use me as a leader and as a positive role model for other employees to follow. The transgender community has the same responsibilities as the general public. We also tend to give that extra ten percent because we have to work harder to become the people that we are. No matter how negative a light the general unwashed masses may look at us, our bills, mortgages and taxes and family values are that of the common man

This supposed 'bathroom bill' has been sensationalized beyond recognition. The way it was been misrepresented is a travesty and a disgrace. We are simply looking for the addition of transgender people to our anti-discrimination and hate crimes statute. We need discrimination claims by transgender people the opportunity be heard by the Human Rights Commission.

We are not looking for special rights. Just equal rights that will allow us to be contributing positive members of society. No person should have to deal with discrimination and unfortunately, laws like this are needed because in 2009, discrimination still exists.

Attachment #21 Mariann Stora

Testimonial for HB415

I urge the Senate to pass HB415. As a Transgender person I have seen and been affected by the discrimination that this bill would protect people like me from. I have been discharged for two jobs for being transgender, one of which I held for over twenty two years after I transitioned from male to female. This first instance was in another state which also does not have an anti-discrimination law to protect gender identity or expression. I just recently lost a job here in New Hampshire which I held for three years which was based on my gender identity. Now, I face being homeless because of this. I just recently applied for a job and was laughed at stating "you are not a female". I have gone through all the steps needed to change my gender identity and now all my identification states that I am female. This bill has nothing to do with just bathroom rights, it has to do with the basic rights that we are all entitled to and not afforded. Our Declaration of Independence says "all people are created equal", so why are we different. The way I see it, the law has to be written to protect all people from discrimination otherwise, why did the laws have to be amended to include race, religion, sexual identity and all the others that were amended after the original law was written.

I currently live in Manchester NH

I started out working, where I work now, [Graphics co in NH] as a man prior to having transitioned. Everything was very good and I got along with everyone and did good work. I left my job for a couple years with some medical problems and was later asked to come back to fill a different position working in the office as a graphic artist. Things were ok for a short time. From working with them before my transition, and having grown up with one of the employee's there, we all had a good past history as friends. I transitioned approximately 6 years ago, In time, they hired back a old employee who was, as he called himself, a skin head. He used to tell me the only reason he talked to me was because he knew me from before when I was known as a male. Despite this, he harassed me every day. I got all the jokes about my sexual preference and identity so I had to play along in order to be on his good side so to speak.

At this point, I began to hate my job, that, at one time, was my passion. I got anxiety from just driving to work, thinking about how to deal with him. I would never know what to expect from him, (good days he would leave me alone, bad days he would continue to harass me the whole time i was there.) He used to call me (He or him) in front of customers because he knew it bothered me. I had mentioned to the owner several times to please tell him to stop. The owner would speak with him and refer to me as the "queer" is getting upset and to lay off me a little, Good for about a few days then it would start again, however, at that time, the company was for sale and i felt my only hope was that the new owners would support me. But that just wasn't the case. The harassment continued to a point in which I felt i needed to contact lawyers. No trans laws in NH. In meeting with the owners several times to speak with this person, he gained

hated towards me and I felt threatened while at work all the time. I felt my only option was to try to get along with this person or find employment elsewhere. It took a while to get him to a point where I could tolerate him. After all, we had to work together. We sorted things out on his terms (me always looking bad). Still I all ways felt unconformable around him. Eventually, this person was fired because of his mouth and attitude towards other employees. So I am ok now and have taught my fellow employees and the new owners how to co exist with a transgendered person, which is:

Just treat me as everyone else, no more no less. (Equality)

I think this law could have given me some protection from this person and maybe he would have been resolved a lot sooner and I suffered a lot less. All I ever wanted to do was my job to the best of my ability, I did not need the extra stress playing some stupid game making myself look bad to make others feel good, this is just is not fair, not right and hopefully illegal.

So this is the reason I am supporting this bill HB 415.

_I do hope this bill pass's so I may have the right just to be. Who I am and supposed to be!

Alexis SAndy Keef

Adding "Gender Identity and Expression" and "Sexual Orientation" to non-discrimination laws, HB-415:

This is a "slippery slope" fraught with adverse possibilities that go well beyond any good intent. Nobody can argue with the principal of respect and fair and unbiased treatment of people, regardless of their differences. That is a shared ethical, religious and humanistic basis. But if we over-reach protections against discrimination, even unintended, then we have either set-up a privileged or protected class or diminished the rights of others, or both!

In spite of years of study and research, Science does not fully understand or explain homosexual behaviors and orientations, and there still is room for clarifications and understandings for a majority of people on this issue! There also seems to yet be some diverse opinions and positions in the Psychiatric community relative to where sexual behaviors may dangerously converge with criminal or harmful sexual disorders. (There are some 29 sexual deviations classified as Mental Disorders in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition 2000, pages 566-582) (we would obviously not, for instance, want to equate "sexual orientation" in the statute with pedophilia or bestiality). That is NOT to say that there is a connection between homosexuality and such disorders, but that we need to carefully differentiate that in the statute, for obvious reasons, to protect the innocent and not afford an unintended protection to perpetrators of "disorders"! Even if only 1 to 4% of the population may be homosexual or bi-sexual: (Laumann Study 1994, Mosher 2005, Smith 1998), doesn't mean we can approach this sensitive issue with cavalier assumptions and a lack of specificity. And that's were a significant problem resides in the current bill with only three lines of definition for "Gender Identity and Expression" and virtually NO definition for "Sexual Orientation"! This bill is inadequate and dangerous as written and needs to be bolstered with a precise definition of "Sexual Orientation, identity and expression" to avoid confusion with sexual disorders, and any possible misapplication of law.

Walter Stapleton
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Walter A. Stapleton
90 Veterans Pl. Rd
Claremont NH

Traditional Values COALITION

4/23/2009

What Is A 'Sexual Orientation'?

Page numbers are from "Paraphilias," *Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision* (Washington: American Psychiatric Association, 2000), pp. 566-582

1. **Apotemnophilia** - sexual arousal associated with the stump(s) of an amputee
2. **Asphyxophilia** - sexual gratification derived from activities that involve oxygen deprivation through hanging, strangulation, or other means
3. **Autogynephilia** - the sexual arousal of a man by his own perception of himself as a woman or dressed as a woman (p. 574)
4. **Bisexual** - the capacity to feel erotic attraction toward, or to engage in sexual interaction with, both males and females
5. **Coprophilia** - sexual arousal associated with feces (p. 576)
6. **Exhibitionism** - the act of exposing one's genitals to an unwilling observer to obtain sexual gratification (p. 569)
7. **Fetishism/Sexual Fetishism** - obtaining sexual excitement primarily or exclusively from an inanimate object or a particular part of the body (p. 570)
8. **Frotteurism** - approaching an unknown woman from the rear and pressing or rubbing the penis against her buttocks (p. 570)
9. **Heterosexuality** - the universal norm of sexuality with those of the opposite sex
10. **Homosexual/Gay/Lesbian** - people who form sexual relationships primarily or exclusively with members of their own gender
11. **Gender Identity Disorder** - a strong and persistent cross-gender identification, which is the desire to be, or the insistence that one is, or the other sex, "along with" persistent discomfort about one's assigned sex or a sense of the inappropriateness in the gender role of that sex (p. 576)
12. **Gerontosexuality** - distinct preference for sexual relationships primarily or exclusively with an elderly partner
13. **Incest** - sex with a sibling or parent
14. **Kleptophilia** - obtaining sexual excitement from stealing

542-2756

15. **Klismaphilia** - erotic pleasure derived from enemas (p. 576)
16. **Necrophilia** - sexual arousal and/or activity with a corpse (p. 576)
17. **Partialism** - A fetish in which a person is sexually attracted to a specific body part exclusive of the person (p. 576)
18. **Pedophilia** - Sexual activity with a prepubescent child (generally age 13 years or younger). The individual with pedophilia must be age 16 years or older and at least 5 years older than the child. For individuals in late adolescence with pedophilia, no precise age difference is specified, and clinical judgment must be used; both the sexual maturity of the child and the age difference must be taken into account; the adult may be sexually attracted to opposite sex, same sex, or prefer either (p. 571)
19. **Prostitution** - the act or practice of offering sexual stimulation or intercourse for money
20. **Sexual Masochism** - obtaining sexual gratification by being subjected to pain or humiliation (p. 573)
21. **Sexual Sadism** - the intentional infliction of pain or humiliation on another person in order to achieve sexual excitement (p. 574)
22. **Telephone Scatologia** - sexual arousal associated with making or receiving obscene phone calls (p. 576)
23. **Toucherism** - characterized by a strong desire to touch the breast or genitals of an unknown woman without her consent; often occurs in conjunction with other paraphilia
24. **Transgenderism** - an umbrella term referring to and/or covering transvestitism, drag queen/king, and transsexualism
25. **Transsexual** - a person whose gender identity is different from his or her anatomical gender
26. **Transvestite** - a person who is sexually stimulated or gratified by wearing the clothes of the other gender
27. **Transvestic Fetishism** - intense sexually arousing fantasies, sexual urges, or behaviors involving cross-dressing (p. 575)
28. **Urophilia** - sexual arousal associated with urine (p. 576)
29. **Voyeurism** - obtaining sexual arousal by observing people without their consent when they are undressed or engaged in sexual activity (p. 575)
30. **Zoophilia/Bestiality** - engaging in sexual activity with animals (p. 576)

Gender Identity Disorders

Homosexual and transgender activists claim that "gender identity" can be different from a person's biological sex and is inborn. In other words, a man who

thinks he's a woman, should be free to change his sex; a woman who thinks she's a man should be free to change her sex and be free of alleged "discrimination" in the workplace.

TVC's report, "A Gender Identity Disorder Goes Mainstream" explains how radical transgender activists are working to overthrow the idea that a person's biological sex is who they are – not what they think they are. Men are not women; women are not men. To think otherwise is to display evidence of a mental disorder and gender confusion. These conditions are treatable. They should not be normalized as "gender variant" behaviors.

TVC's report, "Sexual Orientation: Fixed Or Changeable" discusses the idea of sexual orientation being on a continuum that can change over time.

The *DSM* still lists transvestism and gender dysphoria (confusion over one's status as male or female) as mental problems to be dealt with by a psychiatrist.

To the State of New Hampshire Senate Judiciary Committee

Hello My Name is Ms. Toni Maviki

April 23, 2009

I was a law enforcement officer in New Hampshire. I was harassed, verbally and physically assaulted for being transgender by fellow officers and supervisors. When my body began to develop I was snapped in the breast with a rubber band and kicked in the back of the leg. On another occasion I was pummeled into a concrete wall by a supervisor. Also one of my other supervisors would comment to me on my breast growing and how my butt would move like a girl when I walked. He would do this in front of other officers. I was also told that I would be hand cuff to the flag pole and my clothes taken off.

When it got so bad that I feared for my safety and my life after reporting what happened. I left the dept after I was told it was not going to stop until I left. After leaving the Department I found it extremely difficult to leave my home because it was the only place I felt safe. I have had bad dreams about what happened to me ever since. It has also created a financial hard ship on me. It is emotionally difficult for me to talk about what happened.

When I tried to pursue legal action I spoke to an attorney and found that there was not state law to cover what had happened to me as a transgender person. I have also found it very difficult to find a lawyer to take the Federal case. It has taken me a year and a half to find a job in Law Enforcement and I have had to leave the state of NH to do so.

For the past year and Half I have applied to many places but they all wanted to call my former employer for references and so I did not get the job. I have been forced to live on my savings until I got a job a week ago.

Sincerely

Toni Maviki

HB 415

Attachment #24

My Testimony

My name is Dr Jennifer Madden. I am a family physician in Amherst, NH and I am here to represent the transgender population. I am a male to female post-operative transsexual.

The passage of HB 415 is very dear to my heart. Transgendered people don't choose to be transgendered. I dreamed of being a girl through out my teens and most of my adult years but I didn't know how to communicate this to anyone. With the help of a psychologist, I learned that sex is not synonymous with gender and that a person can be assigned a sex at birth that doesn't match the way they feel inside.

Gender identity is an innate, undeniable, powerful sense of male or female self, present within each of us. Transgendered people are not a threat to society. We are not evildoers. Yet, being transgendered can incite such strong emotions in people. It amazes me how some people can be so accepting of me, invite me to their homes for dinner, ask me for advice, and send me flowers when I'm feeling down while others will refuse to talk to me, compare me to some kind of predator or sex monger in the newspapers, or tell me that if I continue to think the way that I do God will surely punish me.

When I came out to my employer, in the summer of 2005, they didn't know what to do. They asked me to wear clothes that didn't look to feminine, to avoid talking about this to any of my staff, and as my breasts started to develop, one administrator even suggested I bind my chest with an ace wrap.

About 3 months later, a group of administrators came to my office at the end of a day and handed me a letter stating that I was being put on paid medical leave until they could decide what to do with me. I was threatened with termination if I contacted any of patients and required to have a full psychiatric evaluation. During this evaluation, I was asked questions like, "Do you enjoy watching houses catch fire?" and "Do you like to kill animals?" It was so degrading! Many other transgendered employees have been subjected to the same humiliation.

After five months of medical leave, I was allowed to return to work but not in Merrimack, the town I had been a family physician in for 7 years. My employer's plan, which they actually researched, was to hide me away in some obscure place for a couple years and then bring me back as a new physician with a new identity. The problem with this plan is that I can't deny who I am and it makes me feel dishonest to try to do so. I'm not sick and I don't want to be treated like I have some type of terrible illness. The main reason I sought psychological help in the first place was that I was feeling overwhelmed with the guilt and shame of my continued deception to family and friends and I couldn't live my life like that any more.

In order to stay employed, I had to agree to help develop an Urgent Care center and work every Saturday and every other Sunday for 2 years. I've had to take a large salary cut and my requests to return to Merrimack have been continually denied even though a new facility was just built there and new physicians have been recruited to work there.

I'm telling you this knowing it will probably not bode well for me if this gets printed to the newspapers but discrimination

against transgendered people occurs everyday and I can't in good conscience let it happen without speaking out. Many of my transgendered friends have told me that they'd like to be here and speak out too but fear that if their employer learns they are not biologically female or male, or that they cross-dress when not at the office, they will be fired.

Fear is what propagates prejudice and discrimination. Look around you. Do you see anyone in this room that you think you need to fear? Please give transgendered people the same civil rights and protections under the law that other citizens of this great country already have and judge them by their merits and not whether they look odd, their hands are too big, their voice is too deep, they're too tall, too short, too strong, not strong enough, or they don't have the best fashion sense. I'm proud to be here with them today.

APR-19-2009 18:27

FOUNDATION FOOT-ANKLE HUD

603 889 0689 P.02

Robert Zinnes, MD
Primary Care of Hudson
300 Derry Road
Hudson, NH 03051

To Whom it May Concern,

4/18/09

I am writing this letter in support of House Bill 415. This bill will make it illegal to discriminate against people who are transgendered. In the state of New Hampshire, transgendered people do not have adequate legal protection. They do not have recourse if they are fired from their jobs. Those who commit crimes against transgendered people do not receive the same degree of punishment as those who harmed a member of another minority.

This makes no sense. Why should one group of people not be protected by the law to the same degree as everyone else?


It is very likely that many residents in our state do not understand the transgender population. Many may never have met someone who is transgendered. Yet, I think that all New Hampshire residents would agree that no one, no matter who they are, should be treated as a second class citizen.

Violence against the transgender population is common. Passage of this bill would tell people that it is not alright to harm someone just because they have changed their gender identity.

I am a physician who has cared for transgendered patients. These are very courageous people who have suffered incredible hardships as a result of cruelty from strangers, employers, family members. They deserve respect like everyone else. House Bill 451 will send a message to New Hampshire residents that they need to treat all of their neighbors equally.

I have worked with two transgendered physicians. These are highly qualified people. They are two of the best doctors I know. Their patients get great care. Yet, if a co-worker or employer wanted to make their job situation uncomfortable, treat them unfairly or fire them, the present system would allow it. This makes no sense.

New Hampshire has always been a place where individual rights have been respected. I urge you to make sure that this applies to all citizens of our state.

Sincerely,

Robert Zinnes, MD

Maria L. Forger
16 Independence Drive
Merrimack, New Hampshire 03054
(603) 423-0187

April 23, 2009

2009 Session
HOUSE BILL 415

AN ACT adding certain terms regarding non-discrimination to the laws.

SPONSORS:

- Rep. Butler, Carr 1; Rep. B. Richardson, Ches 5; Sen. Fuller Clark, Dist 24

COMMITTEE: Judiciary:

- Debora R. Reynolds, Chairman, Bette R. Lasky, V. Chairman, Matthew S. Houde, Sheila Roberge, Robert J. Letourneau

ANALYSIS:

- This bill defines gender identity and expression and adds it to the list of classes of people protected from discrimination.

I am not an advocate for discrimination. However, I am also not an advocate for this bill #415 which seeks to prey on the sympathy of Americans who wish to protect all of our citizens from discrimination in any form. That said, I call on this Judiciary Committee to see beyond the smoke screen of sympathy for those citizens who are confused about their gender and see the larger picture and the ramifications that will definitely occur should this seemingly simple bill become New Hampshire Law.

First, the phrase repeated many times throughout this bill, I quote: "Gender identity or expression" means a gender-related identity, appearance, expression, or behavior of an individual, regardless of the individual's assigned sex at birth." is clearly trying to redefine gender identity which is something that is scientifically proven to be definable in the 5-9 day in "utero" (prior to birth.). By the 13th week of the fetus' life they become gender equipped. Therefore, gender is biological and not a "state of mind".

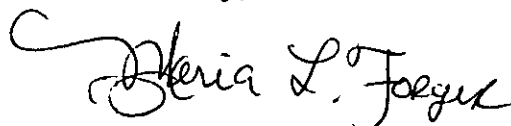
Secondly, gender identity and gender expression are independent terms and although the first is scientifically proven to be determined prior

to birth, the second term “gender expression” is really not the issue at the crux of this bill. This bill seeks to create a law to promote a radical movement. It does so under the guise of a noble cause “to free citizens from discrimination”. However, I don’t see evidence of such discrimination, as our society promotes homosexual lifestyles in many areas of the media and entertainment industry. Whether you are “pro” or “anti” gender expression the fact is it is alive and well in our America culture without legislative help.

Thirdly, “gender expression” doesn’t equal freedom. I can’t believe that freedom is upheld when a radical movement can get a law instituted that has the potential to endanger a large section of society. I think that you should learn what freedom really means prior to enacting laws that rescind and lead to the neutering of our true liberties as American citizens. Freedom does not mean taking away the rights and protection of others in order to serve a select few. Freedom seeks the well-being of society as a whole, freedom seeks the greater good and this bill does not seek this noble call.

Lastly, many have nicknamed this bill the “Bathroom Bill” and in closing I will make a few comments on this implication of genderless bathrooms. Public facilities, private business facilities, and academic facilities and locker-rooms will have a nightmare on their hands. The NH courts will be filled with lawsuits as deviant individuals utilize this “gender expression” to their advantage and to its extreme and access restroom facilities to prey on the weak and vulnerable of our society. Now, I ask you the committee: What about the right of females to use public restrooms in safety, don’t we deserve our rights protected? If it’s employment discrimination that you seek to combat, then why permit paragraphs that do not pertain to addressing employment discrimination in this bill? I stand before you as a taxpayer in this “Live Free or Die” state and am calling on you to uphold true freedom, free from political and radical agendas. Think about the people you are serving in this great state and serve us well by instituting laws that protect freedom, and the greater good. I ask you to vote NO on HB 415.

Sincerely,

A handwritten signature in cursive script that reads "Maria L. Forger". The signature is written in black ink and is positioned above the printed name.

Maria L. Forger

**Statement by Janson Wu, Esq.
Before the Senate Judiciary Committee in Support of House Bill 415
An Act Adding Certain Terms Regarding Non-Discrimination To The Laws**

Honorable Chairwoman Reynolds and Members of the Committee:

I am grateful for the opportunity to testify in strong support of House Bill 415, An Act Adding Certain Terms Regarding Non-Discrimination To The Laws. This legislation would add "gender identity and expression" protections to New Hampshire's non-discrimination statutes, including New Hampshire's general anti-discrimination protections in employment, housing and public accommodations, Chapter 354-A, and New Hampshire's hate crimes law, Chapter 651:6. HB 415 would also add anti-discrimination protections for lesbian, gay, bisexual and transgender (LGBT) individuals to remaining non-discrimination provisions in New Hampshire's RSA that do not already include such protections. While sexual orientation protections were added to Chapter 354-A and other selected non-discrimination statutes in 1997, there are still important non-discrimination provisions, such as protections against discrimination in accessing state mental health services or in jury selection, that do not include protections for all LGBT individuals.

I am a Staff Attorney at Gay & Lesbian Advocates & Defenders (GLAD). As an attorney at New England's leading legal rights organization dedicated to ensuring legal equality for lesbians, gay men, bisexuals, transgender people, and those living with HIV or AIDS, a key focus of my work has been addressing the pervasive discrimination faced by transgender people in housing, employment, public accommodations, access to benefits, education, and other areas. My goal today is to explain why it is so crucial that the legislature add the phrase "gender identity or expression" to New Hampshire's non-discrimination statutes.

I. Gender Non-Conforming People Desperately Need Legal Protection From Discrimination.

The need to protect people from discrimination and violence on the basis of gender identity and expression is great.

Every day across this country, transgender people are disproportionately the victims of non-random, targeted violence. They include people like Angie Zapata in Colorado, who while born male, began living as a woman six years ago. At the young age of 18, she was brutally beaten to death with a fire extinguisher last year when the perpetrator found out that she was transgendered. They include Jamie Rondeau, who just a few weeks ago was beaten on the street in Lowell, Massachusetts, while his attackers repeatedly called him "faggot" and sexual slurs. And while it is difficult to accurately document the frequency of these crimes due to vast underreporting, it is clear that hate crimes against transgender people are a widespread and significant problem.

Likewise, employment discrimination can severely undermine an individual's ability to make a living and support his/her family. For example, Anthony Barreto-Neto, a decorated police officer in Vermont who had been recognized for his longstanding public service was run off the police force by fellow officers after they learned about his transgender status through an internet search. After discovering that Mr. Barreto-Neto

was born female and transitioned to male, fellow officers issued him faulty equipment and subjected him to a continuous pattern of harassment and inferior work conditions that became so severe he had to leave his job.

Unfortunately, these cases represent just the tip of the iceberg. Transgender people throughout New Hampshire, in cases which have not received the attention of those just mentioned, face serious discrimination every day in jobs, housing, and public accommodations. We here from these people every day when they call our Legal Infoline for help. Unfortunately, when they do call us, we have to tell them there are no explicit protections for them in New Hampshire law. Because of this pervasive prejudice, discrimination and misunderstanding, transgender people need a law to allow them to do that which most people take for granted – work, seek and find housing, and use public accommodations without being subjected to prejudice and discrimination.

Nothing could be further from the spirit of New Hampshire's commitment to freedom and liberty for its citizens. This law would make clear that such discrimination and violence is condemned by state policy.

II. Explicit Protections Are Needed To Fill A Void in New Hampshire Law.

While GLAD believes that transgender individuals should be protected under existing sex discrimination protections in New Hampshire, which generally follows federal case law interpretation of sex discrimination under Title VII of the federal Civil Rights Act, see Madeja v. MPB Corp., 149 N.H. 371, 378 (N.H. 2003) (when presented with "an issue of first impression under RSA chapter 354-A, we rely upon cases developed under Title VII to aid in our analysis"), these legal protections under sex have not been uniformly applied by courts nationally to protect transgender individuals.

As such, there are no clear, explicit and established laws protecting transgender individuals in New Hampshire from discrimination – under either state or federal anti-discrimination laws. Explicit protections for transgender individuals will help affirm and clarify New Hampshire's anti-discrimination protections, so that it is clear to all that New Hampshire does not tolerate discrimination based upon a person's gender identity or expression.

The modern national trend in case law interpreting sex discrimination protections is for both state and federal courts to interpret existing sex discrimination prohibitions to protect transgender individuals. See, e.g., Schroer v. Billington, 577 F.Supp.2d 293 (D.D.C. 2008) (holding that an employer's refusal to hire employee because she informed them of her intention to transition from male to female was "literally discrimination 'because of sex'"); Smith v. City of Salem, Ohio, 378 F.3d 566, 573 (6th Cir. 2004); Maffei v. Kolaeton Indus., Inc., 626 N.Y.S.2d 391, 396 (N.Y. Sup. Ct. 1995).

However, there is not complete uniformity across these court decisions, and some courts have found otherwise. See, e.g., Oiler v. Winn-Dixie Louisiana, Inc., Order and Reasons, 2002 WL 31098541 (E.D. La. Sept. 16, 2002). As a result, legal uncertainty and inconsistency exists in New Hampshire as to the extent of sex discrimination protections for transgender individuals.

By adding explicit protections for gender identity and expression alongside sex discrimination protections in New Hampshire's RSA, House Bill 415 provides clarity to

our courts and promotes consistency. Moreover, employers, landlords, businesses, and citizens can also rely upon these explicit protections as much needed guidance in conducting their daily business, with the clear knowledge that discrimination against a person based upon gender identity or expression has no place in New Hampshire. Most importantly, only HB 415 hate crimes provision can protect the transgender community, which desperately needs such protections against pernicious and often horrifying violence.

III. Gender Expression Is A Necessary Protection Under This Bill.

In this bill, "gender identity or expression" is defined as "a gender-related identity, appearance, expression, or behavior of an individual, regardless of the individual's assigned sex at birth." This concept refers to people whose identification as either male or female does not match up with what they were assigned at birth, such as transsexual individuals. It also includes any person whose outward expression of their gender does not fall within society's stereotypes of what a man or woman should act like, such as a masculine woman and a feminine man.

Gender identity could potentially be interpreted to only include transsexual people -- people who have transition medically from one sex to another. If the phrase gender expression is left out -- it leaves out people who may have characteristics or mannerisms typically associated with the other gender but identify with the gender that they were born. For example, that could potentially leave out women with short hair or men with high-pitched voices, from protections against being fired for nothing related to their job performance. Let's not forget that it was not that long ago that a woman would have been harassed and ridiculed for wearing pants.

Protections for a person's gender-related expression, appearance and behavior need to be broad, because our past experience has shown that sex discrimination and race discrimination protections have been interpreted by some courts narrowly. For example, a recent federal appellate court ruled that an employer could fire a female employee for not wearing make-up. This would not have been the case if there had also been broad protections based upon characteristics associated with a person's sex. This historical lesson demonstrates the need for broad protections for a person's gender expression.

Some people may have concerns about the ability of employers to require their employees to maintain an appropriate and professional appearance on the job. The truth is that nothing in this law would prohibit an employer from requiring that their employees present themselves professionally at work. Nothing in this law affects the current state of law in New Hampshire regarding different dress codes for men and women -- as long as employees can follow the dress code that aligns with their gender identity. That means that if there is a different dress code for men and women at work, a transgender woman (meaning a person who transitioned from male to female) should be allowed to follow the women's dress code.

Finally, some people may have concerns that a person who cross-dresses may come into work one day as a man and then another day as a woman. Since Minneapolis became the first city and Minnesota became the first state in 1993 to pass these protections in 1975, this simply has not been a problem. Most individuals who cross-

dress do so on their own time, outside of work. They do not cross-dress on the job, nor would they want to subject themselves to that type of attention. This fear is simply not a problem in reality.

Because such explicit language is necessary to provide complete protections not only to the transgender population but the entire population, protections based upon a gender-related appearance, expression or behavior have become a standard protection amongst the 13 states that including gender identity and expression in their antidiscrimination laws.

IV. All Individuals Deserve To Be Able To Use Public Restrooms In Safety And Privacy, And Nothing In HB 415 Affects

Everyone deserves to use the restrooms in safety and privacy. Transgender people pose no special risk to others who are using a restroom. In fact, transgender people are more likely to be the subject of harassment and safety threats in bathrooms, which is why explicit protections in New Hampshire's anti-discrimination law are all the more necessary.

And if there are instances of harassment or inappropriate use of bathrooms by any person – whether or not they are transgender – there are already civil and criminal laws to ensure people's safety in restrooms. Employers and public accommodations will continue to have an obligation to make restroom facilities safe and accessible for all people.

We should not allow safety concerns to become a proxy for prejudice against transgender people. 37% of the American population, in 13 states, live in an area covered by a transgender-inclusive anti-discrimination law, and there have been no problems as a result.

The New Hampshire Coalition Against Domestic And Sexual Violence, along with the New Hampshire's Women's Lobby have support this bill and denounced opponents' arguments about bathrooms as meritless. It is time to ignore these frivolous and disrespectful attacks and focus on the real and pressing issue of discrimination and violence against a vulnerable sector of our community.

V. New Hampshire Will Join Other States And Local Jurisdictions That Ensure Freedom From Discrimination Based On Gender Identity and Expression.

New Hampshire need not fear that by explicitly prohibiting discrimination based on gender identity and expression, it will be entering into uncharted territory. Instead, New Hampshire will join the growing number of state and local governments that have already recognized that preventing discrimination based on gender identity and expression is both necessary and desired and therefore should be addressed explicitly in law. In passing House Bill 415, New Hampshire would become the 14th state to explicitly prohibit discrimination against transgender people, joining Iowa, Minnesota, Maine, Rhode Island, Vermont, California, Hawaii, Illinois, New Mexico, Colorado, Oregon and Washington.

Over 30 years ago, Minneapolis became the first municipality to adopt transgender-specific non-discrimination language. Since then, the number of additional jurisdictions

that have adopted similar measures has grown at a dramatic rate. One study estimates that over one-third of the country's population live in a jurisdiction that has in place some form of explicit protection for transgender people.¹ In addition, there are hundreds of employers and dozens of universities with non-discrimination policies protecting transgender people.²

It is time for New Hampshire to join this national movement towards equality and freedom from discrimination and violence for all citizens, regardless of their gender identity or expression.

April 23, 2009

Submitted by:

Janson Wu, Esq.
Staff Attorney
Gay & Lesbian Advocates & Defenders
jwu@glad.org

¹ See http://www.thetaskforce.org/downloads/reports/fact_sheets/transgender_year_in_review.pdf.

² A small sampling of New Hampshire universities and employers with non-discrimination policies protecting transgender people includes: University of New Hampshire, Dartmouth College, Bank of America, CVS, Walgreens, American Airlines, and Dell. For a complete list see <http://www.transgenderlaw.org/college/index.htm#policies> and <http://www.transgenderlaw.org/employer/index.htm>.



DAVIS SQUARE FAMILY PRACTICE

DEBORAH BERSHEL, M.D.
MARIE BOTTE, F.N.P., C.D.E.
ALLISON GONTA, F.N.P.

260 ELM STREET, SUITE 105
SOMERVILLE, MA 02144
TELEPHONE: (617) 666-9577
FACSIMILE: (617) 666-3190

Attachment #27

Honorable Chairwoman Reynolds and Members of the Committee,

I'm a transgender family physician who provides primary care to many New Hampshire residents, a number of whom are themselves transgender. And, as a transgender family physician I can give credence to the fact that the public's perception of us is shrouded in ignorance and that has easily led to an abrogation of our rights. The psychological stress of both coming out to family and friends is indeed unbearable but it often is the fear of losing one's job that handcuffs us to living our lives in the wrong gender.

But honestly it came as quite a surprise to me when I felt the pain of discrimination from the Chief of Family Medicine at my hospital in Cambridge Massachusetts. He had himself provided medical care for transgender patients but he was 'unsure about my mental stability' given my decision to transition. He had informally buttonholed a few colleagues at the hospital and they had suggested that I might need to be on probation for up to one year. There is no denying that transition can be a strain but my retort to him was, 'Are you planning to place all doctors on probation if they are going through the stress of a divorce or are on medication for depression?' Fortunately saner minds prevailed higher up in the hospital administration but I truly felt like it was only for the luck of the draw that I had avoided humiliation among my colleagues and patients and the loss of gainful employment.

My point is, if a highly qualified professional like me can be subjected to this behavior by supposedly knowledgeable physicians then what protection does the average office worker have. A seemingly reasonable and fair supervisor or boss could easily abrogate the rights of a transgender man or woman under the current state of affairs in New Hampshire. Passing New Hampshire Senate Bill 415 will serve to make it easier for businesses to more seamlessly incorporate transgender workers because our treatment under the law will no longer be ambiguous. And so I strongly encourage you to vote in favor of Senate Bill 415 and give testimony to this state's belief in the rights of the individual.

Sincerely,

Deborah Bershel, MD
Davis Square Family Practice
Somerville, MA 02144

Tom Farrelly
11 McAfee Farm Rd
Bedford, NH 03110
661-4854

Testimony before New Hampshire Senate Judiciary Committee
Regarding HB 415

April 23, 2009

Negative Effects Passage of HB 415 would have on the Business Environment in New Hampshire

Good Morning Senators, and thank-you for the opportunity to speak. My name is Tom Farrelly. I am a 48 year old New Hampshire native. In 1986 I opened the New Hampshire office for one of the world's largest commercial real estate services firms in Manchester. During these 23 years as a member of New Hampshire's private sector economic development effort , I have helped hundreds of National and International Corporations locate to, or expand their existing offices or manufacturing operations in New Hampshire. My firm has consummated in excess of 24,000,000 square feet of sales and leases. That translates into a lot of jobs in our State. I am very familiar with the decision making points that are the drivers on how Corporations decide to move to a State like New Hampshire.

I'm here today as an individual. I feel my extensive New Hampshire business qualifications offer a unique economic development perspective which will hopefully add to your considerations of the likely impacts HB 415 will have in a very important category, which is essentially our future ability to grow our economy by attracting the best companies and employees to New Hampshire.

An important part of my job is to demonstrate quantitative and qualitative factors to Corporate decision makers why New Hampshire is the best place for them to locate their businesses, invest their money, run, and grow their business operations. I must tell you, feedback from every one of the hundreds of commercial real estate industry representatives I have spoke to about HB 415 and its

potential future impact on our economy is extremely negative. Almost every one of the people I sent emails to detailing the content of HB 415 thought it was an April fool's joke. They all want to know why this issue of HB 415 and other like it seems to be a top priority in our State House, especially as our economy is in the worst shape it has ever been in most of our life times. The overwhelming feeling by corporate real estate executives I solicited is that HB 415 hangs the wrong kind of message sign over New Hampshire's door.

My years of experience clearly shows that when comparing New Hampshire to other states in New England and Nationally companies that chose New Hampshire did so primarily based on its favorable business environment and Family friendly atmosphere. The perception of lower taxes and equally importantly, a LESS restrictive business regulatory environment were key drivers. HB 415 adds a completely unnecessary layer of regulatory complexity to the day to day business operations. Most companies will want to avoid this. It essentially opens a Pandora's Box of unpleasant issues that will be a significant drain on the finances and management resources of any company operating here.

If HB 415 passed:

- It would force companies considering a move here to likely change the way they operate by placing restrictive limits on their best practices for hiring, and firing employees. This would constrain business' efforts to hire the BEST candidate for positions. For example, if one job candidate, who is not the best candidate for the position, also happens to be transgendered, that person could easily sue the business for not hiring them based on what THEY felt was discrimination. No company wants to spend its time and money publically defending against such frivolous law suits. In addition to the law suit that person could also file a complaint against the business with the Human Rights Commission, which I understand now takes an average of eighteen months to process. Problems like this would impede a company's ability to operate. Under the onslaught of potential cases a bill like HB 415 could create, that timeline would likely lengthen. These restrictive and unfair

hiring and firing requirements would leave the State of New Hampshire at a distinct disadvantage to other States. The cascade of negative effects resulting from passage of HB 415 will keep the State's employers embroiled in unnecessary and unending legal tangles.

- HB 415 would place restrictive limits on how owners can run their business. For example, if an employee, hired as *either* a man or a woman to publically represent the company in a sales position, later reveals that they want to express themselves as the opposite gender at work, their employer would find it impossible to re-assign that employee to a different role than what they were hired for without facing the same kind of lawsuit or Human Rights Commission filing. Imagine the implications this will have on nursing homes, day care centers, summer camps, sports clubs, scouting organizations, hospitals, and youth sports leagues. This will unfairly affect *every* business owner in New Hampshire and their customers.
- These unfair constraints on hiring would actually interfere with the **rights of the more qualified job candidates** as companies look beyond who is best for the job to a consideration of who is less likely to sue them, when making a hiring decision. It unfairly hampers employers' ability to retain the best talent and grow their operations for the benefit of all concerned.
- HB 415 would interfere with an employers' and the employees right to run their business in a work environment consistent with their ethics or religious practices. What businesses would be excluded? Churches? Schools? Nursing homes? Hospitals?
- HB 415 places unfair burdens on employers. If employee Sam gets hired for a job on a construction crew or heavy manufacturing environment, and Sam later decides to conduct his work as Samantha, this change places an unfair burden on an employer who must now work overtime to assure that "Samantha" now has a safe work environment for the new "persona".

- Passage of HB 415 would undermine the “New Hampshire Advantage” and make it very unattractive for companies to locate here. These constraints on freedom to hire and fire according to the needs and requirements of their company would prevent many companies from coming to our State.
- Passage of HB 415 will make it difficult for employers to attract the best candidate for positions from other states because it fails to present New Hampshire as a good place to live and raise a family. Many National and International Corporations rely heavily on attracting job candidates from around the country and around the world. If a family would encounter transgender individuals in their classrooms, locker rooms, scout meetings, sports teams, restaurants, office and restrooms, they will be very reluctant to move to a State like New Hampshire.
- The inability to attract excellent employees from many locations outside New Hampshire will damage the Real Estate Market, both commercially and residentially. This could result in stagnation in many industries, such as construction and the service sector, with detrimental effects on New Hampshire’s economy.
- Families of potential employees will wonder what other family-unfriendly policies exist in New Hampshire.

In conclusion, your God given gender is a fact of reality, not a state of mind. Passage of HB 415 would have permanent, serious negative consequences on every business sector in New Hampshire, and would leave our State vulnerable to expensive and protracted lawsuits. It would also cause detrimental demographic and sociological shifts.

Lastly, in my humble opinion, our precious First in the Nation Primary and all of the generous revenue and national attention that goes with it every two or so years will become a piñata. We will no longer look like that unique State that embodies the concerns of every citizen of America. New Hampshire will take on

a new face which does not represent our unique heritage and values.

Thank you for your time.

Tom Farrelly

Parents, Family and Friends of Lesbians And Gays

PFLAG

April 21, 2009

To: Senate committee members

Re: HB 415

I am speaking to you today as an ally of the transgender community. I urge you to pass HB 415 allowing transgender people equality and protections from discrimination in New Hampshire.

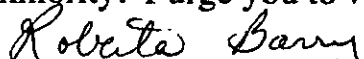
I represent PFLAG (Parents, family, and friends of gay, lesbian, bisexual, transgender and questioning people), which is a National organization whose mission is support, education, and advocacy. We work for the recognition, respect, and civil rights due to all human beings. We challenge ignorance, prejudice and fear and seek to change attitudes of society towards our loved ones.

My work with this organization has allowed me the privilege of getting to know many transgender persons. I have deep respect for their courage in living their lives with honesty by making the transition to the gender in which they were supposed to be born. I have listened to their stories of sacrifice in order to live their true gender identity. I have also heard of their great joy when they are finally able to live and present to the world totally as the man or the woman they are supposed to be.

I hear people say, "why do some groups of people think they need to be named in protection laws." The fact is that if we fail to speak specifically of those minorities who may need protection, it becomes easy to exclude them.

I use the special education law as an example. When I started teaching, it was legal to exclude handicapped students from public education. I even worked as a private tutor for some of those families. Non-discrimination policies and laws had to name students with disabilities in order to ensure that they would be treated fairly and equally. I have witnessed the improved quality of life for tens of thousands of families because of the use of the word disabled in non-discrimination policies and laws.

The same improvement in quality of life will apply to the transgender minority. I urge you to vote yes to this bill.


Roberta Barry, PFLAG Northeast Regional Director
170 Jordan Rd.

Keene, N.H. 03431

Tel: 603-352-6854

bbarry29@ne.rr.com

PFLAG welcomes all in support, education, and advocacy for gay, lesbian, bisexual, transgender, and questioning people. www.pflag.org

PFLAG New Hampshire
PO Box 957
Concord, NH 03302-0957
<http://pflagnh.org/>

HELPLINE: 1-800-750-2524 (in NH)
1-888-843-4564 (National for youth)

Call for information about our monthly meetings or for support. Your confidentiality is assured.

Support & Education Chapter Meetings

Seacoast..... 1st Tuesday, 7-9 pm
Concord..... 3rd Sunday, 3-5 pm
Keene..... 1st Tuesday, 7-9 pm
Plymouth..... 2nd Tuesday, 7-9 pm
Upper Valley..... 2nd Monday, 7-9 pm
Lakes Region.....(no regular meetings)

Speaker Bureau

PFLAG-NH will arrange for a speaker to speak to your group, place of worship, school, or other organization about GLBT issues.

Parent to Parent Network

Speak one-to-one and confidentially with another parent who has a GLBT child.

**PFLAG-NH can also
connect you with a:**

Transgender Network
Straight Spouse Network

The Truth About Our Gay/Lesbian/Bisexual And Transgender (GLBT) Relatives & Friends

GLBT people are everywhere, in every culture, religion and race, and in every occupation. An estimated 10 percent of the human race is same gender oriented. Gay, lesbian, bisexual, and transgender people and their families represent more than one third of the people in this country. Founded in 1981, PFLAG today represents more than 80,000 families.

GLBT people are emotionally healthy. The American Psychiatric Association and the American Psychological Association recognize that homosexuality is not a mental or emotional disorder. GLBT people establish stable, long-lasting relationships, work for a living, attend church, shop, watch TV, vote, and pay taxes. They are valuable members of human society.

Being gay or transgender is natural for gays and transgender people. Homosexual or transgender is the way some people are, rather than a choice or a life style. Their sexuality or gender identity is natural and normal for them. GLBT people were not taught or influenced by anyone to be who they are. GLBT people are not "going through a stage." They need their families. Rejection by their family is a tragedy we work to prevent.

"Adults just don't want to believe there are gay kids."

- S. & D. Cohen
When Someone You Know is Gay

We are dedicated to...

the preservation of families in loving relationships, to the support of gay, lesbian, bisexual and transgender people and their families, and to full civil rights for all Americans.

We work for the recognition, respect and civil rights due to all human beings. We challenge ignorance, prejudice and fear and seek to change attitudes of society towards our loved ones. We strive to banish the silence of gay lives.

"The time has surely come not just to tolerate, or even to accept, but to celebrate and welcome the presence among us of our gay and lesbian fellow human beings."

- Bishop John Shelby Spong,
Episcopal Diocese of Newark NJ

As parents, families and friends of GLBT people... new windows of understanding have opened to us. We are committed to helping other families learn what we have learned, to offer support and comfort, and to help change attitudes and create an environment of understanding so that our gay, lesbian, bisexual and transgender relatives and friends can live with dignity and respect. Monthly support meetings offer open and confidential discussion. Parents, family members, children, and friends are welcome, as well as GLBT persons seeking support.

"Little by little, ignorance about homosexuality will fade away as more and more parents allow their children to be who they are."

- Betty DeGeneres
Just a Mom

Recommended Reading:

*Free Your Mind

Ellen Bass, Harper Perennial, 1996

*Loving Someone Gay

Don Clark, Celestial Arts, 1987

*Now That You Know

Betty Fairchild, Harcourt, Brace, 1977

Pastor, I Am Gay

Howard Bess, Palmer Publishers, 1995

The Other side of the Closet

Amity Buxton, IDS Press, 1991

Homosexuality, The Secret A Child Dare Not Tell

Mary Ann Cantwell, Rafael Press, 1996

When Someone You Know is Gay

Susan Cohen, M. Evans Co., 1989

The Family Heart

Robb Forman Dew, Addison Wesley, 1994

When Husbands Come Out Of The Closet

Jean Gochros, Harrington, 1989

Two Teenagers in Twenty

Ann Heron, Alyson, 1996

Mom I Need To Be a Girl

Just Evelyn, Walter Trook Pub., 1998

Orlando's Sleep

Jennifer Spry, New Victoria Press, 1997

Coming Out As Parents

David Switzer, Westminster, 1996

*Recommended First Read

"My daughter is a lesbian. She is also the light of my life." Bob Bernstein, former Vice-President of National PFLAG

PFLAG National Organization

Parents, Families and Friends of Lesbians & Gays
1726 M Street, NW, Suite 400
Washington, DC 20036

Phone: 202-467-8180 Fax: 202-467-8194
E-mail: info@pflag.org Web: <http://pflag.org>

We are supported by:

Religious Organizations:

National Council of Churches; Lutheran Church of America; United Church of Christ; National Federation of Priests' Councils; Catholic Theological Society of America; The Protestant Episcopal Church; Unitarian Universalist Association; United Methodist Church; United Presbyterian Church; Union of American Hebrew Congregations; Society of Friends (Quaker).

Professional Organizations:

American Public Health Association; American Psychological Association; American Psychiatric Association; American Library Association; American Federation of Teachers (AFL-CIO); National Education Association; National Association of Social Workers.

Civic Organizations:

American Civil Liberties Union; National Organization for Women (NOW); National Association for the Advancement of Colored People (NAACP); Libertarian Party; League of Women Voters.

"We all need to know that our parents can accept and love us for what we are, rather than for what they would like us to be."

- A Gay Youth

PFLAG-NH Membership Information:

Individual: \$25 Family: \$35
Senior/Student: \$15 Additional donation: \$ _____

Name: _____

Address: _____

E-mail: _____

Chapter Affiliation (if any): _____

PFLAG NH is non-profit, family organization. We welcome your support and active participation. All contributions are tax deductible.



Parents, Families, and Friends of Lesbians & Gays

1-800-750-2524

**A National Organization with
Six New Hampshire Chapters:**

Concord • Plymouth • Seacoast
Keene • Lakes Region
Upper Valley

Support

To cope with an adverse society

Education

To enlighten an ill-informed public

Advocacy

To secure equal rights for all

"It is surely a time for all of us—parents, pediatricians, nurses, school teachers—who work with vulnerable children who are gay and lesbian, to understand and support them. The need and deserve our unambivalent support."

- Dr. T. Berry Brazelton, Pediatrician

We always maintain your confidentiality.

Revision 2007

The American Psychological Association refers to confusion of gender identity^{as} a disorder. Passing this bill would be creating an unhealthy environment in our state which fosters this disorder. People suffering from this condition ought to be helped, not enabled. Laws should protect people like this, *not* bend over backwards to accommodate their unhealthy behaviors.

When little children put their hands over their eyes and think you can't see them, it's cute and funny, and you play along with them for a minute when they're 2 or 3 years old. This law seeks to force the citizens of this state to play this same game with adults: If you can't tell what gender you are, we'll pretend we can't tell either and go along with you. This is not healthy behavior. This is inappropriate and destructive.

There IS a fundamental, biological, psychological difference between male and female. It is not a state of mind, it is a fact.

(It would be interesting to see how the International Olympic Committee would deal with this issue. If a person born male, but now convinced in his own mind that he was female, wanted to run in the 100 meters, would it be unfair discrimination to prevent him from competing in the female category? No, it would be unfair to allow it!)

(What would happen when a female patient requested to see a female doctor for a physical exam, and the doctor was actually a male, convinced he was female? Is that equal rights? That is victimization.)

(Are you going to send little boys in elementary school to the little girls bathroom? Who gets to decide when a male is female, and when a female is a male? Isn't it already clear enough? I plead with you to leave this issue to the psychologists and stop trying to step in and fix everything. You will only take a complicated issue and make it a thousand times worse.

(Just the fact that this issue has even gotten this far is deeply disturbing. Legislation like this starts to make the world of George Orwell's *1984* seem like a sane and comfortable society by comparison. New Hampshire is starting to feel like something out of a bizarre science fiction novel.)

Proponents of this bill want you to think it is an equality issue. In reality, passing this bill would turn New Hampshire into a most unequal society, in which the very small percentage of people in this state who are *not* convinced of their own gender dominate the scene, rewriting our entire body of law to favor themselves and discriminate against those who remain in the same gender condition they started out life with, and who have a sane and healthy awareness of that fact.

I appreciate the very difficult position you, as the committee, find yourselves in. I know it's hard to say "No" to anyone who asks you for something. But please don't fall into the trap of "Please all, please none." Passing this bill will please a very, very few in this state, no doubt, but it will create years of messy misery for the vast majority of citizens in our state left to sort out the ramifications. Don't be afraid to state the obvious. Disorders should be treated, not enabled. Please vote NO on HB415.

Gretchen Post

April 23, 2009

My name is Leah Peters and I'd like to thank the Senate for allowing us to testify about this very important piece of Civil Rights legislation.

Transsexual people have existed throughout history in all cultures and all classes. For example Native Americans honored us and called us Two-Spirits. On the Indian subcontinent we're known as Hijira, in Malaysia Mak Nyah's, in Hawaii Mahu, and in Polynesia we're called Fa'afafine. So transsexualism is not a new concept. Quite the contrary researchers believe transsexualism is a naturally occurring birth condition. After over a century of study they learned that gender identity is both inborn and unchangeable. And since the brain cannot be changed we change the body to match our gender identity. Transsexual people have now been medically transitioning for over 60 years. However, the legal system still lags behind, exposing transsexual people to all sorts of discrimination and violent crime.

Opponents of this bill are guilty of fear mongering and their attacks have no basis in fact. The opposition likes to insinuate that we as predators and pedophiles. However, statistics show the vast majority of sex criminals as non-transsexual, heterosexual men. They would also have you believe that passing this legislation will lead to chaos in the public bathrooms. This despite the fact that after more than 25 years of such legislation being in force around the country that no such incidents have occurred. The one incident that I have heard of was one staged by an opposition group in Montgomery County, Maryland. Also, after they get to a certain point in their transition, transsexual people already use these public bathrooms here in New Hampshire and have for decades. The opposition seeks to make this bill all about bathrooms. However, this bill is about a whole lot more than bathrooms. It's about upholding the civil rights of everyone, including transsexual people.

The governor, through his spokesman, has said this legislation is not necessary. He is mistaken. History demonstrates two things:

1. Transsexual people usually can't afford to pursue their rights in court.
2. When they do the Justice system most often fails them.

Some judges have even gone on record saying that they can't rule otherwise until YOU, our legislators, specifically amend our laws to include us. Until the laws are changed justice will continue to be denied us.

I have a friend, Laura Amato, who is the owner/operator of an online support group for transgender people. I asked for her input on the status of trans people in the United States. She sent me the following note:

"Hi Leah,

Sure, I would be happy to help. The numbers are morbid and they should be. When the Veteran's suicide rate went up 2% the world was outraged. Political forces scrambled to change their numbers. However, the Transgender suicide rate has been estimated at 31% and higher. Where is the outrage for us?

Laura's Playground is a Transgender support site serving Transsexuals, Cross Dressers, Transgenderists, Androyne and Intersex groups. Our main mission is to prevent suicide. We operate several Transgender suicide prevention crisis chat rooms. We have over 80 moderators and 20 supervisors all certified in youth suicide prevention. In 5 years of operation we have handled 70,800 suicide crisis's from all groups. We have had over 8.6 million visitors. The rate for transsexuals though is the highest in the Transgender Community. Both in a survey here and from our crisis records we have found one eye popping statistic: Over 50% of transsexuals ^{HAVE} had at least 1 suicide attempt before their 20th birthday with some as young as age 7. Many had multiple attempts with the

highest being 21. What about those who didn't make it? Is the world outraged? No! As we are the only site preventing transgender suicide we have actual numbers, not estimates.

It gets worse when you look at the reasons for this astronomical suicide rate. Almost all were victims of the following: Non-acceptance or homophobia by family and friends or others, discrimination in hiring, housing and employment. Some were Victims of Hate crimes and violence. Some are upset with their body image. This is further exacerbated by the fact that 70% of our members are unemployed due to their condition or appearance. What other group faces these numbers? In short most of these suicidal thoughts from members come because of the way they are treated by others and are entirely preventable. Where is the outrage for our suicide numbers? It's time to stop the madness.”

America is supposed to be about freedom and equality. Until we move to right the wrongs you are hearing about today we aren't living up to those ideals.

Nobody is free unless everyone is free.

Please pass 415.

AMERICAN MEDICAL ASSOCIATION HOUSE OF DELEGATES

Resolution: 122
(A-08)

Introduced by: Resident and Fellow Section, Massachusetts Medical Society, California
Medical Association, Medical Society of the State of New York

Subject: Removing Financial Barriers to Care for Transgender Patients

Referred to: Reference Committee A

1 Whereas, The American Medical Association opposes discrimination on the basis of
2 gender identity¹ and
3
4 Whereas, Gender Identity Disorder (GID) is a serious medical condition recognized as
5 such in both the Diagnostic and Statistical Manual of Mental Disorders (4th Ed., Text
6 Revision) (DSM-IV-TR) and the International Classification of Diseases (10th Revision),²
7 and is characterized in the DSM-IV-TR as a persistent discomfort with one's assigned
8 sex and with one's primary and secondary sex characteristics, which causes intense
9 emotional pain and suffering;³ and
10
11 Whereas, GID, if left untreated, can result in clinically significant psychological distress,
12 dysfunction, debilitating depression and, for some people without access to appropriate
13 medical care and treatment, suicidality and death;⁴ and
14
15 Whereas, The World Professional Association For Transgender Health, Inc. ("WPATH")
16 is the leading international, interdisciplinary professional organization devoted to the
17 understanding and treatment of gender identity disorders,⁵ and has established
18 internationally accepted Standards of Care⁶ for providing medical treatment for people
19 with GID, including mental health care, hormone therapy and sex reassignment surgery,
20 which are designed to promote the health and welfare of persons with GID and are
21 recognized within the medical community to be the standard of care for treating people
22 with GID; and
23
24 Whereas, An established body of medical research demonstrates the effectiveness and
25 medical necessity of mental health care, hormone therapy and sex reassignment
26 surgery as forms of therapeutic treatment for many people diagnosed with GID;⁷ and
27
28 Whereas, Health experts in GID, including WPATH, have rejected the myth that such
29 treatments are "cosmetic" or "experimental" and have recognized that these treatments
30 can provide safe and effective treatment for a serious health condition;⁷ and
31
32 Whereas, Physicians treating persons with GID must be able to provide the correct
33 treatment necessary for a patient in order to achieve genuine and lasting comfort with
34 his or her gender, based on the person's individual needs and medical history;⁸ and
35
36 Whereas, The AMA opposes limitations placed on patient care by third-party payers
37 when such care is based upon sound scientific evidence and sound medical opinion;^{9, 10}
38 and

1 Whereas, Many health insurance plans categorically exclude coverage of mental health,
2 medical, and surgical treatments for GID, even though many of these same treatments,
3 such as psychotherapy, hormone therapy, breast augmentation and removal,
4 hysterectomy, oophorectomy, orchiectomy, and salpingectomy, are often covered for
5 other medical conditions; and

6
7 Whereas, The denial of these otherwise covered benefits for patients suffering from GID
8 represents discrimination based solely on a patient's gender identity; and

9
10 Whereas, Delaying treatment for GID can cause and/or aggravate additional serious and
11 expensive health problems, such as stress-related physical illnesses, depression, and
12 substance abuse problems, which further endanger patients' health and strain the health
13 care system; therefore be it

14
15 RESOLVED, That the AMA support public and private health insurance coverage for
16 treatment of gender identity disorder (Directive to Take Action); and be it further

17
18 RESOLVED, That the AMA oppose categorical exclusions of coverage for treatment of
19 gender identity disorder when prescribed by a physician (Directive to Take Action).

Fiscal Note: No significant fiscal impact.

References

1. AMA Policy H-65.983, H-65.992, and H-180.980
2. Diagnostic and Statistical Manual of Mental Disorders (4th ed.. Text revision) (2000) ("DSM-IV-TR"), 576-82, American Psychiatric Association; International Classification of Diseases (10th Revision) ("ICD-10"), F64, World Health Organization. The ICD further defines transsexualism as "[a] desire to live and be accepted as a member of the opposite sex, usually accompanied by a sense of discomfort with, or inappropriateness of, one's anatomic sex, and a wish to have surgery and hormonal treatment to make one's body as congruent as possible with one's preferred sex." ICD-10, F64.0.
3. DSM-IV-TR, 575-79
4. Id. at 578-79.
5. World Professional Association for Transgender Health: <http://www.wpath.org>. Formerly known as The Harry Benjamin International Gender Dysphoria Association.
6. The Harry Benjamin International Gender Dysphoria Association's Standards of Care for Gender Identity Disorders, Sixth Version (February, 2001). Available at <http://wpath.org/Documents2/socv6.pdf>.
7. Brown G R: A review of clinical approaches to gender dysphoria. J Clin Psychiatry. 51(2):57-64, 1990. Newfield E, Hart S, Dibble S, Kohler L. Female-to-male transgender quality of life. Qual Life Res. 15(9):1447-57, 2006. Best L, and Stein K. (1998) "Surgical gender reassignment for male to female transsexual people." Wessex Institute DEC report 88; Blanchard R, et al. "Gender dysphoria, gender reorientation, and the clinical management of transsexualism." J Consulting and Clinical Psychology. 53(3):295-304. 1985; Cole C, et al. "Treatment of gender

- dysphoria (transsexualism)." *Texas Medicine*. 90(5):68-72. 1994; Gordon E. "Transsexual healing: Medicaid funding of sex reassignment surgery." *Archives of Sexual Behavior*. 20(1):61-74. 1991; Hunt D, and Hampton J. "Follow-up of 17 biologic male transsexuals after sex-reassignment surgery." *Am J Psychiatry*. 137(4):432-428. 1980; Kockett G, and Fahrner E. "Transsexuals who have not undergone surgery: A follow-up study." *Arch of Sexual Behav*. 16(6):511-522. 1987; Pfafflin F and Junge A. "Sex Reassignment. Thirty Years of International Follow-Up Studies after Sex Reassignment Surgery: A Comprehensive Review, 1961-1991." IJT Electronic Books, available at <http://www.symposion.com/ijt/pfaefflin/1000.htm>; Selvaggi G, et al. "Gender Identity Disorder: General Overview and Surgical Treatment for Vaginoplasty in Male-to-Female Transsexuals." *Plast Reconstr Surg*. 2005 Nov;116(6):135e-145e; Smith Y, et al. "Sex reassignment: outcomes and predictors of treatment for adolescent and adult transsexuals." *Psychol Med*. 2005 Jan; 35(1):89-99; Tangpricha V, et al. "Endocrinologic treatment of gender identity disorders." *Endocr Pract*. 9(1):12-21. 2003; Tsoi W. "Follow-up study of transsexuals after sex reassignment surgery." *Singapore Med J*. 34:515-517. 1993; van Kesteren P, et al. "Mortality and morbidity in transsexual subjects treated with cross-sex hormones." *Clin Endocrinol (Oxf)*. 1997 Sep;47(3):337-42; World Professionals Association for Transgender Health Standards of Care for the Treatment of Gender Identity Disorders v.6 (2001).
8. The Harry Benjamin International Gender Dysphoria Association's Standards of Care for Gender Identity Disorders, at 18.
 9. Id.
 10. AMA Policy H-120.988

Relevant AMA policy

H-65.983 Nondiscrimination Policy

The AMA opposes the use of the practice of medicine to suppress political dissent wherever it may occur. (Res. 127, A-83; Reaffirmed: CLRPD Rep. 1, I-93; Reaffirmed: CEJA Rep. 2, A-05)

H-65.992 Continued Support of Human Rights and Freedom

Our AMA continues (1) to support the dignity of the individual, human rights and the sanctity of human life, and (2) to oppose any discrimination based on an individual's sex, sexual orientation, race, religion, disability, ethnic origin, national origin or age and any other such reprehensible policies. (Sub. Res. 107, A-85; Modified by CLRPD Rep. 2, I-95; Reaffirmation A-00; Reaffirmation A-05)

H-180.980 Sexual Orientation as Health Insurance Criteria

The AMA opposes the denial of health insurance on the basis of sexual orientation. (Res. 178, A-88; Reaffirmed: Sub. Res. 101, I-97)

H-120.988 Patient Access to Treatments Prescribed by Their Physicians

The AMA confirms its strong support for the autonomous clinical decision-making authority of a physician and that a physician may lawfully use an FDA approved drug product or medical device for an unlabeled indication when such use is based upon

sound scientific evidence and sound medical opinion; and affirms the position that, when the prescription of a drug or use of a device represents safe and effective therapy, third party payers, including Medicare, should consider the intervention as reasonable and necessary medical care, irrespective of labeling, should fulfill their obligation to their beneficiaries by covering such therapy, and be required to cover appropriate "off-label" uses of drugs on their formulary. (Res. 30, A-88; Reaffirmed: BOT Rep. 53, A-94; Reaffirmed and Modified by CSA Rep. 3, A-97; Reaffirmed and Modified by Res. 528, A-99; Reaffirmed: CMS Rep. 8, A-02; Reaffirmed: CMS Rep. 6, A-03; Modified: Res. 517, A-04)

The Harry Benjamin International Gender Dysphoria Association's Standards Of Care For Gender Identity Disorders, Sixth Version

February, 2001

Committee Members: Walter Meyer III M.D. (Chairperson), Walter O. Bockting Ph.D., Peggy Cohen-Kettenis Ph.D., Eli Coleman Ph.D., Domenico DiCeglie M.D., Holly Devor Ph.D., Louis Gooren M.D., Ph.D., J. Joris Hage M.D., Sheila Kirk M.D., Bram Kuiper Ph.D., Donald Laub M.D., Anne Lawrence M.D., Yvon Menard M.D., Stan Monstrey M.D., Jude Patton PA-C, Leah Schaefer Ed.D., Alice Webb D.H.S., Connie Christine Wheeler Ph.D.

This is the sixth version of the Standards of Care since the original 1979 document. Previous revisions were in 1980, 1981, 1990, and 1998.

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I. Introductory Concepts

The Purpose of the Standards of Care. The major purpose of the Standards of Care (SOC) is to articulate this international organization's professional consensus about the psychiatric, psychological, medical, and surgical management of gender identity disorders. Professionals may use this document to understand the parameters within which they may offer assistance to those with these conditions. Persons with gender identity disorders, their families, and social institutions may use the SOC to understand the current thinking of professionals. All readers should be aware of the limitations of knowledge in this area and of the hope that some of the clinical uncertainties will be resolved in the future through scientific investigation.

The Overarching Treatment Goal. The general goal of psychotherapeutic, endocrine, or surgical therapy for persons with gender identity disorders is lasting personal comfort with the gendered self in order to maximize overall psychological well-being and self-fulfillment.

The Standards of Care Are Clinical Guidelines. The SOC are intended to provide flexible directions for the treatment of persons with gender identity disorders. When eligibility

requirements are stated they are meant to be minimum requirements. Individual professionals and organized programs may modify them. Clinical departures from these guidelines may come about because of a patient's unique anatomic, social, or psychological situation, an experienced professional's evolving method of handling a common situation, or a research protocol. These departures should be recognized as such, explained to the patient, and documented both for legal protection and so that the short and long term results can be retrieved to help the field to evolve.

The Clinical Threshold. A clinical threshold is passed when concerns, uncertainties, and questions about gender identity persist during a person's development, become so intense as to seem to be the most important aspect of a person's life, or prevent the establishment of a relatively unconflicted gender identity. The person's struggles are then variously informally referred to as a gender identity problem, gender dysphoria, a gender problem, a gender concern, gender distress, gender conflict, or transsexualism. Such struggles are known to occur from the preschool years to old age and have many alternate forms. These reflect various degrees of personal dissatisfaction with sexual identity, sex and gender demarcating body characteristics, gender roles, gender identity, and the perceptions of others. When dissatisfied individuals meet specified criteria in one of two official nomenclatures--the International Classification of Diseases-10 (ICD-10) or the Diagnostic and Statistical Manual of Mental Disorders--Fourth Edition (DSM-IV)--they are formally designated as suffering from a gender identity disorder (GID). Some persons with GID exceed another threshold--they persistently possess a wish for surgical transformation of their bodies.

Two Primary Populations with GID Exist -- Biological Males and Biological Females. The sex of a patient always is a significant factor in the management of GID. Clinicians need to separately consider the biologic, social, psychological, and economic dilemmas of each sex. All patients, however, should follow the SOC.

II. Epidemiological Considerations

Prevalence. When the gender identity disorders first came to professional attention, clinical perspectives were largely focused on how to identify candidates for sex reassignment surgery. As the field matured, professionals recognized that some persons with bona fide gender identity disorders neither desired nor were candidates for sex reassignment surgery. The earliest estimates of prevalence for transsexualism in adults were 1 in 37,000 males and 1 in 107,000 females. The most recent prevalence information from the Netherlands for the transsexual end of the gender identity disorder spectrum is 1 in 11,900 males and 1 in 30,400 females. Four observations, not yet firmly supported by systematic study, increase the likelihood of an even higher prevalence: 1) unrecognized gender problems are occasionally diagnosed when patients are seen with anxiety, depression, bipolar disorder, conduct disorder, substance abuse, dissociative identity disorders, borderline personality disorder, other sexual disorders and intersexed conditions; 2) some nonpatient male transvestites, female impersonators, transgender people, and male and female homosexuals may have a form of gender identity disorder; 3) the intensity of some persons' gender identity disorders fluctuates below and above a clinical threshold; 4) gender variance among female-bodied individuals tends to be relatively invisible to the culture, particularly to mental health professionals and scientists.

Natural History of Gender Identity Disorders. Ideally, prospective data about the natural history of gender identity struggles would inform all treatment decisions. These are lacking, except for the demonstration that, without therapy, most boys and girls with gender identity disorders outgrow their wish to change sex and gender. After the diagnosis of GID is made the therapeutic approach usually includes three elements or phases (sometimes labeled triadic therapy): a real-life experience in the desired role, hormones of the desired gender, and surgery to change the genitalia and other sex characteristics. Five less firmly scientifically established observations prevent clinicians from prescribing the triadic therapy based on diagnosis alone: 1) some carefully diagnosed persons spontaneously change their aspirations; 2) others make more comfortable accommodations to their gender identities without medical interventions; 3) others give up their wish to follow the triadic sequence during psychotherapy; 4) some gender identity clinics have an unexplained high drop out rate; and 5) the percentage of persons who are not benefited from the triadic therapy varies significantly from study to study. Many persons with GID will desire all three elements of triadic therapy. Typically, triadic therapy takes place in the order of hormones ==> real-life experience ==> surgery, or sometimes: real-life experience ==> hormones ==> surgery. For some biologic females, the preferred sequence may be hormones ==> breast surgery ==> real-life experience. However, the diagnosis of GID invites the consideration of a variety of therapeutic options, only one of which is the complete therapeutic triad. Clinicians have increasingly become aware that not all persons with gender identity disorders need or want all three elements of triadic therapy.

Cultural Differences in Gender Identity Variance throughout the World. Even if epidemiological studies established that a similar base rate of gender identity disorders existed all over the world, it is likely that cultural differences from one country to another would alter the behavioral expressions of these conditions. Moreover, access to treatment, cost of treatment, the therapies offered and the social attitudes towards gender variant people and the professionals who deliver care differ broadly from place to place. While in most countries, crossing gender boundaries usually generates moral censure rather than compassion, there are striking examples in certain cultures of cross-gendered behaviors (e.g., in spiritual leaders) that are not stigmatized.

III. Diagnostic Nomenclature

The Five Elements of Clinical Work. Professional involvement with patients with gender identity disorders involves any of the following: diagnostic assessment, psychotherapy, real-life experience, hormone therapy, and surgical therapy. This section provides a background on diagnostic assessment.

The Development of a Nomenclature. The term *transsexual* emerged into professional and public usage in the 1950s as a means of designating a person who aspired to or actually lived in the anatomically contrary gender role, whether or not hormones had been administered or surgery had been performed. During the 1960s and 1970s, clinicians used the term *true transsexual*. The true transsexual was thought to be a person with a characteristic path of atypical gender identity development that predicted an improved life from a treatment sequence that culminated in genital surgery. True transsexuals were thought to have: 1) cross-gender identifications that were consistently expressed behaviorally in childhood, adolescence, and

adulthood; 2) minimal or no sexual arousal to cross-dressing; and 3) no heterosexual interest, relative to their anatomic sex. True transsexuals could be of either sex. True transsexual males were distinguished from males who arrived at the desire to change sex and gender via a reasonably masculine behavioral developmental pathway. Belief in the true transsexual concept for males dissipated when it was realized that such patients were rarely encountered, and that some of the original true transsexuals had falsified their histories to make their stories match the earliest theories about the disorder. The concept of true transsexual females never created diagnostic uncertainties, largely because patient histories were relatively consistent and gender variant behaviors such as female cross-dressing remained unseen by clinicians. The term "gender dysphoria syndrome" was later adopted to designate the presence of a gender problem in either sex until psychiatry developed an official nomenclature.

The diagnosis of Transsexualism was introduced in the DSM-III in 1980 for gender dysphoric individuals who demonstrated at least two years of continuous interest in transforming the sex of their bodies and their social gender status. Others with gender dysphoria could be diagnosed as Gender Identity Disorder of Adolescence or Adulthood, Nontranssexual Type; or Gender Identity Disorder Not Otherwise Specified (GIDNOS). These diagnostic terms were usually ignored by the media, which used the term transsexual for any person who wanted to change his/her sex and gender.

The DSM-IV. In 1994, the DSM-IV committee replaced the diagnosis of Transsexualism with Gender Identity Disorder. Depending on their age, those with a strong and persistent cross-gender identification and a persistent discomfort with their sex or a sense of inappropriateness in the gender role of that sex were to be diagnosed as Gender Identity Disorder of Childhood (302.6), Adolescence, or Adulthood (302.85). For persons who did not meet these criteria, Gender Identity Disorder Not Otherwise Specified (GIDNOS)(302.6) was to be used. This category included a variety of individuals, including those who desired only castration or penectomy without a desire to develop breasts, those who wished hormone therapy and mastectomy without genital reconstruction, those with a congenital intersex condition, those with transient stress-related cross-dressing, and those with considerable ambivalence about giving up their gender status. Patients diagnosed with GID and GIDNOS were to be subclassified according to the sexual orientation: attracted to males; attracted to females; attracted to both; or attracted to neither. This subclassification was intended to assist in determining, over time, whether individuals of one sexual orientation or another experienced better outcomes using particular therapeutic approaches; it was **not** intended to guide treatment decisions.

Between the publication of DSM-III and DSM-IV, the term "transgender" began to be used in various ways. Some employed it to refer to those with unusual gender identities in a value-free manner -- that is, without a connotation of psychopathology. Some people informally used the term to refer to any person with any type of gender identity issues. Transgender is not a formal diagnosis, but many professionals and members of the public found it easier to use informally than GIDNOS, which is a formal diagnosis.

The ICD-10. The ICD-10 now provides five diagnoses for the gender identity disorders (F64):

Transsexualism (F64.0) has three criteria:

1. The desire to live and be accepted as a member of the opposite sex, usually accompanied by the wish to make his or her body as congruent as possible with the preferred sex through surgery and hormone treatment;
2. The transsexual identity has been present persistently for at least two years;
3. The disorder is not a symptom of another mental disorder or a chromosomal abnormality.

Dual-role Transvestism (F64.1) has three criteria:

1. The individual wears clothes of the opposite sex in order to experience temporary membership in the opposite sex;
2. There is no sexual motivation for the cross-dressing;
3. The individual has no desire for a permanent change to the opposite sex.

Gender Identity Disorder of Childhood (64.2) has separate criteria for girls and for boys.

For girls:

1. The individual shows persistent and intense distress about being a girl, and has a stated desire to be a boy (not merely a desire for any perceived cultural advantages to being a boy) or insists that she is a boy;
2. Either of the following must be present:
 - a. Persistent marked aversion to normative feminine clothing and insistence on wearing stereotypical masculine clothing;
 - b. Persistent repudiation of female anatomical structures, as evidenced by at least one of the following:
 1. An assertion that she has, or will grow, a penis;
 2. Rejection of urination in a sitting position;
 3. Assertion that she does not want to grow breasts or menstruate.
3. The girl has not yet reached puberty;
4. The disorder must have been present for at least 6 months.

For boys:

1. The individual shows persistent and intense distress about being a boy, and has a desire to be a girl, or, more rarely, insists that he is a girl.
2. Either of the following must be present:
 - a. Preoccupation with stereotypic female activities, as shown by a preference for either cross-dressing or simulating female attire, or by an intense desire to participate in the games and pastimes of girls and rejection of stereotypical male toys, games, and activities;
 - b. Persistent repudiation of male anatomical structures, as evidenced by at least one of the following repeated assertions:
 1. That he will grow up to become a woman (not merely in the role);
 2. That his penis or testes are disgusting or will disappear;
 3. That it would be better not to have a penis or testes.
3. The boy has not yet reached puberty;
4. The disorder must have been present for at least 6 months.

Other Gender Identity Disorders (F64.8) has no specific criteria.

Gender Identity Disorder, Unspecified has no specific criteria.

Either of the previous two diagnoses could be used for those with an intersexed condition.

The purpose of the DSM-IV and ICD-10 is to guide treatment and research. Different professional groups created these nomenclatures through consensus processes at different times. There is an expectation that the differences between the systems will be eliminated in the future. At this point, the specific diagnoses are based more on clinical reasoning than on scientific investigation.

Are Gender Identity Disorders Mental Disorders? To qualify as a mental disorder, a behavioral pattern must result in a significant adaptive disadvantage to the person or cause personal mental suffering. The DSM-IV and ICD-10 have defined hundreds of mental disorders which vary in onset, duration, pathogenesis, functional disability, and treatability. The designation of gender identity disorders as mental disorders is not a license for stigmatization, or for the deprivation of gender patients' civil rights. The use of a formal diagnosis is often important in offering relief, providing health insurance coverage, and guiding research to provide more effective future treatments.

IV. The Mental Health Professional

The Ten Tasks of the Mental Health Professional. Mental health professionals (MHPs) who work with individuals with gender identity disorders may be regularly called upon to carry out many of these responsibilities:

1. To accurately diagnose the individual's gender disorder;
2. To accurately diagnose any co-morbid psychiatric conditions and see to their appropriate treatment;
3. To counsel the individual about the range of treatment options and their implications;
4. To engage in psychotherapy;
5. To ascertain eligibility and readiness for hormone and surgical therapy;
6. To make formal recommendations to medical and surgical colleagues;
7. To document their patient's relevant history in a letter of recommendation;
8. To be a colleague on a team of professionals with an interest in the gender identity disorders;
9. To educate family members, employers, and institutions about gender identity disorders;
10. To be available for follow-up of previously seen gender patients.

The Adult-Specialist. The education of the mental health professional who specializes in adult gender identity disorders rests upon basic general clinical competence in diagnosis and treatment of mental or emotional disorders. Clinical training may occur within any formally credentialing discipline -- for example, psychology, psychiatry, social work, counseling, or nursing. The following are the recommended minimal credentials for special competence with the gender identity disorders:

1. A master's degree or its equivalent in a clinical behavioral science field. This or a more advanced degree should be granted by an institution accredited by a recognized national

or regional accrediting board. The mental health professional should have documented credentials from a proper training facility and a licensing board.

2. Specialized training and competence in the assessment of the DSM-IV/ICD-10 Sexual Disorders (not simply gender identity disorders).
3. Documented supervised training and competence in psychotherapy.
4. Continuing education in the treatment of gender identity disorders, which may include attendance at professional meetings, workshops, or seminars or participating in research related to gender identity issues.

The Child-Specialist. The professional who evaluates and offers therapy for a child or early adolescent with GID should have been trained in childhood and adolescent developmental psychopathology. The professional should be competent in diagnosing and treating the ordinary problems of children and adolescents. These requirements are in addition to the adult-specialist requirement.

The Differences between Eligibility and Readiness. The SOC provide recommendations for eligibility requirements for hormones and surgery. Without first meeting these recommended eligibility requirements, the patient and the therapist should not request hormones or surgery. An example of an eligibility requirement is: a person must live full time in the preferred gender for twelve months prior to genital surgery. To meet this criterion, the professional needs to document that the real-life experience has occurred for this duration. Meeting readiness criteria -- further consolidation of the evolving gender identity or improving mental health in the new or confirmed gender role -- is more complicated, because it rests upon the clinician's and the patient's judgment.

The Mental Health Professional's Relationship to the Prescribing Physician and Surgeon. Mental health professionals who recommend hormonal and surgical therapy share the legal and ethical responsibility for that decision with the physician who undertakes the treatment. Hormonal treatment can often alleviate anxiety and depression in people without the use of additional psychotropic medications. Some individuals, however, need psychotropic medication prior to, or concurrent with, taking hormones or having surgery. The mental health professional is expected to make this assessment, and see that the appropriate psychotropic medications are offered to the patient. The presence of psychiatric co-morbidities does not necessarily preclude hormonal or surgical treatment, but some diagnoses pose difficult treatment dilemmas and may delay or preclude the use of either treatment.

The Mental Health Professional's Documentation Letter for Hormone Therapy or Surgery Should Succinctly Specify:

1. The patient's general identifying characteristics;
2. The initial and evolving gender, sexual, and other psychiatric diagnoses;
3. The duration of their professional relationship including the type of psychotherapy or evaluation that the patient underwent;
4. The eligibility criteria that have been met and the mental health professional's rationale for hormone therapy or surgery;
5. The degree to which the patient has followed the Standards of Care to date and the likelihood of future compliance;
6. Whether the author of the report is part of a gender team;

7. That the sender welcomes a phone call to verify the fact that the mental health professional actually wrote the letter as described in this document.

The organization and completeness of these letters provide the hormone-prescribing physician and the surgeon an important degree of assurance that mental health professional is knowledgeable and competent concerning gender identity disorders.

One Letter is Required for Instituting Hormone Therapy, or for Breast Surgery. One letter from a mental health professional, including the above seven points, written to the physician who will be responsible for the patient's medical treatment, is sufficient for instituting hormone therapy or for a referral for breast surgery (e.g., mastectomy, chest reconstruction, or augmentation mammoplasty).

Two Letters are Generally Required for Genital Surgery. Genital surgery for biologic males may include orchiectomy, penectomy, clitoroplasty, labiaplasty or creation of a neovagina; for biologic females it may include hysterectomy, salpingo-oophorectomy, vaginectomy, metoidioplasty, scrotoplasty, urethroplasty, placement of testicular prostheses, or creation of a neophallus.

It is ideal if mental health professionals conduct their tasks and periodically report on these processes as part of a team of other mental health professionals and nonpsychiatric physicians. One letter to the physician performing genital surgery will generally suffice as long as two mental health professionals sign it.

More commonly, however, letters of recommendation are from mental health professionals who work alone without colleagues experienced with gender identity disorders. Because professionals working independently may not have the benefit of ongoing professional consultation on gender cases, two letters of recommendation are required prior to initiating genital surgery. If the first letter is from a person with a master's degree, the second letter should be from a psychiatrist or a Ph.D. clinical psychologist, who can be expected to adequately evaluate co-morbid psychiatric conditions. If the first letter is from the patient's psychotherapist, the second letter should be from a person who has only played an evaluative role for the patient. Each letter, however, is expected to cover the same topics. At least one of the letters should be an extensive report. The second letter writer, having read the first letter, may choose to offer a briefer summary and an agreement with the recommendation.

V. Assessment and Treatment of Children and Adolescents

Phenomenology. Gender identity disorders in children and adolescents are different from those seen in adults, in that a rapid and dramatic developmental process (physical, psychological and sexual) is involved. Gender identity disorders in children and adolescents are complex conditions. The young person may experience his or her phenotype sex as inconsistent with his or her own sense of gender identity. Intense distress is often experienced, particularly in adolescence, and there are frequently associated emotional and behavioral difficulties. There is greater fluidity and variability in outcomes, especially in pre-pubertal children. Only a few

gender variant youths become transsexual, although many eventually develop a homosexual orientation.

Commonly seen features of gender identity conflicts in children and adolescents include a stated desire to be the other sex; cross dressing; play with games and toys usually associated with the gender with which the child identifies; avoidance of the clothing, demeanor and play normally associated with the child's sex and gender of assignment; preference for playmates or friends of the sex and gender with which the child identifies; and dislike of bodily sex characteristics and functions. Gender identity disorders are more often diagnosed in boys.

Phenomenologically, there is a qualitative difference between the way children and adolescents present their sex and gender predicaments, and the presentation of delusions or other psychotic symptoms. Delusional beliefs about their body or gender can occur in psychotic conditions but they can be distinguished from the phenomenon of a gender identity disorder. Gender identity disorders in childhood are not equivalent to those in adulthood and the former do not inevitably lead to the latter. The younger the child the less certain and perhaps more malleable the outcome.

Psychological and Social Interventions. The task of the child-specialist mental health professional is to provide assessment and treatment that broadly conforms to the following guidelines:

1. The professional should recognize and accept the gender identity problem. Acceptance and removal of secrecy can bring considerable relief.
2. The assessment should explore the nature and characteristics of the child's or adolescent's gender identity. A complete psychodiagnostic and psychiatric assessment should be performed. A complete assessment should include a family evaluation, because other emotional and behavioral problems are very common, and unresolved issues in the child's environment are often present.
3. Therapy should focus on ameliorating any comorbid problems in the child's life, and on reducing distress the child experiences from his or her gender identity problem and other difficulties. The child and family should be supported in making difficult decisions regarding the extent to which to allow the child to assume a gender role consistent with his or her gender identity. This includes issues of whether to inform others of the child's situation, and how others in the child's life should respond; for example, whether the child should attend school using a name and clothing opposite to his or her sex of assignment. They should also be supported in tolerating uncertainty and anxiety in relation to the child's gender expression and how best to manage it. Professional network meetings can be very useful in finding appropriate solutions to these problems.

Physical Interventions. Before any physical intervention is considered, extensive exploration of psychological, family and social issues should be undertaken. Physical interventions should be addressed in the context of adolescent development. Adolescents' gender identity development can rapidly and unexpectedly evolve. An adolescent shift toward gender conformity can occur primarily to please the family, and may not persist or reflect a permanent change in gender identity. Identity beliefs in adolescents may become firmly held and strongly expressed, giving a false impression of irreversibility; more fluidity may return at a later stage. For these reasons, irreversible physical interventions should be delayed as long as is clinically appropriate. Pressure for physical interventions because of an adolescent's level of distress can be great and in such

circumstances a referral to a child and adolescent multi-disciplinary specialty service should be considered, in locations where these exist.

Physical interventions fall into three categories or stages:

1. Fully reversible interventions. These involve the use of LHRH agonists or medroxyprogesterone to suppress estrogen or testosterone production, and consequently to delay the physical changes of puberty.
2. Partially reversible interventions. These include hormonal interventions that masculinize or feminize the body, such as administration of testosterone to biologic females and estrogen to biologic males. Reversal may involve surgical intervention.
3. Irreversible interventions. These are surgical procedures.

A staged process is recommended to keep options open through the first two stages. Moving from one state to another should not occur until there has been adequate time for the young person and his/her family to assimilate fully the effects of earlier interventions.

Fully Reversible Interventions. Adolescents may be eligible for puberty-delaying hormones as soon as pubertal changes have begun. In order for the adolescent and his or her parents to make an informed decision about pubertal delay, it is recommended that the adolescent experience the onset of puberty in his or her biologic sex, at least to Tanner Stage Two. If for clinical reasons it is thought to be in the patient's interest to intervene earlier, this must be managed with pediatric endocrinological advice and more than one psychiatric opinion.

Two goals justify this intervention: a) to gain time to further explore the gender identity and other developmental issues in psychotherapy; and b) to make passing easier if the adolescent continues to pursue sex and gender change. In order to provide puberty delaying hormones to an adolescent, the following criteria must be met:

1. throughout childhood the adolescent has demonstrated an intense pattern of cross-sex and cross-gender identity and aversion to expected gender role behaviors;
2. sex and gender discomfort has significantly increased with the onset of puberty;
3. the family consents and participates in the therapy.

Biologic males should be treated with LHRH agonists (which stop LH secretion and therefore testosterone secretion), or with progestins or antiandrogens (which block testosterone secretion or neutralize testosterone action). Biologic females should be treated with LHRH agonists or with sufficient progestins (which stop the production of estrogens and progesterone) to stop menstruation.

Partially Reversible Interventions. Adolescents may be eligible to begin masculinizing or feminizing hormone therapy as early as age 16, preferably with parental consent. In many countries 16-year olds are legal adults for medical decision making, and do not require parental consent.

Mental health professional involvement is an eligibility requirement for triadic therapy during adolescence. For the implementation of the real-life experience or hormone therapy, the mental health professional should be involved with the patient and family for a minimum of six months. While the number of sessions during this six-month period rests upon the clinician's judgment,

the intent is that hormones and the real-life experience be thoughtfully and recurrently considered over time. In those patients who have already begun the real-life experience prior to being seen, the professional should work closely with them and their families with the thoughtful recurrent consideration of what is happening over time.

Irreversible Interventions. Any surgical intervention should not be carried out prior to adulthood, or prior to a real-life experience of at least two years in the gender role of the sex with which the adolescent identifies. The threshold of 18 should be seen as an eligibility criterion and not an indication in itself for active intervention.

VI. Psychotherapy with Adults

A Basic Observation. Many adults with gender identity disorder find comfortable, effective ways of living that do not involve all the components of the triadic treatment sequence. While some individuals manage to do this on their own, psychotherapy can be very helpful in bringing about the discovery and maturational processes that enable self-comfort.

Psychotherapy is Not an Absolute Requirement for Triadic Therapy. Not every adult gender patient requires psychotherapy in order to proceed with hormone therapy, the real-life experience, hormones, or surgery. Individual programs vary to the extent that they perceive a need for psychotherapy. When the mental health professional's initial assessment leads to a recommendation for psychotherapy, the clinician should specify the goals of treatment, and estimate its frequency and duration. There is no required minimum number of psychotherapy sessions prior to hormone therapy, the real-life experience, or surgery, for three reasons: 1) patients differ widely in their abilities to attain similar goals in a specified time; 2) a minimum number of sessions tends to be construed as a hurdle, which discourages the genuine opportunity for personal growth; 3) the mental health professional can be an important support to the patient throughout all phases of gender transition. Individual programs may set eligibility criteria to some minimum number of sessions or months of psychotherapy.

The mental health professional who conducts the initial evaluation need not be the psychotherapist. If members of a gender team do not do psychotherapy, the psychotherapist should be informed that a letter describing the patient's therapy might be requested so the patient can proceed with the next phase of treatment.

Goals of Psychotherapy. Psychotherapy often provides education about a range of options not previously seriously considered by the patient. It emphasizes the need to set realistic life goals for work and relationships, and it seeks to define and alleviate the patient's conflicts that may have undermined a stable lifestyle.

The Therapeutic Relationship. The establishment of a reliable trusting relationship with the patient is the first step toward successful work as a mental health professional. This is usually accomplished by competent nonjudgmental exploration of the gender issues with the patient during the initial diagnostic evaluation. Other issues may be better dealt with later, after the person feels that the clinician is interested in and understands their gender identity concerns.

Ideally, the clinician's work is with the whole of the person's complexity. The goals of therapy are to help the person to live more comfortably within a gender identity and to deal effectively with non-gender issues. The clinician often attempts to facilitate the capacity to work and to establish or maintain supportive relationships. Even when these initial goals are attained, mental health professionals should discuss the likelihood that no educational, psychotherapeutic, medical, or surgical therapy can permanently eradicate all vestiges of the person's original sex assignment and previous gendered experience.

Processes of Psychotherapy. Psychotherapy is a series of interactive communications between a therapist who is knowledgeable about how people suffer emotionally and how this may be alleviated, and a patient who is experiencing distress. Typically, psychotherapy consists of regularly held 50-minute sessions. The psychotherapy sessions initiate a developmental process. They enable the patient's history to be appreciated, current dilemmas to be understood, and unrealistic ideas and maladaptive behaviors to be identified. Psychotherapy is not intended to cure the gender identity disorder. Its usual goal is a long-term stable life style with realistic chances for success in relationships, education, work, and gender identity expression. Gender distress often intensifies relationship, work, and educational dilemmas.

The therapist should make clear that it is the patient's right to choose among many options. The patient can experiment over time with alternative approaches. Ideally, psychotherapy is a collaborative effort. The therapist must be certain that the patient understands the concepts of eligibility and readiness, because the therapist and patient must cooperate in defining the patient's problems, and in assessing progress in dealing with them. Collaboration can prevent a stalemate between a therapist who seems needlessly withholding of a recommendation, and a patient who seems too profoundly distrusting to freely share thoughts, feelings, events, and relationships.

Patients may benefit from psychotherapy at every stage of gender evolution. This includes the post-surgical period, when the anatomic obstacles to gender comfort have been removed, but the person may continue to feel a lack of genuine comfort and skill in living in the new gender role.

Options for Gender Adaptation. The activities and processes that are listed below have, in various combinations, helped people to find more personal comfort. These adaptations may evolve spontaneously and during psychotherapy. Finding new gender adaptations does not mean that the person may not in the future elect to pursue hormone therapy, the real-life experience, or genital surgery.

Activities:

Biological Males:

1. Cross-dressing: unobtrusively with undergarments; unisexually; or in a feminine fashion;
2. Changing the body through: hair removal through electrolysis or body waxing; minor plastic cosmetic surgical procedures;
3. Increasing grooming, wardrobe, and vocal expression skills.

Biological Females:

1. Cross-dressing: unobtrusively with undergarments, unisexually, or in a masculine fashion;
2. Changing the body through breast binding, weight lifting, applying theatrical facial hair;

3. Padding underpants or wearing a penile prosthesis.

Both Genders:

1. Learning about transgender phenomena from: support groups and gender networks, communication with peers via the Internet, studying these Standards of Care, relevant lay and professional literatures about legal rights pertaining to work, relationships, and public cross-dressing;
2. Involvement in recreational activities of the desired gender;
3. Episodic cross-gender living.

Processes:

1. Acceptance of personal homosexual or bisexual fantasies and behaviors (orientation) as distinct from gender identity and gender role aspirations;
2. Acceptance of the need to maintain a job, provide for the emotional needs of children, honor a spousal commitment, or not to distress a family member as currently having a higher priority than the personal wish for constant cross-gender expression;
3. Integration of male and female gender awareness into daily living;
4. Identification of the triggers for increased cross-gender yearnings and effectively attending to them; for instance, developing better self-protective, self-assertive, and vocational skills to advance at work and resolve interpersonal struggles to strengthen key relationships.

VII. Requirements for Hormone Therapy for Adults

Reasons for Hormone Therapy. Cross-sex hormonal treatments play an important role in the anatomical and psychological gender transition process for properly selected adults with gender identity disorders. Hormones are often medically necessary for successful living in the new gender. They improve the quality of life and limit psychiatric co-morbidity, which often accompanies lack of treatment. When physicians administer androgens to biologic females and estrogens, progesterone, and testosterone-blocking agents to biologic males, patients feel and appear more like members of their preferred gender.

Eligibility Criteria. The administration of hormones is not to be lightly undertaken because of their medical and social risks. Three criteria exist.

1. Age 18 years;
2. Demonstrable knowledge of what hormones medically can and cannot do and their social benefits and risks;
3. Either:
 - a. A documented real-life experience of at least three months prior to the administration of hormones; or
 - b. A period of psychotherapy of a duration specified by the mental health professional after the initial evaluation (usually a minimum of three months).

In selected circumstances, it can be acceptable to provide hormones to patients who have not fulfilled criterion 3 – for example, to facilitate the provision of monitored therapy using hormones of known quality, as an alternative to black-market or unsupervised hormone use.

Readiness Criteria. Three criteria exist:

1. The patient has had further consolidation of gender identity during the real-life experience or psychotherapy;
2. The patient has made some progress in mastering other identified problems leading to improving or continuing stable mental health (this implies satisfactory control of problems such as sociopathy, substance abuse, psychosis and suicidality);
3. The patient is likely to take hormones in a responsible manner.

Can Hormones Be Given To Those Who Do Not Want Surgery or a Real-life Experience?

Yes, but after diagnosis and psychotherapy with a qualified mental health professional following minimal standards listed above. Hormone therapy can provide significant comfort to gender patients who do not wish to cross live or undergo surgery, or who are unable to do so. In some patients, hormone therapy alone may provide sufficient symptomatic relief to obviate the need for cross living or surgery.

Hormone Therapy and Medical Care for Incarcerated Persons. Persons who are receiving treatment for gender identity disorders should continue to receive appropriate treatment following these Standards of Care after incarceration. For example, those who are receiving psychotherapy and/or cross-sex hormonal treatments should be allowed to continue this medically necessary treatment to prevent or limit emotional lability, undesired regression of hormonally-induced physical effects and the sense of desperation that may lead to depression, anxiety and suicidality. Prisoners who are subject to rapid withdrawal of cross-sex hormones are particularly at risk for psychiatric symptoms and self-injurious behaviors. Medical monitoring of hormonal treatment as described in these Standards should also be provided. Housing for transgendered prisoners should take into account their transition status and their personal safety.

VIII. Effects of Hormone Therapy in Adults

The maximum physical effects of hormones may not be evident until two years of continuous treatment. Heredity limits the tissue response to hormones and this cannot be overcome by increasing dosage. The degree of effects actually attained varies from patient to patient.

Desired Effects of Hormones. Biologic males treated with estrogens can realistically expect treatment to result in: breast growth, some redistribution of body fat to approximate a female body habitus, decreased upper body strength, softening of skin, decrease in body hair, slowing or stopping the loss of scalp hair, decreased fertility and testicular size, and less frequent, less firm erections. Most of these changes are reversible, although breast enlargement will not completely reverse after discontinuation of treatment.

Biologic females treated with testosterone can expect the following permanent changes: a deepening of the voice, clitoral enlargement, mild breast atrophy, increased facial and body hair and male pattern baldness. Reversible changes include increased upper body strength, weight gain, increased social and sexual interest and arousability, and decreased hip fat.

Potential Negative Medical Side Effects. Patients with medical problems or otherwise at risk for cardiovascular disease may be more likely to experience serious or fatal consequences of cross-sex hormonal treatments. For example, cigarette smoking, obesity, advanced age, heart disease, hypertension, clotting abnormalities, malignancy, and some endocrine abnormalities may increase side effects and risks for hormonal treatment. Therefore, some patients may not be able to tolerate cross-sex hormones. However, hormones can provide health benefits as well as risks. Risk-benefit ratios should be considered collaboratively by the patient and prescribing physician.

Side effects in biologic males treated with estrogens and progestins may include increased propensity to blood clotting (venous thrombosis with a risk of fatal pulmonary embolism), development of benign pituitary prolactinomas, infertility, weight gain, emotional lability, liver disease, gallstone formation, somnolence, hypertension, and diabetes mellitus.

Side effects in biologic females treated with testosterone may include infertility, acne, emotional lability, increases in sexual desire, shift of lipid profiles to male patterns which increase the risk of cardiovascular disease, and the potential to develop benign and malignant liver tumors and hepatic dysfunction.

The Prescribing Physician's Responsibilities. Hormones are to be prescribed by a physician, and should not be administered without adequate psychological and medical assessment before and during treatment. Patients who do not understand the eligibility and readiness requirements and who are unaware of the SOC should be informed of them. This may be a good indication for a referral to a mental health professional experienced with gender identity disorders. The physician providing hormonal treatment and medical monitoring need not be a specialist in endocrinology, but should become well-versed in the relevant medical and psychological aspects of treating persons with gender identity disorders.

After a thorough medical history, physical examination, and laboratory examination, the physician should again review the likely effects and side effects of hormone treatment, including the potential for serious, life-threatening consequences. The patient must have the capacity to appreciate the risks and benefits of treatment, have his/her questions answered, and agree to medical monitoring of treatment. The medical record must contain a written informed consent document reflecting a discussion of the risks and benefits of hormone therapy.

Physicians have a wide latitude in what hormone preparations they may prescribe and what routes of administration they may select for individual patients. Viable options include oral, injectable, and transdermal delivery systems. The use of transdermal estrogen patches should be considered for males over 40 years of age or those with clotting abnormalities or a history of venous thrombosis. Transdermal testosterone is useful in females who do not want to take injections. In the absence of any other medical, surgical, or psychiatric conditions, basic medical monitoring should include: serial physical examinations relevant to treatment effects and side effects, vital sign measurements before and during treatment, weight measurements, and laboratory assessment. Gender patients, whether on hormones or not, should be screened for pelvic malignancies as are other persons.

For those receiving estrogens, the minimum laboratory assessment should consist of a pretreatment free testosterone level, fasting glucose, liver function tests, and complete blood count with reassessment at 6 and 12 months and annually thereafter. A pretreatment prolactin level should be obtained and repeated at 1, 2, and 3 years. If hyperprolactemia does not occur during this time, no further measurements are necessary. Biologic males undergoing estrogen treatment should be monitored for breast cancer and encouraged to engage in routine self-examination. As they age, they should be monitored for prostatic cancer.

For those receiving androgens, the minimum laboratory assessment should consist of pretreatment liver function tests and complete blood count with reassessment at 6 months, 12 months, and yearly thereafter. Yearly palpation of the liver should be considered. Females who have undergone mastectomies and who have a family history of breast cancer should be monitored for this disease.

Physicians may provide their patients with a brief written statement indicating that the person is under medical supervision, which includes cross-sex hormone therapy. During the early phases of hormone treatment, the patient may be encouraged to carry this statement at all times to help prevent difficulties with the police and other authorities.

Reductions in Hormone Doses After Gonadectomy. Estrogen doses in post-orchietomy patients can often be reduced by 1/3 to 1/2 and still maintain feminization. Reductions in testosterone doses post-oophorectomy should be considered, taking into account the risks of osteoporosis. Lifelong maintenance treatment is usually required in all gender patients.

The Misuse of Hormones. Some individuals obtain hormones without prescription from friends, family members, and pharmacies in other countries. Medically unmonitored hormone use can expose the person to greater medical risk. Persons taking medically monitored hormones have been known to take additional doses of illicitly obtained hormones without their physician's knowledge. Mental health professionals and prescribing physicians should make an effort to encourage compliance with recommended dosages, in order to limit morbidity. It is ethical for physicians to discontinue treatment of patients who do not comply with prescribed treatment regimens.

Other Potential Benefits of Hormones. Hormonal treatment, when medically tolerated, should precede any genital surgical interventions. Satisfaction with the hormone's effects consolidates the person's identity as a member of the preferred sex and gender and further adds to the conviction to proceed. Dissatisfaction with hormonal effects may signal ambivalence about proceeding to surgical interventions. In biologic males, hormones alone often generate adequate breast development, precluding the need for augmentation mammoplasty. Some patients who receive hormonal treatment will not desire genital or other surgical interventions.

The Use of Antiandrogens and Sequential Therapy. Antiandrogens can be used as adjunctive treatments in biologic males receiving estrogens, though they are not always necessary to achieve feminization. In some patients, antiandrogens may more profoundly suppress the production of testosterone, enabling a lower dose of estrogen to be used when adverse estrogen side effects are anticipated.

Feminization does not require sequential therapy. Attempts to mimic the menstrual cycle by prescribing interrupted estrogen therapy or substituting progesterone for estrogen during part of the month are not necessary to achieve feminization.

Informed Consent. Hormonal treatment should be provided only to those who are legally able to provide informed consent. This includes persons who have been declared by a court to be emancipated minors and incarcerated persons who are considered competent to participate in their medical decisions. For adolescents, informed consent needs to include the minor patient's assent and the written informed consent of a parent or legal guardian.

Reproductive Options. Informed consent implies that the patient understands that hormone administration limits fertility and that the removal of sexual organs prevents the capacity to reproduce. Cases are known of persons who have received hormone therapy and sex reassignment surgery who later regretted their inability to parent genetically related children. The mental health professional recommending hormone therapy, and the physician prescribing such therapy, should discuss reproductive options with the patient prior to starting hormone therapy. Biologic males, especially those who have not already reproduced, should be informed about sperm preservation options, and encouraged to consider banking sperm prior to hormone therapy. Biologic females do not presently have readily available options for gamete preservation, other than cryopreservation of fertilized embryos. However, they should be informed about reproductive issues, including this option. As other options become available, these should be presented.

IX. The Real-Life Experience

The act of fully adopting a new or evolving gender role or gender presentation in everyday life is known as the real-life experience. The real-life experience is essential to the transition to the gender role that is congruent with the patient's gender identity. Since changing one's gender presentation has immediate profound personal and social consequences, the decision to do so should be preceded by an awareness of what the familial, vocational, interpersonal, educational, economic, and legal consequences are likely to be. Professionals have a responsibility to discuss these predictable consequences with their patients. Change of gender role and presentation can be an important factor in employment discrimination, divorce, marital problems, and the restriction or loss of visitation rights with children. These represent external reality issues that must be confronted for success in the new gender presentation. These consequences may be quite different from what the patient imagined prior to undertaking the real-life experiences. However, not all changes are negative.

Parameters of the Real-Life Experience. When clinicians assess the quality of a person's real-life experience in the desired gender, the following abilities are reviewed:

1. To maintain full or part-time employment;
2. To function as a student;
3. To function in community-based volunteer activity;
4. To undertake some combination of items 1-3;
5. To acquire a (legal) gender-identity-appropriate first name;

6. To provide documentation that persons other than the therapist know that the patient functions in the desired gender role.

Real-Life Experience versus Real-Life Test. Although professionals may recommend living in the desired gender, the decision as to when and how to begin the real-life experience remains the person's responsibility. Some begin the real-life experience and decide that this often imagined life direction is not in their best interest. Professionals sometimes construe the real-life experience as the real-life test of the ultimate diagnosis. If patients prosper in the preferred gender, they are confirmed as "transsexual," but if they decided against continuing, they "must not have been." This reasoning is a confusion of the forces that enable successful adaptation with the presence of a gender identity disorder. The real-life experience tests the person's resolve, the capacity to function in the preferred gender, and the adequacy of social, economic, and psychological supports. It assists both the patient and the mental health professional in their judgments about how to proceed. Diagnosis, although always open for reconsideration, precedes a recommendation for patients to embark on the real-life experience. When the patient is successful in the real-life experience, both the mental health professional and the patient gain confidence about undertaking further steps.

Removal of Beard and other Unwanted Hair for the Male to Female Patient. Beard density is not significantly slowed by cross-sex hormone administration. Facial hair removal via electrolysis is a generally safe, time-consuming process that often facilitates the real-life experience for biologic males. Side effects include discomfort during and immediately after the procedure and less frequently hypo-or hyper pigmentation, scarring, and folliculitis. Formal medical approval for hair removal is not necessary; electrolysis may be begun whenever the patient deems it prudent. It is usually recommended prior to commencing the real-life experience, because the beard must grow out to visible lengths to be removed. Many patients will require two years of regular treatments to effectively eradicate their facial hair. Hair removal by laser is a new alternative approach, but experience with it is limited.

X. Surgery

Sex Reassignment is Effective and Medically Indicated in Severe GID. In persons diagnosed with transsexualism or profound GID, sex reassignment surgery, along with hormone therapy and real-life experience, is a treatment that has proven to be effective. Such a therapeutic regimen, when prescribed or recommended by qualified practitioners, is medically indicated and medically necessary. Sex reassignment is not "experimental," "investigational," "elective," "cosmetic," or optional in any meaningful sense. It constitutes very effective and appropriate treatment for transsexualism or profound GID.

How to Deal with Ethical Questions Concerning Sex Reassignment Surgery. Many persons, including some medical professionals, object on ethical grounds to surgery for GID. In ordinary surgical practice, pathological tissues are removed in order to restore disturbed functions, or alterations are made to body features to improve the patient's self image. Among those who object to sex reassignment surgery, these conditions are not thought to present when surgery is performed for persons with gender identity disorders. It is important that professionals dealing

with patients with gender identity disorders feel comfortable about altering anatomically normal structures. In order to understand how surgery can alleviate the psychological discomfort of patients diagnosed with gender identity disorders, professionals need to listen to these patients discuss their life histories and dilemmas. The resistance against performing surgery on the ethical basis of "above all do no harm" should be respected, discussed, and met with the opportunity to learn from patients themselves about the psychological distress of having profound gender identity disorder.

It is unethical to deny availability or eligibility for sex reassignment surgeries or hormone therapy solely on the basis of blood seropositivity for blood-borne infections such as HIV, or hepatitis B or C, etc.

The Surgeon's Relationship with the Physician Prescribing Hormones and the Mental Health Professional. The surgeon is not merely a technician hired to perform a procedure. The surgeon is part of the team of clinicians participating in a long-term treatment process. The patient often feels an immense positive regard for the surgeon, which ideally will enable long-term follow-up care. Because of his or her responsibility to the patient, the surgeon must understand the diagnosis that has led to the recommendation for genital surgery. Surgeons should have a chance to speak at length with their patients to satisfy themselves that the patient is likely to benefit from the procedures. Ideally, the surgeon should have a close working relationship with the other professionals who have been actively involved in the patient's psychological and medical care. This is best accomplished by belonging to an interdisciplinary team of professionals who specialize in gender identity disorders. Such gender teams do not exist everywhere, however. At the very least, the surgeon needs to be assured that the mental health professional and physician prescribing hormones are reputable professionals with specialized experience with gender identity disorders. This is often reflected in the quality of the documentation letters. Since fictitious and falsified letters have occasionally been presented, surgeons should personally communicate with at least one of the mental health professionals to verify the authenticity of their letters.

Prior to performing any surgical procedures, the surgeon should have all medical conditions appropriately monitored and the effects of the hormonal treatment upon the liver and other organ systems investigated. This can be done alone or in conjunction with medical colleagues. Since pre-existing conditions may complicate genital reconstructive surgeries, surgeons must also be competent in urological diagnosis. The medical record should contain written informed consent for the particular surgery to be performed.

XI. Breast Surgery

Breast augmentation and removal are common operations, easily obtainable by the general public for a variety of indications. Reasons for these operations range from cosmetic indications to cancer. Although breast appearance is definitely important as a secondary sex characteristic, breast size or presence are not involved in the legal definitions of sex and gender and are not important for reproduction. The performance of breast operations should be considered with the

same reservations as beginning hormonal therapy. Both produce relatively irreversible changes to the body.

The approach for male-to-female patients is different than for female-to-male patients. For female-to-male patients, a mastectomy procedure is usually the first surgery performed for success in gender presentation as a man; and for some patients it is the only surgery undertaken. When the amount of breast tissue removed requires skin removal, a scar will result and the patient should be so informed. Female-to-male patients may have surgery at the same time they begin hormones. For male-to-female patients, augmentation mammoplasty may be performed if the physician prescribing hormones and the surgeon have documented that breast enlargement after undergoing hormone treatment for 18 months is not sufficient for comfort in the social gender role.

XII. Genital Surgery

Eligibility Criteria. These minimum eligibility criteria for various genital surgeries equally apply to biologic males and females seeking genital surgery. They are:

1. Legal age of majority in the patient's nation;
2. Usually 12 months of continuous hormonal therapy for those without a medical contraindication (see below, "Can Surgery Be Performed Without Hormones and the Real-life Experience");
3. 12 months of successful continuous full time real-life experience. Periods of returning to the original gender may indicate ambivalence about proceeding and generally should not be used to fulfill this criterion;
4. If required by the mental health professional, regular responsible participation in psychotherapy throughout the real-life experience at a frequency determined jointly by the patient and the mental health professional. Psychotherapy per se is not an absolute eligibility criterion for surgery;
5. Demonstrable knowledge of the cost, required lengths of hospitalizations, likely complications, and post surgical rehabilitation requirements of various surgical approaches;
6. Awareness of different competent surgeons.

Readiness Criteria. The readiness criteria include:

1. Demonstrable progress in consolidating one's gender identity;
2. Demonstrable progress in dealing with work, family, and interpersonal issues resulting in a significantly better state of mental health; this implies satisfactory control of problems such as sociopathy, substance abuse, psychosis, suicidality, for instance).

Can Surgery Be Provided Without Hormones and the Real-life Experience? Individuals cannot receive genital surgery without meeting the eligibility criteria. Genital surgery is a treatment for a diagnosed gender identity disorder, and should undertaken only after careful evaluation. Genital surgery is not a right that must be granted upon request. The SOC provide for an individual approach for every patient; but this does not mean that the general guidelines, which specify treatment consisting of diagnostic evaluation, possible psychotherapy, hormones,

and real-life experience, can be ignored. However, if a person has lived convincingly as a member of the preferred gender for a long period of time and is assessed to be a psychologically healthy after a requisite period of psychotherapy, there is no inherent reason that he or she must take hormones prior to genital surgery.

Conditions under which Surgery May Occur. Genital surgical treatments for persons with a diagnosis of gender identity disorder are not merely another set of elective procedures. Typical elective procedures only involve a private mutually consenting contract between a patient and a surgeon. Genital surgeries for individuals diagnosed as having GID are to be undertaken only after a comprehensive evaluation by a qualified mental health professional. Genital surgery may be performed once written documentation that a comprehensive evaluation has occurred and that the person has met the eligibility and readiness criteria. By following this procedure, the mental health professional, the surgeon and the patient share responsibility of the decision to make irreversible changes to the body.

Requirements for the Surgeon Performing Genital Reconstruction. The surgeon should be a urologist, gynecologist, plastic surgeon or general surgeon, and Board-Certified as such by a nationally known and reputable association. The surgeon should have specialized competence in genital reconstructive techniques as indicated by documented supervised training with a more experienced surgeon. Even experienced surgeons in this field must be willing to have their therapeutic skills reviewed by their peers. Surgeons should attend professional meetings where new techniques are presented.

Ideally, the surgeon should be knowledgeable about more than one of the surgical techniques for genital reconstruction so that he or she, in consultation with the patient, will be able to choose the ideal technique for the individual patient. When surgeons are skilled in a single technique, they should so inform their patients and refer those who do not want or are unsuitable for this procedure to another surgeon.

Genital Surgery for the Male-to-Female Patient. Genital surgical procedures may include orchiectomy, penectomy, vaginoplasty, clitoroplasty, and labiaplasty. These procedures require skilled surgery and postoperative care. Techniques include penile skin inversion, pedicled rectosigmoid transplant, or free skin graft to line the neovagina. Sexual sensation is an important objective in vaginoplasty, along with creation of a functional vagina and acceptable cosmesis.

Other Surgery for the Male-to-Female Patient. Other surgeries that may be performed to assist feminization include reduction thyroid chondroplasty, suction-assisted lipoplasty of the waist, rhinoplasty, facial bone reduction, face-lift, and blepharoplasty. These do not require letters of recommendation from mental health professionals. There are concerns about the safety and effectiveness of voice modification surgery and more follow-up research should be done prior to widespread use of this procedure. In order to protect their vocal cords, patients who elect this procedure should do so after all other surgeries requiring general anesthesia with intubation are completed.

Genital Surgery for the Female-to-Male Patient. Genital surgical procedures may include hysterectomy, salpingo-oophorectomy, vaginectomy, metoidioplasty, scrotoplasty, urethroplasty, placement of testicular prostheses, and phalloplasty. Current operative techniques for

phalloplasty are varied. The choice of techniques may be restricted by anatomical or surgical considerations. If the objectives of phalloplasty are a neophallus of good appearance, standing micturition, sexual sensation, and/or coital ability, the patient should be clearly informed that there are several separate stages of surgery and frequent technical difficulties which may require additional operations. Even metoidioplasty, which in theory is a one-stage procedure for construction of a microphallus, often requires more than one surgery. The plethora of techniques for penis construction indicates that further technical development is necessary.

Other Surgery for the Female-to-Male Patient. Other surgeries that may be performed to assist masculinization include liposuction to reduce fat in hips, thighs and buttocks.

XIII. Post-Transition Follow-up

Long-term postoperative follow-up is encouraged in that it is one of the factors associated with a good psychosocial outcome. Follow-up is important to the patient's subsequent anatomic and medical health and to the surgeon's knowledge about the benefits and limitations of surgery. Long-term follow-up with the surgeon is recommended in all patients to ensure an optimal surgical outcome. Surgeons who operate on patients who are coming from long distances should include personal follow-up in their care plan and attempt to ensure affordable, local, long-term aftercare in the patient's geographic region. Postoperative patients may also sometimes exclude themselves from follow-up with the physician prescribing hormones, not recognizing that these physicians are best able to prevent, diagnose and treat possible long term medical conditions that are unique to hormonally and surgically treated patients. Postoperative patients should undergo regular medical screening according to recommended guidelines for their age. The need for follow-up extends to the mental health professional, who having spent a longer period of time with the patient than any other professional, is in an excellent position to assist in any post-operative adjustment difficulties.

GENDER BASICS:

Gender is the most fundamental part of one's identity as a human being. The very first question everyone asks about us is "Is it a boy or a girl?"

Important though it is, most people never think much about gender. They have no idea what causes their sense of being a boy or a girl, a man or a woman. Having never suffered mis-gendering, they take their gender for granted like the air that they breathe, never giving it a second thought. It is an unquestioned birth privilege to have a gender.

Conventional wisdom says that people are either boys who grow up to become men, or they are girls who grow up to become women. There are only two possibilities, and you are either one or the other. It's obvious at birth from your "genital sex", and that's all there is to it! However, as we will see, reality is not that simple.

What makes us a boy or a girl? What determines our gender identity?

During early pregnancy, a fetus that has male genes (XY chromosomes) usually develops into a boy with male genitals. It develops into a girl with female genitals if it has female genes (XX chromosomes). This happens well over 99% of the time. Doctors and parents look at an infant's genitals at birth, and simply declare it to be a boy or a girl.

Those declared to be boys usually grow up into men having a male gender identity, and those declared to be girls usually grow up into women having a female gender identity. Again, it all seems pretty straightforward.

Although more than 5% of all men and women will grow up to be gay, and will seek love partners of the same sex and/or gender as themselves, they too usually have normal male and female gender identities as men and women, respectively.

Intersex conditions - including intersex babies whose gender is ambiguous at birth:

Although most infants appear to be either normal boys or normal girls, various genetic and developmental effects can lead in some cases to infants having ambiguous genitalia, so that even the doctors can't be sure whether it's a boy or a girl. In other cases, the genitals look correct for one gender, but aren't consistent with the infant's genes. In yet other cases the child's genes are something more complex than just XX or XY, and the child's gender identity and physical gender trajectory as they mature may be difficult to predict in advance. Children having these genital and/or genetic variations are called "intersex". Intersex babies are produced in about one in every 1000 births.

For example, in about one in 13,000 births an XY (genetic male) fetus is unresponsive to fetal male hormones, and develops genitals that look like a girl's, except for a lack of internal reproductive organs. These XY "complete androgen insensitivity syndrome" (CAIS) infants are simply declared to be girls and are raised as girls. Although they cannot bear children, they often develop into slender, attractive women who have a female gender identity. It's rumored that a number of beautiful models have been CAIS girls.

In other births, a "partial androgen insensitivity syndrome" (PAIS) results in the external genital appearance may lie anywhere along the spectrum from male to female. (See the [Androgen Insensitivity Syndrome Support Group \(AISSG\)](#) website for more information about AIS conditions). Incredibly, many of these girls are never told about the true nature of their conditions, because their doctors and families feel such shame and

embarrassment about the "terrible secret" that these girls have male genes. Instead they are usually told things like "you didn't develop any female internal organs, and thus can't have babies", and often discover the truth about themselves by accident later in life (for example, read [Sherri's Story](#) on the AISSG website).

Our society is almost completely unaware of the existence of cAIS girls, and this had led to many problems for them. For example, for more than thirty years the International Olympic Committee (IOC) has conducted genetic "gender-testing" on all women athletes to make sure that they were "really female" (this was done to prevent "sex changes" from competing). In quite a number of cases these tests turned up cAIS girls, identified them as "males", and disqualified them from competition. These were truly tragic mis-identifications, since the presence of the Y chromosome in AIS girls does not make them males either genitally or in gender identity, nor does it confer any strength advantage to them. These mis-genderings were often made public, resulting in total humiliation for the women involved.

In a significant recent reversal of this dreadful policy, the IOC dropped all such gender-testing, starting with the summer games in 2000. Then on May 17, 2004, the IOC announced that postoperative transsexual women and men will be allowed to compete, after meeting certain conditions, starting with the summer games in 2004. Therefore, discrimination against participation by IS and TS people in the Olympics is finally over.

For an overview of the many categories and prevalence of intersex conditions, see the Intersex Society of North America's page entitled "[How Common Are Intersex Conditions?](#)". For more information, see [Wikipedia's excellent page on intersexuality](#), which includes links to many websites about specific conditions.

The existence of XY (genetic male) intersex infants who have female genitals and who grow up to have female gender identity (the cAIS girls), was one of many early-known facts of intersexuality that led scientists years ago to recognize that gender identity IS NOT determined directly by having XY vs XX genes. Instead, they theorized that gender identity must be neutral at birth, and is determined later in early childhood by one's genitalia and upbringing. The leading proponent of this theory was John Money of Johns Hopkins University.

According to this theory, a child having a vagina and raised as a girl will grow up to have a female gender identity, independent of her genes. Similarly, it predicted that a child having a penis and raised as a boy would grow up to have a normal male gender identity, independent of his genes. If the child's gender identity didn't turn out according to this scheme, psychologists and psychiatrists assumed that something "went wrong" in the child's upbringing, or that the child was mentally disturbed or delusional in some way (i.e., "mentally ill"). Corrections to any gender identity problems were sought through psychiatry, on the assumption that this "mental disturbance" could be reversed.

The practice of "surgically correcting" the genitals of intersex infants to make them "normal":

By the 1960's, advances in plastic surgery combined with the "Genitals + Upbringing" theory of gender identity led physicians to recommend "corrective" surgeries on many types of intersexed infants. The idea was to make the genitals look cosmetically correct for a boy or girl, and then raise the child in the corresponding gender, believing that the child would grow up to have a correspondingly normal gender identity.

John Money of Johns Hopkins University, who gradually became the medical community's dominant authority-figure in "gender-identity studies", was the leading advocate of such treatments. A believer in behaviorist psychology, in which the mind of the infant is thought to be a blank slate having no inherent personality characteristics, John Money theorized that gender identity was solely the product of upbringing and socialization.

The motive for doing "corrective" surgeries on infants was to solve the "social emergency" caused by an intersex birth. The very existence in nature of many intersex babies, with their many variations of genitalia,

breaks down the strict male-female gender dichotomy of our culture. Thus the existence of intersex babies brings into question many deep religious and legal strictures. Parents and doctors are under incredible social pressure to eliminate these variations. John Money provided a theoretical rationale which validated intersex infant "corrective" surgeries, and made them appear to be "scientifically sound".

Since it was easier to surgically "make a girl" than to "make a boy", it frequently happened that XY intersex boys having small or missing penises were turned into girls. The fact that sensitive genital tissue was lost in the process didn't deter the surgeons, because for many years our society did not openly recognize that most women have strong sexual feelings and a capacity for orgasm. If the infant was turned into a girl, doctors didn't worry about whether she would later have strong erotic genital sexual feelings and enjoy lovemaking; they only worried about whether she would function sexually for her male partner's pleasure.

Surgeries on intersex infants have been done for many years now, with a frequency of about 1 in every 2000 births. In most cases the surgeries create girls. Amazingly, there was never any organized scientific follow-up to see how these cases turned out!

Even in the early years of these surgeries, there were people urging caution, most notably a young researcher named Milton Diamond, now a Professor at the University of Hawaii. While still a graduate student, Diamond made an audacious challenge to Money's theories in a 1959 paper entitled "A Critical Evaluation of the Ontogeny of Human Sexual Behavior". Diamond's insights were based on his own observations in animal experimentation. He further marshaled "evidence from biology, psychology, psychiatry, anthropology, and endocrinology to argue that gender identity is hardwired into the brain virtually from conception" (see [As Nature Made Him](#), p.44).

However, the notions that human beings had "advanced beyond the influences of biological evolution in matters of sexuality", and that one's sexuality and gender were socially constructed, had already been deeply imprinted in the medical community. Under the influence of the "gender prophet" John Money, this view dominated medical and psychological thinking for the remaining decades of the 20th century. Infant intersex surgeries were performed by the thousands during those decades, and again without any follow-ups. Only as the century was closing did awful questions begin to arise, as occasional rare follow-ups revealed things hadn't turned out as Money predicted.

How these attempted "corrections" reveal that old theories of gender identity formation were wrong:

In recent years, many intersex people have "found each other" via the internet and begun to compare notes about their situations. As a result, it's become clear to intersex people themselves that many of the "corrective" surgeries didn't work out according to their doctors' theories. Instead, many intersex people were left genitally maimed by those infant genital surgeries. Many were also suffering from gender identity crises, because of having undergone arbitrary gender reassignments based on what it was "easiest for the surgeons to do".

Under pressure from intersex activists, especially the newly formed [ISNA](#), follow-up studies have finally begun on infants who were "surgically corrected" over the years. [The first such study](#), of 25 genetically XY boys who had missing penises as infants (cloacal exstrophy syndrome) and who had been surgically turned into girls and raised as girls, revealed that all 25 developed MALE gender identities.

Those kids, although raised as girls, had all exhibited the rough and tumble play of boys when young. By their teens, each of these kids insisted against all evidence of their female genitalia and upbringing that they were boys, and wanted to be changed into boys. Many of them desperately sought girlfriends, just as might any other teenage boys.

Instead of reversing their innate gender identities and turning these intersex boys into girls, the infant surgeries

effectively turned them into the equivalent of female to male transsexuals! Many of these boys have since undertaken hormonal and social gender reassignment from female to male. Tragically, the effects of their infant genital surgeries preclude the surgical reconstruction of male genitalia and in many cases even preclude them from experiencing sexual pleasure and orgasm.

More lessons from intersex people about gender identity:

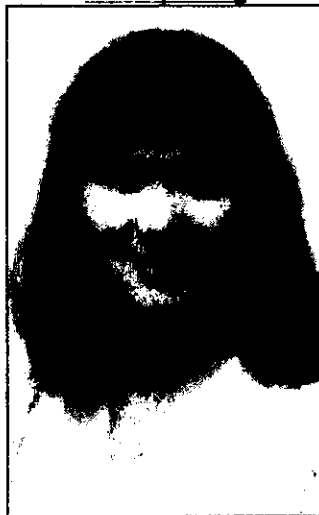
These recent studies call into question the entire existing practice of genital surgery on intersex infants.

The studies then do something even more awesome: They turn on its head the theory that genitals and upbringing determine gender identity, triggering a paradigm shift in the medical community's overall thinking about the underlying nature of gender identity. The personal experiences of intersex people who have traveled different gender trajectories (some "corrected" as infants, and some not) are now becoming more widely known about, and are helping build a deeper understanding of the many variations in gender identity that are independent of one's physicality.

For example, in intersex conditions such as XY-Turner mosaic (mixed gonadal dysgenesis) a child may appear to have normal male genitalia at birth and be raised as a boy, but then not masculinize at puberty and instead remain slight and feminine appearing. These teens can face great difficulties if their condition goes undiagnosed and/or if they do not become aware of good options for treatment. If they do not have a well-established male gender identity, they may face a difficult choice of whether to undertake testosterone treatments to masculinize and become men, or undertake estrogen treatments and genital surgeries to become women. In some cases, XY-Turner teens have female gender identities and if given a choice in the matter will chose reassignment as females.

The article "[What do children know?](#)", by [Jane Spalding](#) tells the compelling story of such a child who was raised as a boy, but who had a female gender identity and who sought hormonal and surgical reassignment as a female during her twenties. The existence of such cases further refutes John Money's proclamation that genitalia and upbringing establish gender identity:

Jane Spalding



Misguided by Money's theories for many decades, the medical profession has caused the irreversible physical maiming of thousands upon thousands of intersex babies. For compelling insights into the traumatic life experiences of an intersex person who was surgically "corrected" at birth, and who grew up without ever being told what had been done, see the recent interview of Cheryl Chase in [Between the Lines: coming to terms with children born "intersexed"](#), by Victoria Tilney McDonough.

Cheryl was the founding Director of the Intersex Society of North America (ISNA), and the early leader of the movement to end shame, secrecy and unwanted genital surgeries for people born with atypical reproductive anatomies. ISNA is working to end the idea that intersexuality is shameful or freakish. In the U.S. alone, five children are subjected to harmful, medically unnecessary sexual surgeries every day. ISNA urges physicians to use a model of care that is patient-centered, rather than concealment-centered. For more insight into these issues, see the Discovery Channel documentary "Is it a Boy or a Girl?", which was produced with ISNA participation.

Cheryl Chase, Founding Director of ISNA



"When an intersex baby is born, the default is usually to perform surgery," says Cheryl Chase, who was surgically "reassigned" female when she was 18 months old. "Doctors want to 'fix' what is not right, then slap a diaper on the baby, close the file, and send it off into it's life."

The theory that gender identity is socially constructed is finally shattered:

The breakaway from John Money's paradigm escalated rapidly after the scientific community learned that Money had suppressed for many years clear evidence that his theories were wrong. The final straw was the highly publicized case of "John/Joan", presented in the book *As Nature Made Him: The Boy Who Was Raised as a Girl*, by John Colapinto.

Decades ago, John Money had advised the parents of an infant boy who had lost most of his penis in a medical accident to have the boy surgically changed into a girl - under the theory that "she" would then grow up to be a normal girl instead of an "abnormal boy". This was a very noteworthy case for scientific researchers because the child was born with an identical twin who could serve as a basis of comparison in the study of gender development. As a first step, the child was castrated and the rest of his penis removed. He was then raised as a girl. However, clearly exhibiting an innate gender identity as a little boy, "she" began to declare that "she" was "really a boy" and rebelled against efforts to make "her" behave like a girl. At puberty, still unaware of "her" childhood surgery, she resisted her parent's and physician's efforts to feminize her with estrogen and further surgeries. Eventually, she underwent gender transition to become male, much as would an FtM transsexual. In this case, raising a boy-child with apparently female genitals as a girl clearly did NOT alter the child's inborn sense of his own true gender.

Over many decades, John Money continually referred to the John/Joan case as a victory, fabricating facts to indicate that this case had been a "complete success". Money never "allowed" anyone to get close to "Joan" to

learn more details about her life, begging off any contact in the name of "privacy". The case gradually became so legendary that it became the cornerstone of support for Money's entire theory of gender.

And then the shattering news came down, in the revelations that John Money knew full well that the infant's reassignment had not worked at all. And worse yet, he had deliberately concealed this counter-evidence to his theories for decades - decades during which thousands more infants had been subjected to infant intersex surgical maimings. Fittingly, it was Professor Milton Diamond, the scientist who'd bravely challenged Money as a young graduate students decades earlier, who uncovered the deception.

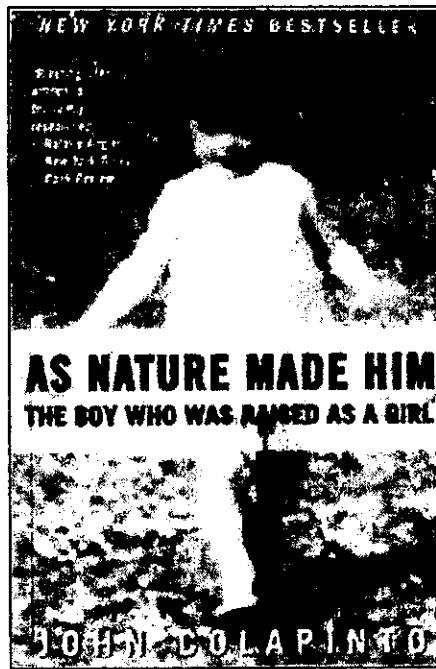
Professor Diamond had always been suspicious of Money's results. Over the years he had tried in numerous research studies and papers to persuade others to at least consider the possibility that gender identity was inborn. However, his efforts were to no avail, given Money's intellectual dominance of the field.

Finally, in the early 1990's, Diamond managed to track down the child "Joan", now presumably a grown woman, whose case had been the foundation of Money's entire viewpoint. Wanting to simply confirm what had or had not happened to her, Diamond had stumbled into the incredible fact that "she" had never felt like a girl at all, and was now a married man!*

[*The story later came to a very tragic end. Although "John" had been able to socially and surgically reverse his childhood reassignment and become a male, *"he acknowledged a deep well of wrenching anger that would never go away. "You can never escape the past," he told the Seattle Post-Intelligencer in 2000. "I had parts of my body cut away and thrown in a wastepaper basket. I've had my mind ripped away." "John" committed suicide on May 4 2004.*]

Diamond and a colleague, Sigmundson, then worked tirelessly to document what had happened in this case, and they wrote a journal paper to reveal the results. The paper was so controversial that many research journals simply turned it down! So great was the influence of Money and the knee-jerk buy-in into his now established paradigm of thought about gender identity. The various journals simply could not believe the evidence that was staring them in the face!

The paper, "Sex Reassignment at Birth: Long Term Review and Clinical Implications" by Milton Diamond & H. Keith Sigmundson, was finally published in 1997 in the Archives of Pediatric and Adolescent Medicine. There was a firestorm of reaction in the media and the research community to its astonishing news. John Money was publicly revealed to have falsified evidence and suppressed counter-evidence in the case that was the cornerstone of his entire theory of gender identity. Within two years the writer John Calapinto's published a detailed account of the overall story, bringing it to the public at large.



The story of John/Joan obtained early public notice in an article by John Colapinto in *The Rolling Stone* on Dec. 11, 1997 entitled "The True Story of John/Joan". Here's an excerpt from the last page of that article:

" - - - His story has shaken to its foundations the edifice constructed on John Money's theories from the 1950s. And it has exposed a central flaw in a theory that has held sway for most of the 20th century. It was Sigmund Freud who first stated that a child's healthy psychological development as a boy or a girl rests largely on the presence, or absence, of the penis - the notion central to Money's theory of sexual development and the ultimate reason that John Thiessen was converted to girlhood in the first place. It is a notion that, today, has also been called into question by neurobiological research that, in the sexual realm, is leading scientists toward the conclusion that, as Dr. Reiner puts it, "the most important sex organ is not the genitals; it's the brain - - -"

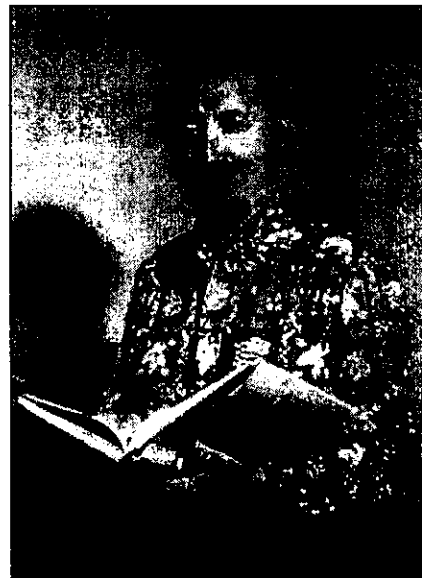
John Money, Ph.D.

Milton Diamond, Ph.D.



Gender "theorist" who claimed that gender identity is socially constructed.

Purveyed his views by personal dominance of his field and by falsification and suppression of research data contrary to his views.



Professor of anatomy and reproductive biology who shattered Money's long-held theory that gender identity is socially constructed.

His work instead strongly suggests that gender identity is biologically innate.

Professor Diamond has since won important awards for his work. Director of the Pacific Center for Sex and Society at the University of Hawaii, he has written widely on issues of gender identity and intersex surgical interventions. I highly recommend his papers to you (see for example Sex and Gender are Different: Sexual Identity and Gender Identity are Different and An Emerging Ethical and Medical Dilemma: Should Physicians Perform Sex Assignment on Infants with Ambiguous Genitalia?).

The refutation of John Money's theories is finally leading to a paradigm shift not just in the scientific community, but also in the medical community - although progress there will be slower, given the lingering influence of Money's views among medical "elders". It is also leading to legal assaults on the continuation of infant genital surgery by "traditional surgeons". See in particular the recent article in the Yale Law Review which outlines the emerging understandings of the medico-legal issues in this area.

The theory that prenatally established brain and CNS structures determine innate gender feelings and gender identity:

Well now, if it isn't the genes that determine gender identity (CAIS girls disprove that), and if it isn't the genitals and upbringing that determine it (cloacal exstrophy boys disprove that), then what the heck does determine a person's gender identity?

Scientific evidence has been growing that somehow certain brain-structures in the hypothalamus (the BSTc region) determine each person's core gender feelings and innate gender identity. These structures are "hard-wired" prenatally in the lower brain centers and central nervous system (CNS) during the early stages of pregnancy, during a hormonally-modulated imprinting process in the central nervous system (CNS).

It appears that if those brain and CNS structures are masculinized in early pregnancy by hormones in the fetus, then the child will have male percepts and a male gender identity, independent of whether the genes or genitalia are male. If those structures are not masculinized in early pregnancy, the child will have a female percepts and a

female gender identity, again independent of the genes or genitalia. As in the case of intersex infants having ambiguous genitalia, there are undoubtedly many degrees of cross-gendering of brain and CNS structures, so that while some infants are completely cross-gendered others are only partially cross-gendered.

More recent research indicates that the brain begins to differentiate in embryonic males and females even earlier, possibly before embryonic sex hormones come into play, and under mechanisms still not yet understood - with gender identity then becoming a complex effect of the interaction between earlier brain differentiation and later embryonic hormones. For more on this emerging research, see: "Brain development: The most important sexual organ", in Nature magazine, January 29, 2004 (*Nature* 427, 390 - 392)

That is why it is possible for some children to have gender identities inconsistent with their genes. In cAIS cases, for example, those girls' brain structures are likely insensitive to the masculinization effects of fetal testosterone, as were their genitals. Therefore, they develop the brain structures and gender identity of females, even though they are XY genetically.

That is also why it is possible for some children to have gender identities inconsistent with their genitalia and upbringing. In the case of the boys with cloacal exstrophy ("micropenises"), their brain-structures and CNS presumably did masculinize under the influence of fetal testosterone, leading to later male gender identities even though they had been surgically "turned into girls" as infants and raised as girls.

Those recent cloacal exstrophy observations are already having a profound impact in the medical research community. They are to the science of gender much like the Galileo's observations of the moons of Jupiter.

These are dramatic, unprecedented, undeniable observations that shift the previous paradigm of thought, and do so in an area of science that had been subject to much misinformation and taboo. In Galileo's case, the shift was from an 'earth-centered universe' to a 'sun-centered universe'. In the cases here, the shift is away from a 'genitals + upbringing' theory of gender identity to a 'CNS neurobiological developmental' theory of gender identity.

The implications of this paradigm shift are far reaching, especially for those who suffer from cross-gender identities. Instead of those gender feelings being considered to be "psychological", they can now be understood as being "neurological" in nature.

Listen carefully to the conclusions of William Reiner, M.D., a pediatric clinician and researcher at The Johns Hopkins Hospital, based on his work with intersex children (Reiner is now an investigator in the Cloacal Exstrophy follow-up study, which now confirms these conclusions):

"In the end it is only the children themselves who can and must identify who and what they are. It is for us as clinicians and researchers to listen and to learn. Clinical decisions must ultimately be based not on anatomical predictions, nor on the 'correctness' of sexual function, for this is neither a question of morality nor of social consequence, but on that path most appropriate to the likeliest psychosexual developmental pattern of the child. In other words, the organ that appears to be critical to psychosexual development and adaptation is not the external genitalia, but the brain."

William Reiner, M.D., *To Be Male or Female--That is the Question*, 151 Arch Pediatr. Adolesc. Med. 225 (1997)].

It is amazing that psychiatrists completely missed all of this in the past, and so long assumed that gender identity was neutral at birth and later established by social interactions. Mis-gendered people themselves have

long reported their problem not as one of THOUGHTS, but of cross-gendered percepts and BODY FEELINGS - as a little child the gendered feelings of how your body wants to move, how you respond to being touched, how aggressive or cuddly you are, how you interact with other little children. Then, after puberty, one's feelings upon being sexually aroused, and whether those deep urges are male (mounting urges) or female (urges of being manipulated and penetrated).

One doesn't "think up" these CNS-produced male/female gender and sexual feelings, one simply perceives them! The basic perceptual mechanisms involved are hard-wired, and cannot be changed by psychiatric means any more than one could permanently change one's sense of feeling hot into that of feeling cold and vice-versa.

Whatever in-utero process produces it, a person's gender feelings and gender identity are at the very core of their being. Gender identity is fixed, immutable and irreversible by any known medical or psychological means. We also now know that there is only one method for determining your gender identity. We have to ask YOU! Your gender is a percept: You are the only one who knows for sure what it is, and no one else can tell you what it is.

HB 415: Written Testimony by Rep. Timothy Horrigan (D-Durham)
April 23, 2009

I urge the Judiciary Committee and the full Senate to vote Ought to Pass on HB415.

I am new here: this is my first term as a state representative. However, I am pretty sure I know what I am talking about when I say that bills dealing with restrooms would typically be handled by the House Commerce & Consumer Affairs Committee and the Senate Commerce, Labor & Consumer Protection Committee. ("Bathrooms" are rooms in residences which are used for bathing and related activities. Public facilities where no bathing regularly occurs are referred to in the RSA's and similar documents as "restrooms" or "toilets.")

Some have said this bill is about keeping sexual predators out of public restrooms. In that case, the bill would end up right here in the Senate Judiciary Committee— but on the House side bills dealing with sexual assault would normally go to the Criminal Justice & Public Safety Committee. (By the way, our cities' and towns' police forces are already accustomed to dealing with gay and transgendered people. Our cops are not stupid and they are not naïve. They can tell the difference between an actual male-to-female transsexual and a man who falsely claims he was quote-unquote "just getting touch with his feminine side." Likewise, our correctional facilities, for both males and females, are accustomed to dealing with gay and transgendered inmates: transgendered men would not automatically get sent to the "Girls Prison" even if we in fact had a Girls Prison.)

Bills dealing with human rights typically go to the Judiciary Committee on both sides of the "Wall"— and I might add that geographically the hearings on HB415 are taking place on the House side of the Wall. This is appropriate to the subject matter of this bill. Just as the hearing is taking place on both the House and Senate sides of the Wall, so too are many citizens of our state on both sides of the wall between the male and female sexes.

I should be cautious about saying what you will be hearing today at the hearings: what gets said about controversial bills at public hearings is sometimes very different than what gets said elsewhere. I didn't go to the House HB415 hearings (although many of my constituents did go.) But, I did check the written record of the hearings. It appears that few if any witnesses came forward at those hearings to make the arguments against this bill which dominated the later discussion. Shortly before the full house voted on HB415, I checked with the legislative researchers to see if there were any research reports related to the issues which were causing HB415 to be so controversial. No such report existed for the simple reason that no such report had ever been requested.

I do expect that the members of the Senate will be hearing a lot of speculation about males quote-unquote "suddenly" deciding to turn into females. I am a straight (but not narrow) male who is happy with his gender assignment and as far as I know I have an XY chromosome. A few years ago I did cross the gender line to play a female character in a community theatre

production. It was a relatively easy transition: it was a good play and I didn't even need a wig. By the way, I always used the men's dressing room and the men's bathroom at the theatre. But it still wasn't easy and it was a relief becoming myself and being a man again at the end of the show.

For a transgendered person, it's not a play, it's real! It's not easy, it's not sudden and they have to spend many years of their life playing a character of the opposite sex before getting to be who and what they really are. I happen to know a number of transgendered people: I have some idea of how hard— and yet how normal— their lives are. The least we can do for people going through the most difficult transition a human being can go through is to treat them with dignity and to let them use the bathroom when they need to go!

This is a very simple human rights bill: it adds the phrase “gender identity or expression” to several RSA's dealing with human rights issues. This doesn't just protect transgendered people from discrimination: it protects everyone, because all of us have a gender identity and a gender expression.

This bill, if passed into law, guarantees that gay and transgendered people— or even straight people who have an androgynous appearance— have the same rights as anyone else. Not special rights... just the basic rights everyone else takes for granted.

I was disappointed by some of the arguments made in opposition to HB415. Those arguments have been, how should I put this gently, inconsistent with reality. The reality is that gay and transgendered people are no different from the rest of us. The reality is that similar bills have been passed in 13 states and many cities and counties without the dire consequences predicted by the opponents of this bill.

I understand why lobbyists and outside pressure groups called this a bathroom bill: it's a catchy phrase, even though it is untrue and unfair and doesn't make much sense. But members of the Senate, like members of the House of Representatives, are obligated to be truthful and fair. Please vote for truth and fairness: please vote OTP on HB415.

April 23, 2009

From: State Rep. Timothy Horrigan

To; Senate Judiciary Committee

This should not be taken as the final word on this matter, but I only found two bills related to the subject of restrooms which have been passed in the last 20 years. Neither of them have anything to do with transgendered rights.

HB 295 was passed in 1993. (One of the co-sponsors was then-Rep. Jeb Bradley, who is now the newest member of the Senate.) This bill simply stipulated that commercial establishments which sell food or fuel to boat users (i.e. marinas, etc.) must provide toilet facilities to such users. This rule applies to transgendered boat users as well as non-transgendered.

HB206 was passed in 1999. This bill stipulated that restaurants with five or fewer seats can apply for a waiver from the usual requirement of providing toilet and lavatory facilities. RSA 150:40 continued to require separate toilet rooms for each sex if the restaurant has 25 or more seats and/or alcoholic beverages are served. (Otherwise, one toilet room is sufficient.) This RSA doesn't say that it is illegal for one sex to use the other sex's restroom (although disorderly conduct, exhibitionism are illegal)--- and in practice many restaurants provide multiple "one-holer" unisex restrooms.

3march93.....1463h

HOUSE BILL - FINAL VERSION

1993 SESSION 0488B

93-0449

03

HOUSE BILL NO. 295

INTRODUCED BY: Rep. Weeks of Merr 24; Rep. Teague of Merr 20;
Rep. Whittemore of Merr 13; Rep. Feuerstein of Merr 13;
Rep. J. Bradley of Carr 8; Sen. McLane of Dist 15

REFERRED TO: Resources, Recreation and Development

AN ACT requiring commercial establishments that offer public docking or launching facilities to provide toilet facilities.

AMENDED ANALYSIS

This bill requires commercial establishments that offer public docking or launching facilities and sell food or fuel to boat users to provide toilet facilities.

--

EXPLANATION: Matter added appears in **bold italics**.

Matter removed appears in [brackets].

Matter which is repealed and reenacted or all new appears in regular type.

0488B

93-0449

03

CHAPTER 56

HOUSE BILL - FINAL VERSION

HB 295

STATE OF NEW HAMPSHIRE

In the year of Our Lord one thousand
nine hundred and ninety-three

AN ACT

requiring commercial establishments that offer public
docking or launching facilities to provide toilet facilities.

Be it Enacted by the Senate and House of Represen-
tatives in General Court convened:

56:1 New Section; Public Toilet Facilities Required. Amend RSA 270
by inserting after section 72 the following new section:

270:72-a Toilet Facilities Required. All commercial establishments
that offer public docking or launching facilities and sell food or
fuel to boat users shall provide toilet facilities to such users.
56:2 Effective Date. This act shall take effect July 1, 1993.

Approved: April 16, 1993

Effective: July 1, 1993

CHAPTER 85

HB 206 - FINAL VERSION

18march99.....0236h

18march99.....0446h

4/29/99 1010s

1999 SESSION

99-0155

03/01

HOUSE BILL **206**

AN ACT relative to restrooms in restaurants.

SPONSORS: Rep. Dickinson, Carr 2; Rep. Sapareto, Rock 13

COMMITTEE: Health, Human Services and Elderly Affairs

AMENDED ANALYSIS

This bill authorizes the commissioner of the department of health and human services to waive the toilet facilities requirements for restaurants having 5 or fewer seats under certain circumstances.

Explanation: Matter added to current law appears in *bold italics*.

Matter removed from current law appears [~~in brackets and struck through~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

18march99.....0236h

18march99.....0446h

4/29/99 1010s

99-0155

03/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord One Thousand Nine Hundred and Ninety-Nine

AN ACT relative to restrooms in restaurants.

Be it Enacted by the Senate and House of Representatives in General Court convened:

85:1 Public Safety and Welfare; Places of Public Accommodation; Toilet Facilities Where Food is Served; Waivers. Amend RSA 155:40 to read as follows:

155:40 Toilet Facilities To Be Provided for Restaurants, etc.

*I. All places where the business of serving food to the public is conducted shall be equipped with toilet and lavatory facilities convenient of access for the use of patrons. Separate toilet rooms for each sex shall be provided for patrons of any restaurant designed to seat 25 or more patrons at one time or for patrons of any food establishment where alcoholic beverages are served. **The commissioner of the department of health and human services shall have the authority to waive the requirements of this section for such businesses having 5 or fewer seats, for good cause shown, provided the business is unable to comply with this section because it does not have toilet or lavatory facilities on the effective date of this section as amended, and can show that the requirements of this section would cause substantial hardship.***

II. The provisions [hereof] of this section shall not apply to mobile lunch carts or be construed to require roadside stands or so-called drive-ins, serving food to the public, to provide toilet facilities for patrons where seating facilities within the building are not available.

85:2 Effective Date. This act shall take effect upon its passage.

(Approved: June 3, 1999)

(Effective Date: June 3, 1999)

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 155 FACTORIES, TENEMENTS, SCHOOLHOUSES, AND PLACES OF PUBLIC ACCOMMODATION, RESORT OR ASSEMBLY

Toilet Facilities Where Food is Served

Section 155:40

155:40 Toilet Facilities to be Provided for Restaurants, etc. –

I. All places where the business of serving food to the public is conducted shall be equipped with toilet and lavatory facilities convenient of access for the use of patrons. Separate toilet rooms for each sex shall be provided for patrons of any restaurant designed to seat 25 or more patrons at one time or for patrons of any food establishment where alcoholic beverages are served. The commissioner of the department of health and human services shall have the authority to waive the requirements of this section for such businesses having 5 or fewer seats, for good cause shown, provided the business is unable to comply with this section because it does not have toilet or lavatory facilities on the effective date of this section as amended, and can show that the requirements of this section would cause substantial hardship.

II. The provisions of this section shall not apply to mobile lunch carts or be construed to require roadside stands or so-called drive-ins, serving food to the public, to provide toilet facilities for patrons where seating facilities within the building are not available.

Source. 1935, 139:1. RL 162:9. RSA 155:40. 1963, 9:1. 1999, 85:1, eff. June 3, 1999.

Statement on HB 415

An act relative to civil rights for those with gender identity and expression
State of NH April 22, 2009

In the Year of our Lord 2009

Good afternoon, members of the senate judiciary committee. Thank you for hearing the people of NH today and all through these months of debate on issues related to the common good. I want to start by saying I do not disrespect or hate anyone here today. I agree that the rights of all individuals are to be held equal by the State regardless of their particular uniqueness or qualities. I would ask that those here would forgive those who may have either intentionally or unintentionally hurt or mistreated them based on their appearance. Please forgive me if I have also contributed to that problem. Having said that, I do want to stand on record as opposing HB 415. When I agree that no civil rights should be violated in regards to gender identity, I disagree with the language and semantics as set forth in this bill. The term "expression" of gender identity seems fraught with potential legal pitfalls and problems. For example what if one's expression of their gender identity was nudity or inappropriate dress for a particular setting or situation? It seems that the laws enacted should protect the public from significant indiscretion or disturbing public displays. It seems that the law needs to be written in order to provide civil rights for all without providing special rights for unique interest groups. Passing this bill could well set the stage for other minority interest groups that could possibly infringe on public and common good. Please consider the ramifications of enabling and entitling particular interest groups over the rights of all members of our society and culture. On another note, this bill would cost money. Forms, signs, documents and numerous signage would require revision. At this time of fiscal conservation, it lacks prudence to consider such sweeping changes. I believe the committee should find that the current law does protect the civil rights of all individuals without compromising the rights of the majority. Please vote no on HB 415. Thank you again for your time and attention to this concern.

Melinda Luther
Hollis, NH

Attachment #34

EOT



**THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF TRANSPORTATION
REGISTRY OF MOTOR VEHICLES**

RACHEL KAPRIELIAN
REGISTRAR

P.O. Box 55889
BOSTON, MA 02205
WWW.MASS.GOV/RMV

January 21, 2009
- Searching for criminals.
- TSA airport.
- Tremendous logistics and security issues.

Marc Solomon
MassEquality
11 Beacon Street
Suite 1125
Boston, MA 02108

Re: Amending Gender Designation on Licenses and ID Cards

Dear Mr. Solomon:

The Massachusetts Registry of Motor Vehicles has amended its policy to enable transgendered individuals to more easily change the gender designation on their licenses and identity cards.

Under this new policy, it is no longer necessary to submit medical proof of sex reassignment surgery. The agency understands that this requirement is often very difficult, if not impossible, for many individuals to satisfy. Under the new policy, an individual who wishes to change the gender marker will submit an updated application together with a Gender Designation Change Form, signed by him or her and a medical provider attesting to the gender that the individual considers himself or herself to be.

In addition, the Registry of Motor Vehicles will no longer require an individual to provide an amended birth certificate in support of the new gender designation marker.

I believe these changes are fair, reasonable and sensible. The next edition of the Registry of Motor Vehicles Driver's Manual will reflect the agency's policy amendments. If you have any questions about these changes, please feel free to contact me.

Sincerely,

Rachel Kaprielian
Registrar of Motor Vehicles



PA man with 'transgender' drivers license demands to use women's changing room in Kmart.

Enforced by police over store manager's objection!

Here's where it's going . . .

March 19, 2009

Last summer the Philadelphia police forced a Kmart to allow a man to use the women's changing rooms, because he presented a drivers license listing his sex as "female." However, he was clearly a man and the Kmart manager would not allow into the changing rooms. But the policeman ordered to store to do it.

After the incident, a complaint was filed against Kmart with the city's Human Relations Commission. The store manager was apparently forced to apologize and told a homosexual newspaper "I guarantee you this won't happen again."

Trans woman claims bias at Kmart

By Timothy Cwiek

PHILADELPHIA GAY NEWS

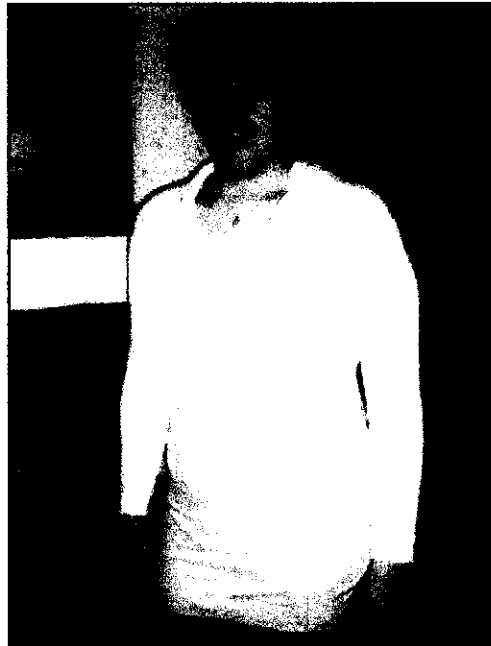
Philadelphia, Pennsylvania

June 6, 2008

A transgender woman says she had to get the help of a Philadelphia police officer to gain entry into a women's fitting room at a Center City store last week.

Kate Lynn Blatt said she was trying to select clothes at Kmart in The Gallery, 901 Market St., around 11 a.m. May 30, when she was prevented from accessing the women's fitting room by a guard.

After two managers were summoned, the dispute still wasn't resolved. She said a mid-level manager was rude to her, claiming she's not female, even though Blatt's driver's license with its female designation was shown to him.



Police in Philadelphia ordered Kmart to allow "Kate Blatt", above to be able to use the ladies' changing rooms.

Blatt, 27, said two calls were placed to 911, and after a 70-minute wait, an officer arrived. . .

[Read entire article here](#)

Pennsylvania's Department of Transportation does not have official policies regarding changing one's sex on a drivers license, but seems to allow it at the discretion of "a sympathetic clerk" (as one homosexual website put it -- apparently it helps if some kind of formal documentation is presented, but it's not required).

It's clear from the article (and other things we've read) that the homosexual groups are aggressively using this force of state power against any entity that does not comply completely with their demands regarding transgenderism.

This is what will happen here -- if we do nothing.

[Top](#)



LA Times male sports reporter "becomes" a woman. Year and a half later changes mind, "becomes" a man again!

Luckily, he didn't have sex-change surgery!

March 19, 2009

In April, 2007, LA Times sports reporter Mike Penner came to work and announced that he was going to start coming to work dressed as a woman, and use the name Christine Daniels. And that's what he did. For eighteen months "she" was a darling of the transgender world. "She" gave speeches to homosexual groups, was profiled in *Sports Illustrated*, and was honored for having such "courage" to come out as a woman. And "Christine Daniels" continued to cover and write about sports for the LA times.

All we can say is, it's a good thing he didn't quite get around to actually having sex-change surgery!

Mike Penner (below) and his alter ego Christine Daniels (right). Christine no longer works for the LA Times, but Mike's back!



That's because in October 2008 he decided he wanted to go back to being a man! So now he's back writing sports as Mike Penner. And in an interestingly Orwellian bit of historical revisionism, the LA Times has removed all blog entries and bylines of Christine Daniels, as if "she" never existed.

Speakers

SENATE JUDICIARY COMMITTEE

Date: 4/23/09

Time: 1:00 p.m. Public Hearing on HB 415

HB 415 - adding certain terms regarding non-discrimination to the laws.

Please check box(es) that apply:

SPEAKING FAVOR			NAME (Please print)	REPRESENTING
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	JANSON WU	GLAD FL
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Roberta Barry	PFLAG
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Carole Perkins	PFLAG NH
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<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Annel Baedeker, PhD	Bow NH
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Lonnie Dellart	LACONIA
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<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Logan Barbosa	Franklin, NH
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Donna Schlachman	Rock # 13
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Linda Williams	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Robert B. Williams, Jr	

SENATE JUDICIARY COMMITTEE

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HB 415 – adding certain terms regarding non-discrimination to the laws.

Please check box(es) that apply:

SPEAKING FAVOR

NAME (Please print)

REPRESENTING

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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Rep. Steve Villanueva
(Defendant on 436 - wish not to defend this)

Bill No. 15

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SENATE JUDICIARY COMMITTEE

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Time: 1:00 p.m. Public Hearing on HB 415

HB 415 – adding certain terms regarding non-discrimination to the laws.

Please check box(es) that apply:

SPEAKING FAVOR

			NAME (Please print)	REPRESENTING
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	JONI N. ESPERIAN	NH Commission for Human Rights
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Ashley Pushkarewicz	Nashua self
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Betsy Jonevay	My family, my friends
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Rachel Young	My friends, self
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Ameiva Curtis	" "
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	GERRI CANNON	PFLAG
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	SARON BLANCHETTE	SELF
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Lisa Mottet	Nat'l Gay & Lesbian Task Force
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	MURIEL RING	self
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Laura Jefferson	self
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	CYNTHIA TEBBETTS Tebbetts	SELF
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ryan Marvin	NHCER
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	MARIAINE STORER	SELF
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	ALEXIS KEEF	SELF
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	PAUL McEACHERA	R-16
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Rep Lucy Weber	Cheshire 2
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep. MAURICE	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Christina Marcoff	PFLAG
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Jennifer Madden mo	Family Practice NH

SENATE JUDICIARY COMMITTEE

Date: 4/23/09

Time: 1:00 p.m. Public Hearing on HB 415

HB 415 - adding certain terms regarding non-discrimination to the laws.

Please check box(es) that apply:

SPEAKING FAVOR

NAME (Please print)

REPRESENTING

Stephanie Heacock

Self

Rep. Peter Schmidt

Straf. 4

HB 415 Supporters Witness List

Ed Butler

Martha Fuller Clerk

Representative Burbank Richardson ^{Co-} ~~Spencer~~

✓	Sarah Blanchette
✓	Gerri Cannon
✓	Muriel Ring
✓	Dr. Ann Boedecker
✓	Lisa Mottet
✓	Joni Esperian, NH Human Rights Commission
✓	Cynthia Tebbetts
✓	Toni Maviki
✓	Alexis Sandy K
✓	("Kit") Ashley Pushkarewicz
✓	Dr. Jennifer Madden
✓	Dr. Deborah Bershel
	Lorien Wilson
	Mo Baxley, NH Freedom to Marry
✓	Janson Wu, GLAD
✓	Roberta Barry, PFLAG

needs to leave @ 1:30 P

Paul Morrison before 2:30 pm

Rep Paul McEckler

Rep Steve Vailant

Rep Tim Horigan

✓
Rep
Lucy Weber.

HB 415 Supporters Witness List

Ed Butler

Martha Fuller Clark

Sarah Blanchette
Gerri Cannon
Muriel Ring
Dr. Ann Boedecker
Lisa Mottet
Joni Esperian, NH Human Rights Commission
Cynthia Tebbetts
Toni Maviki
Alexis Sandy K
("Kit") Ashley Pushkarewicz
Dr. Jennifer Madden
Dr. Deborah Bershel
Lorien Wilson
Mo Baxley, NH Freedom to Marry
Janson Wu, GLAD
Roberta Barry, PFLAG

- needs to leave @ 1:30 P

- Ed Morrison
needs to leave before 7:30
Rep Paul McEckler
Rep Steve Villeneuve
Rep. Tim Hovrigan

Rep
Lucy Weber.

SENATE JUDICIARY COMMITTEE

Date: 4/23/09

Time: 1:00 p.m Public Hearing on HB 415

HB 415 – adding certain terms regarding non-discrimination to the laws.

Please check box(es) that apply:

SPEAKING	OPPOSED	NAME (Please print)	REPRESENTING
<input checked="" type="checkbox"/>	<input type="checkbox"/>	MARIE MULLER	Self
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Ann Marie Bonfield	Self
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Austin Nimocks	ADF
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Shannon Mcbinley	ADP CPR-Action
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ed Muller	my way of life
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Rachael Robinson	Self
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Brenda Robinson	self
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Siohhan Tautkus	self
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Chuck McGee	self
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Penela Colantuono	SELF: Family
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	JE MARINO	SELF
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	KATHY MILLER	Yours
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Philip Mansfield	Self
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Jim Luther	Self
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Samantha Magee	Self
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pastor Jeff Owen	SELF
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Bradley Girds	Self
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep Fran Wendelbee	Ball Knap 1
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Marjorie Mayhugh	Shafter Co. Dist 8

SENATE JUDICIARY COMMITTEE

Date: 4/23/09

Time: 1:00 p.m Public Hearing on HB 415

HB 415 – adding certain terms regarding non-discrimination to the laws.

Please check box(es) that apply:

SPEAKING **OPPOSED**

NAME (Please print)

REPRESENTING



David Bates

Rockingham 4

SENATE JUDICIARY COMMITTEE

Date: 4/23/09

Time: 1:00 p.m Public Hearing on HB 415

HB 415 – adding certain terms regarding non-discrimination to the laws.

Please check box(es) that apply:

SPEAKING ~~OPPOSED~~ NAME (Please print) REPRESENTING

SPEAKING	OPPOSED	NAME (Please print)	REPRESENTING
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Don Bartlett	self
<input type="checkbox"/>	<input type="checkbox"/>		
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<input type="checkbox"/>	<input type="checkbox"/>		

See previous documents submitted for gov marriage

Testimony

Submission A

**Brenda Shannon Adam
372 Brill Road
Landaff, New Hampshire 03785
603-787-6110**

**Representative Susan Ford
557 Sugar Hill Road
Easton, NH 03785-5503**

April 22, 2009

RE: HB 415

Dear Representative Ford:

It is my understanding that you are in support of HB 415. For that I thank you. I believe there is much fear and misinformation surrounding the issue of gender identity. Basic human rights for all must be the norm in the 21st century, not just for those who fit a certain profile.

Like the marriage equality bill, human rights lies at the heart of HB 415. One only has to look throughout history, including our not so distant past, to realize how we have dehumanized various classes of people. It is not a pretty picture we have painted of ourselves. Whether we are talking of slavery, witch hunts or the treatment of those who were mentally ill, always, fear was at the heart of the demonization and dehumanization.

There are those who are attempting to demonize transgendered people by labeling them as perverts. I suspect that if those who are so fearful of transgendered people actually knew someone who has survived this transformation, they wouldn't be so quick to label them.

Dr. Christian Hamburger, a physician who has treated those diagnosed with gender identity disorder made the following comment: "These many personal letters from almost 500 deeply unhappy persons leave an overwhelming impression. One tragic existence is unfolded after another; they cry for help and understanding. It is depressing to realize how little can be done to come to their aid. One feels it a duty to appeal to the medical profession and to the responsible legislature: do your utmost to ease the existence of people who are deprived of the possibilities of a harmonious and happy life - through no fault of their own."

Living in a small rural New Hampshire town, I was surprised to have the experience of meeting and becoming close friends with two people who have direct experience with gender identity disorder. Additionally, I have

knowledge of two others within the community. There is nothing about any of these people that would have clued me into their life experiences. They are going about living their lives as most people I know do, working, paying taxes and actively contributing to their families and communities. It is only because they began to trust me that they revealed their experiences to me. I have been struck by their strength, courage and integrity in being true to themselves in the face of unbearable odds. Because some in our society have demonized them, they live with the fear of being discovered and, with good reason, they sometimes fear for their lives.

If we think of what occurred as a result of the Jim Crow laws and so-called Jim Crow etiquette which extended into the 1960's, we can perhaps best understand how it is fear and hatred that is the real threat to our society. Demonization and fear of blacks resulted in thousands of brutal lynchings. We need the strength of the laws to help to put a stop to the dehumanization of these people. We must resist such attempts to demonize and fear the transgendered. Education and tolerance must replace ignorance and misinformation.

I thank you for your time and for having the courage to support this legislation.

Sincerely,

**Brenda Shannon Adam
brendashannonadam@me.com**

How the "transgender bill" will affect you

Submission B

April 23, 2009

Dear New Hampshire Senators,

I don't think that many legislators realize the radical effects that the "transgender" agenda can have on a society, once the laws allow (and encourage) it. The following are just a few of the things that have happened in Massachusetts. **All of these things could – and will – happen in New Hampshire if this "transgender rights" bill passes.**

1. Last summer in downtown Northampton, MA, the "transgender" movement held a rally and parade. This included **women who had their breasts surgically removed walking bare-chested in public** – as symbol of their "manhood."
2. Last year at an elementary school in Oxford, MA, parents received a letter informing them that **the male janitor was now a female**, and would now be wearing women's clothes, and must be addressed as a female. The school went on to say that they would tell the children this in a "simple and straightforward" way. Parents had no choice in the matter.
3. At my own kids' high school here in Newton, MA the school held an assembly featuring a **woman who was having her breasts surgically removed and was taking hormones to grow facial hair** – in order to "become" a man. This was part of "Gay Lesbian Bisexual Transgender Awareness Day".
4. In downtown Boston, homosexual / transgender activists held a "Youth Pride Day" where, among other things, **teenaged boys wearing skirts, high heels, and fishnet stockings** were paraded through downtown Boston. That evening they held a "transgender prom" where men dressed as women mingled with teenagers.
5. In a high school near Boston, transgender activists held workshops for kids, with graphic discussions about **how they can "become" the opposite sex, and how that could have positive effects on their lives**. Transgender pamphlets are also distributed to kids in schools.
6. Massachusetts now allows people to have their "sex" designation on drivers licenses (and other state-issued identity cards) **legally changed** from their actual sex to "the gender that the individual considers himself or herself to be".

I would be happy to supply further documentation on all of the above incidents (and others that I haven't listed here), or speak to you further at your convenience. I hope you consider the seriousness of this. Keep in mind that **"gender identity disorder"** is listed in the mental health profession's DSM IV manual as a mental disorder requiring psychological help.

Sincerely yours,

Brian Camenker
84 Staniford Street
Newton, Massachusetts 02466
Day phone: 781-890-6001

Submission C

April 23, 2009

Dear Senate Judiciary Committee:

I am writing to support passage of House Bill 415, an act adding certain terms regarding non-discrimination to the laws.

I am a general endocrinologist who has practiced in the southern New Hampshire region for over 3 years. In this time period I have treated between 10 to 15 transgender patients at various stages in their journey, and have heard many of their stories in detail. Most have suffered or are continuing to suffer depression and/or other psychopathology, sometimes severe and complicated by suicide attempts. Some are homeless or have gone through periods of homelessness, and certainly hopelessness, frequently worsened by lack of support from family and friends. Many have had difficulty working or keeping a job, whether due to depression and/or discrimination related to their transgender status being revealed. I have seen a clear correlation between transgender patients' happiness and wellbeing, and the level of support or discrimination they are experiencing in their personal and work lives.

I do have a number of patients who are receiving hormone therapy with testosterone or estrogen and have always found it gratifying to see how well they do on therapy. However, it has been dismaying to witness the fact that in most cases, medical insurance will not cover the cost of therapy or the necessary monitoring bloodwork, because it is not "medically necessary." For that reason, it is even more important that my patients be gainfully employed, free from discrimination, so that they can possibly afford these vital and medically necessary treatments.

Having witnessed firsthand the detrimental health effects that discrimination of all types can have on transgender individuals, I support House Bill 415 to prohibit discrimination on the basis of gender identity and expression.

Please do not hesitate to contact me if I can provide further information.

Sincerely,

Ellie Chuang, MD
Southern New Hampshire Endocrinology
Joslin Diabetes Affiliate at Southern NH Medical Center
280 Main Street, Suite 431
Nashua, NH 03060
603-577-3290

Ellie Chuang, MD

Southern New Hampshire Endocrinology
280 Main Street, Ste. 431
Nashua, NH 03060
Work: (603) 577-3290
Fax: (603) 577-3295
Email: ellie.chuang@snhmc.org

EDUCATION

- | | |
|-----------|---|
| 2003-2005 | Endocrinology Fellowship. Northwestern University Medical School. Chicago, IL |
| 2000-2003 | Internal Medicine Residency. Cleveland Clinic Foundation. Cleveland, OH |
| 1996-2000 | MD. University of California at San Diego School of Medicine. La Jolla, CA |
| 1990-1994 | BA, Biology. Harvard University. Cambridge, MA |

LICENSURE/BOARD CERTIFICATION

- Currently licensed to practice medicine in New Hampshire
- Board-certified in Internal Medicine
- Board-certified in Endocrinology
- Board-certified in Clinical Lipidology

HONORS and AWARDS

- BA *magna cum laude*.
- Senior thesis, awarded *magna cum laude*: "Molecular phylogeny of bacterial endosymbionts in bivalves"
- Radcliffe College nominee for the Barry M. Goldwater Scholarship for students with outstanding potential for a career in mathematics or the natural sciences
- Elizabeth Cary Agassiz Certificate of Merit in recognition of academic achievement of high distinction 1990-91

RESEARCH/EMPLOYMENT

- | | |
|--------------|---|
| 2005-Present | Staff physician (Endocrinologist), Foundation Medical Partners. Nashua, NH |
| 2003-2005 | Dr. Mark Molitch, Division of Endocrinology, Northwestern University Medical School. Prospective clinical research: "Cabergoline treatment of rheumatoid arthritis: A pilot study." |

- 2002-2003 Dr. Darwin Conwell, Dept of Gastroenterology, Cleveland Clinic. Literature review and retrospective study of acute pancreatitis secondary to hypertriglyceridemia.
- 1999-2000 Dr. Lisa Orloff, Head and Neck Surgery Department, UC San Diego School of Medicine. Literature review of 90+ publications: "Environmental tobacco smoke exposure: is it related to cancers of the head and neck and of the cervix?" Fulfilled medical school research requirement.
- 1994-96 Dr. Jane Gitschier, UC San Francisco/Howard Hughes Medical Institute. Used molecular biology methods/techniques on several projects, including cloning Factor VIII homologues in animal species; investigating the molecular genetic basis of a familial thrombocytopenia; cloning a bacterial ATPase/copper transporter.
- 1993-94 Dr. Colleen Cavanaugh, Dept of Organismal Biology, Harvard University. Wrote honors senior thesis on molecular phylogeny of endosymbiotic bacteria within bivalves living in hostile environments; based on bacterial 16S rRNA sequences.
- 1991-93 Dr. J Woodland Hastings, Dept of Cellular Biology, Harvard University. Used molecular and protein chemistry techniques to study the translational control of circadian rhythms in dinoflagellates.

PUBLICATIONS

- Chuang E**, Molitch M. Prolactin and autoimmune diseases in humans. *Acta Biomed* 2007, 78; Suppl 1: 255-61.
- Chuang E**, Molitch M. Screening and treatment of early diabetic renal disease in type 1 and type 2 diabetes. In: The Diabetic Kidney (eds. P. Cortes and C. Mogenson). Totowa, NJ: Humana Press, 2006.
- Chuang E** and Molitch M. Hypertension in diabetes. In: Clinical Diabetes (ed. V. Fonseca). Philadelphia: Elsevier, Inc., 2006. 354-370.
- Chuang E** and Molitch M. Prevention of diabetes in high-risk populations, with application to older populations. *Geriatrics and Aging* 2004, 7(1): 17-20.
- Distel DL, Baco AR, **Chuang E**, Morrill W, Cavanaugh C, Smith CR. Do mussels take wooden steps to deep-sea vents? *Nature* 2000, 403(6771): 725-6.
- Distel DL and **Chuang E**. Molecular phylogeny of bacterial endosymbionts in bivalves. Abstract, American Society of Microbiology Meeting, 1993.
- Techel D, **Chuang E**, Lee DH, Comolli J, Hastings JW. Changes in the ultrastructural localization of mRNA for a circadian regulated protein. *Molecular Marine Biology and Biotechnology* 1996, 5(4): 241-8.

PROFESSIONAL AFFILIATIONS

- Member, Endocrine Society
- Member, American Society of Bone and Mineral Research
- Member, National Lipid Association
- Member, International Society of Clinical Densitometry

Submission D

To: GAIL

FAX: 271-2103

FROM: MARGARET DRYE

FAX: 675-9159

RE: HB415

Pages to follow: 1

For this afternoon's hearing.

Thanks!

Margaret

Margaret Drye
PO Box 3
Plainfield, NH 03781
603-675-9159
April 23, 2009

Senate Judiciary Committee
State House
Concord, NH 03301

Re: HB 415

To the Committee:

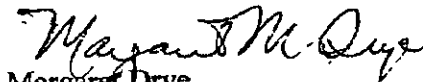
For a piece of legislation which touches so many chapters of our state statutes, HB415 is remarkably undefined. Even the definition of the key phrase, "gender identity or expression," raises more questions than it answers. It is described in part as a "behavior" of an individual. Behaviors can change. Does this mean that one's gender identity can change, too? If so, how often?

Since it is difficult to prove one's gender identity, as opposed to one's gender, how does someone go about claiming the protection this bill addresses?
More importantly, how does the general public know which people are genuinely expressing this way and which are using it as a cover to get into places they shouldn't?

And while this legislation would now penalize those who would discriminate against this new class of people, there is no penalty for misrepresenting oneself or one's gender identity.

Please vote HB415 inexpedient to legislate.

Sincerely,



Margaret Drye
Plainfield

Sue Ann Johnson

April 23, 2009
Submission E

Dear Committee Members:

I am not in favor of HB 415 and respectfully request you vote no on this bill.

Laws should protect the rights of the greater good - the majority of the people and not enhance the rights of the minority at the expense of the public at large.

This bill will enable sexual predators unfettered access to women + children and will foster reverse discrimination. Case in point - There is a photographer in Florida that is being sued because she did not want to photograph a same sex union. The photographer referred the couple to another photographer + the couple hired the services of the other photographer and ~~said~~ stated they were even pleased with the photos taken by this other photographer, but they have decided to sue the first photographer! People should be free to work for whom they want. Companies should be free to hire whom they want. If a company hires a woman as a receptionist - that person is the "face" of the company - the first impression to potential clients. If that receptionist months or years later decides they want to be a man that company should be free to let that person go. That is not who they hired.

I have been in bathrooms and have seen

There are already laws in place to protect people from a hostile work environment. Gays are already a "protected class".

transgender people utilizing the facilities - so those who are committed to living a transgendered life do so quietly and without calling attention to themselves.

This legislation goes too far. It is not about protecting the rights of a few - this is reverse discrimination and this legislation is dangerous. It is a side door to same sex marriage.

This is the second time in 2 weeks I have had to miss work and come here and make my ~~own~~ opposition known to a piece of legislation that I believe is an affront to the good people of New Hampshire. My husband was laid off last week after 10 yrs of dedicated service so now I am the sole breadwinner for our family of 5. I can't afford to keep coming down here and deal with these ridiculous bills. Our country, our state, our economy is in trouble - what are you doing about it? Please stop this liberal left BS and get to work helping this state + its citizens.

Please vote no on HB415 and on same sex marriage.

Thank you.

Sue Ann Johnson

35 Lake Mill Dr. Whitefield NH

To The HB415 senate judiciary members
with my compliments.

Sue Ann Johnson



CORPORATE RESOURCE COUNCIL™

**ANSWERS TO AN EMPLOYER'S LEGAL QUESTIONS
ABOUT DOMESTIC PARTNER BENEFITS AND SEXUAL
ORIENTATION NONDISCRIMINATION POLICIES**

by Jordan Lorence

EXECUTIVE SUMMARY

Although many attorneys advise businesses to adopt written anti-discrimination policies, no law compels them to do so. Regardless of whether an employer has a written nondiscrimination policy, it is subject to federal laws prohibiting discrimination on the basis of race, color, religion, sex, national origin, age and disability.

Twelve states, the District of Columbia, and a number of local governmental units also prohibit sexual orientation discrimination. Therefore, employers may not discriminate on the basis of sexual orientation in those jurisdictions.

No law requires all businesses to extend benefits to the unmarried partners of their employees. Several cities, such as San Francisco, Los Angeles and Seattle, require businesses that have contracts with those cities to offer domestic partner benefits. A company can avoid this requirement by not contracting to offer goods or services to those cities.

Corporations that include sexual orientation in written nondiscrimination policies may create several legal dilemmas.

First, many courts find that employee handbooks and corporate policies create contractual terms of employment that may be enforced in court. Therefore, employers with sexual orientation policies may be subject to lawsuits even in states and localities that do not prohibit such discrimination.

Second, adopting a sexual orientation policy may interfere with the employer's ability to discipline employees for inappropriate behavior in the workplace, or perhaps even for behavior outside the workplace.

Third, the employer's duty to protect employees from a sexually hostile work environment can conflict with the implementation of the sexual orientation policy. That is particularly the case if a company chooses to permit employees to promote and celebrate sexual orientation diversity in the workplace. Offended employees could sue for a sexually hostile work environment. On the other hand, if an employer does not permit employees to promote and celebrate sexual orientation in the workplace, employees may sue the company under its own anti-discrimination policy.

A corporation could compound this problem by including transgendered or gender identity in its corporate nondiscrimination policy. Women employees may sue if the employer permits transgendered men to use the women's restroom. Transgendered men may sue if the employer does not permit them to wear women's clothes to work or to use the women's restroom. Either way, a conflict is likely to arise between the employer's duty to prevent a sexually hostile work environment and the self-imposed duty of protecting transgendered employees.

Finally, a corporation's sexual orientation nondiscrimination policy may conflict with the duty not to discriminate on the basis of religion. Implementation of diversity policies that include sexual orientation often include prohibitions against expressing opposition to gay sex. If an employee is disciplined or dismissed for expressing a religious belief that gay sex is wrong, the employee can sue for violation of a federally protected right.

ANSWERS TO AN EMPLOYER'S LEGAL QUESTIONS ABOUT DOMESTIC PARTNER BENEFITS AND SEXUAL ORIENTATION NONDISCRIMINATION POLICIES

I. Current Federal, State and Local Laws

Do any federal, state or local laws require private employers to have written nondiscrimination policies?

No.

No federal, state or local laws require private employers to adopt specific company policies prohibiting discrimination on any grounds.¹ Conversely, the lack of a policy does not mean the company is permitted to discriminate against certain classes of employees.

Title VII of the Civil Rights Act of 1964 bans discrimination on the basis of "race, color, religion, sex or national origin," 42 U.S.C. § 2000e-2(a), and states have their own civil rights laws providing similar protections. Notice, though, that the list does not include sexual orientation. See, e.g., *Rene v. MGM Grand Hotel, Inc.*, 243 F.3d 1206 (9th Cir. 2001) (claim of harassment of an employee based on his sexual orientation not actionable under Title VII); *Bibby v. Philadelphia Coca Cola Bottling Co.*, 260 F.3d 257 (3rd Cir. 2001) (same). Other federal laws that ban discrimination on the basis of age and disability do not cover issues involving sexual orientation either. However, 12 states, the District of Columbia, and a number of cities and counties prohibit discrimination on the basis of sexual orientation in employment and public accommodations, depending on the way the jurisdiction's law is written.²

Don't I need to include sexual orientation in my nondiscrimination policy to help defend against potential sexual orientation discrimination lawsuits?

No.

Although many labor lawyers believe that it is useful to have a written nondiscrimination policy for purposes of defending litigation, it can be counterproductive to include classes of employees not protected by federal law. With the growing number of states, cities and localities giving protected status to various classes of people, with differing definitions of the classes, it is difficult for a corporation that does business in multiple jurisdictions to adequately describe every protected class in its written policy. Accordingly, many labor lawyers are now advising clients to adopt a policy like the following: "The Company does not discriminate in its employment practices based upon race, color, religion, sex or national origin, or on any other basis that is unlawful under applicable Federal, state or local laws." The advantage of this type of policy is that it does not have to be revised if the law changes, and it does not subject the company to potential litigation in jurisdictions that do not prohibit certain types of discrimination.

Do state or local laws prohibiting sexual orientation discrimination require private businesses to offer employee benefits to the unmarried domestic partners of their employees?

No.

There are no cases in which a court has used a state or local law banning sexual orientation discrimination to order businesses to offer employee benefits to the unmarried partners of their employees. In *Lilly v. City of Minneapolis*, 527 N.W.2d 107, 113 (Minn. App. 1995), the City of Minneapolis argued that Minnesota's sexual orientation provision required it to provide domestic partner benefits for its employees. But the Minnesota Court of Appeals rejected that basis for the Minneapolis policy, and found it to

be invalid. See also *Hinman v. Department of Personnel Admin.*, 167 Cal. App. 3d 516, 530, 213 Cal. Rptr. 410 (1985) (denial of dental benefits does not constitute sexual orientation discrimination, but instead merely distinguishes eligibility on the basis of marriage), pet. for rev. denied (Cal. Aug. 15, 1985); *Phillips v. Wisconsin Personnel Comm'n*, 167 Wis. 2d 205, 482 N.W.2d 121, 127 (Wis. App. 1992) (it is not sexual orientation discrimination under state law to extend employee health insurance coverage only to married spouses of state employees).

Could a state or local unit of government enact a law forcing my company to pay for benefits to unmarried domestic partners of my employees?

This question is currently on the cutting edge of law and has a number of sub-parts. The answers are only partially in view at this time because there has been little litigation on the issue. This is what can be said now: A state, city or county probably could not pass a law requiring all local businesses to offer "hard benefits" to unmarried domestic partners of its employees, such as medical insurance and pension rights, because these are controlled by federal ERISA laws (Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 *et seq.*). See *Air Transport Ass'n of America v. City & County of San Francisco*, 992 F. Supp. 1149 (N.D. Cal. 1998). It is possible that a state, city or county could pass a law ordering a business to extend "soft benefits" to the unmarried domestic partners of its employees, such as bereavement leave or family medical leave, because these are not covered by ERISA or any other federal law.³ However, under the Commerce Clause of the Constitution, states, cities and counties cannot pass laws that impose an "undue burden" on interstate commerce. Therefore, if a city council passed a law that required a national company to offer non-ERISA domestic partner benefits to all of its employees in all states as the condition for the corporation to do business in that one city, the extraterritorial reach of the ordinance beyond the city boundaries may mean that such an ordinance

violates the Commerce Clause (this is sometimes referred to in court decisions as the "Dormant Commerce Clause"). However, this conclusion is not certain. The issue is being litigated in *S.D. Myers, Inc. v. City and County of San Francisco*, 253 F.3d 461 (9th Cir. 2001), which is discussed further below.

My company has a contract to provide certain services to a city. Could that city use the contract as the basis to force my company to offer domestic partner benefits or to force my company to promise not to discriminate on the basis of sexual orientation?

A number of West Coast cities, including, San Francisco, Los Angeles and Seattle, require all businesses that contract to provide goods or services to those cities to extend all benefits offered to married spouses of their employees to the unmarried domestic partners of their employees. This issue is now in the early stages of litigation. The two leading court decisions, both concerning San Francisco's requirements, in essence ruled that cities may not contradict federal ERISA law with such ordinances, or legislate where there is a clear federal law preempting local coverage, such as federal laws regulating the airline industry. See *Air Transport Ass'n of America v. City & County of San Francisco*, 992 F. Supp. 1149 (N.D. Cal. 1998), and *S.D. Myers, Inc. v. City and County of San Francisco*, 253 F.3d 461 (9th Cir. 2001). However, federal law does not regulate "soft benefits" such as bereavement leave and family medical leave, so it is possible that the local units of government could require companies to offer such benefits to their employees' domestic partners. See *S.D. Myers, Inc. v. City and County of San Francisco*, 253 F.3d 461 (9th Cir. 2001) (holding that San Francisco's requirement that city contractors provide "soft" domestic partner benefits to out-of-state employees working on San Francisco contracts does not violate the Dormant Commerce Clause). This area will probably be litigated further if more cities or counties enact these domestic partner benefits requirements for their contractors. Cities, counties and states

can probably require a company to agree not to discriminate on the basis of sexual orientation as a condition of getting the government contract.

What did the Ninth Circuit rule in the *S.D. Myers* case involving domestic partner benefits?

In *S.D. Myers v. City and County of San Francisco*, 253 F.3d 461 (9th Cir. 2001), the Ninth Circuit rejected the arguments of an Ohio company seeking a contract to do work for the City of San Francisco that San Francisco could not require contractors to offer domestic partner benefits to their employees. The Ninth Circuit held, in essence, that the San Francisco ordinance did not violate the Dormant Commerce Clause because it would affect an out-of-state employer only if the employer chose to enter a contract with the city. Also, the Ninth Circuit ruled that the company lacked standing to argue that the contract requirement violated ERISA. Therefore, many of the questions about whether a city could impose a requirement that contractors provide benefits for their employees' unmarried partners remain unanswered at this time. This issue is far from settled.

II. Legal Pitfalls of Corporate Nondiscrimination Policies

A. Creation of Contractual Duty

Regardless of whether my business operates in a jurisdiction that bans sexual orientation discrimination, I think it is good for employee morale for the corporation to have a written nondiscrimination policy. Is there any possible legal downside to having a written nondiscrimination policy?

Yes.

Through written policies and employee handbooks, the company is probably establish-

ing employee rights that can be enforced in court in addition to those created by any relevant anti-discrimination law. In effect, an employee can use the company's policies or employee handbook to argue that the company breached its employment contract with the worker by doing something in conflict with the corporate policy or employee handbook. The Ohio Court of Appeals has explained this legal principle in general:

"The 'at-will' concept is only a description of the parties' prima facie employment relationship. It intimates nothing about subsidiary contractual arrangements (express or implied) to which an employer may legally obligate himself by adding to that relationship new terms and conditions.... The employer's promulgation of employment manuals or employee handbooks, or other writings styled 'personnel policies and practices,' can create contractual rights which the employer may not abridge without incurring liability."

Helle v. Landmark, Inc., 15 Ohio App. 3d 1 472 N.E.2d 765,773, (1984). Therefore, by adopting a nondiscrimination policy, a company can create an avenue by which it may be sued for employment discrimination, lack of promotion, lack of benefits, etc. that is independent of and in addition to any local or state laws prohibiting discrimination.

Won't a nondiscrimination policy settle the matter, satisfy the activists and allow my company to move on?

No, not necessarily.

For more details on the consequences of sexual orientation policies, see *Behind the Rhetoric: The Social Goals of GLBT Advocacy in Corporate America* (Corporate Resource Council 2002).

B. Ability to Discipline Employees

Do employers lose the authority to discipline employees for inappropriate behavior in the workplace if they enact nondiscrimination policies based on sexual orientation?

Yes.

Corporations generally have the ability to fire employees or request their resignation upon disclosure of inappropriate behavior. And this is a power a corporation may want to exercise from time to time against an employee engaged in inappropriate words or actions. In May 2001 an employee of the Carlyle Group was asked to resign after he sent an e-mail to other employees boasting about his sexual exploits and his plans for more of the same. ("E-mail Sex Tale Earns Carlyle Staffer Ax," *Washington Times*, May 22, 2001, p. B8.) The employee resigned as requested. However, a corporation that enacts a nondiscrimination policy based on sexual orientation may inadvertently tie its own hands by in effect promising not to discipline employees who bring information about their sexual activities into the workplace. For example, a California trial court awarded a former employee of Shell Oil over \$5.3 million in actual and punitive damages after Shell fired him for inadvertently leaving in the copy room sexually explicit materials detailing the "house rules" for "safe sex" practices at a gay party he hosted that weekend. *Collins v. Shell Oil Company*, 1991 Cal.App. LEXIS 783 (1991). There are other complexities to the *Shell Oil* case, but it shows the potential that a sexual orientation policy may grant a right to possess or distribute sexually explicit materials in the workplace, and that an employer may be sued for disciplining an employee because he possessed such materials.

May employers dismiss employees for non-work activity, such as cohabitation or other sex-related activity?

Yes, in some circumstances, when it affects the workplace.

For example, some companies, like Ace Hardware, prohibit employees who are "close relatives, cohabitators or dating employees" to work "within the same departments and/or within the same functional area where one might exercise authority or influence over the other's job status or progression . . ." *Waggoner v. Ace Hardware Corporation*, 134 Wn.2d 748, 751,

953 P.2d 88 (1998). The Washington Supreme Court upheld the power of Ace Hardware to dismiss two employees who were cohabiting together when one managed the other at work.

May a company terminate an employee because his non-work activity undercuts the corporation's public image?

Yes.

Corporations may fire employees if their non-work activity creates a negative image for the company. For example, the Georgia Attorney General who defended Georgia's sodomy law before the U.S. Supreme Court in *Bowers v. Hardwick*, 478 U.S. 186 (1986), withdrew an offer of employment from a woman after learning that she had announced her upcoming "marriage" to another woman. *Shahar v. Bowers*, 114 F.3d 1097 (11th Cir. 1997) (en banc). The Court of Appeals held that Bowers was justified in withdrawing the offer because the same-sex "marriage" would create difficulties that "would be likely to harm the public perception of the Department." *Id.* at 1105. Similarly, Kentucky Baptist Homes for Children ("KBHC") terminated an employee upon discovering that she had a female "life partner" because of the potential impact on KBHC's public image. The court rejected the employee's claim that the termination constituted religious discrimination. *Pedreira v. Kentucky Baptist Homes for Children, Inc.*, 2001 WL 888365, *4 (W.D. Kentucky, July 23, 2001). And Winn-Dixie Stores, Inc. is currently defending a lawsuit brought by a former Winn-Dixie truck driver who was terminated for cross-dressing in his off hours. The truck driver claims his supervisor said he was being terminated because his cross-dressing "could harm the company image." *Winn-Dixie Seeks to Dismiss Suit Over Firing of Transgendered Employee*, www.hrc.org/worknet/workalert/2001/0402/article06.asp.

Firing employees for non-work activity inconsistent with the employer's image may be more common with employers that have a strong moral or religious component to their

work. For example, many religious employers require employees to live by the employer's moral standards such as no sex outside of marriage. See, e.g., *Pedreira*, 2001 WL 888365, *3 (employee policy against gay sex); *Parker-Bigback v. St. Labre School*, 301 Mont. 16, 7 P.3d 361 (2000) (Catholic school fired female teacher for cohabiting with a man who was not her husband). However, if an employer does fire employees for engaging in sex outside of marriage, the employer must apply its standards evenhandedly to both men and women, and not single out women whose sexual conduct is evidenced by pregnancy. See Pregnancy Discrimination Act, 42 U.S.C. § 2000e(k).

C. Conflict with Hostile Work Environment Law

Do laws or policies banning sexual orientation discrimination conflict with those banning "hostile work environments?"

Yes.

Nondiscrimination laws or policies may embolden gays, lesbians, bisexuals, and transgendered ("GLBT") people to freely discuss their sexual behaviors in the workplace. Such discussions may create a sexually hostile work environment for other employees, something that Title VII says employers must remedy. If the employer tries to stop overt GLBT advocacy or explicit conversation in the workplace, however, it could be accused of violating the sexual orientation law or policy.

Could a corporation be sued because its corporate policy banning discrimination based on sexual orientation creates a "sexually hostile work environment" in violation of federal law?

Yes.

In 1998, the Supreme Court ruled that private employers could be sued under Title VII for same-sex sexual harassment. *Oncale v.*

Sundowner Offshore Services, Inc., 523 U.S. 785 (1998). The Supreme Court has also ruled that a corporation could be sued vicariously for the actions and words of an employee that creates a sexually hostile work environment. *Faragher v. City of Boca Raton*, 524 U.S. 775 (1998). A worker subjected to seeing the sexually explicit materials of fellow workers can also state a claim under Title VII for creation of a sexually hostile work environment. *O'Rourke v. City of Providence*, 235 F.3d 713 (1st Cir. 2001). Thus, if a corporation encourages its GLBT employees to "come out," it is possible that the "celebration of their sexual diversity" could create a "sexually hostile work environment" for other employees, which would give rise to a cause of action under Title VII. Therefore, businesses with a sexual orientation policy must walk a very narrow path between Title VII and the policy.

What are the legal standards for proving a discriminatory "hostile work environment" actionable under Title VII?

For a plaintiff to prevail on a hostile work environment claim, the alleged sexual harassment must be so "severe or pervasive" as to "alter the conditions of [plaintiff's] employment and create an abusive working environment," *Faragher*, 524 U.S. at 786 (quoting *Meritor Savings Bank, FSB*, 477 U.S. at 67). To be actionable under Title VII, plaintiff's work environment "must be both objectively and subjectively offensive, one that a reasonable person would find hostile or abusive, and one that the victim in fact did perceive to be so." 524 U.S. at 787 (citing *Harris v. Forklift Sys., Inc.*, 510 U.S. 17, 21-22 (1993)). The "conduct must be extreme to amount to a change in the terms and conditions of employment." 524 U.S. at 788. The conduct at issue in *O'Rourke*, which included repeated sexual remarks, exposure to pornography, and exposure to discussion of sexual exploits, was sufficiently extreme to sustain a Title VII claim. *O'Rourke*, 235 F.3d at 728-29. The employer was liable because it did not take action to prevent harassment by coworkers or supervisors. *O'Rourke*, 235 F.3d at 736.

D. Transgendered Workers

Some diversity advocates are urging corporations to protect transgendered people in the workplace. Is this a good idea or will it create problems for employers?

By prohibiting discrimination against transgendered people under a corporate nondiscrimination policy, a company could be opening itself up to problems few could have imagined several years ago. For example, if a company requires employees to wear uniforms, can an anatomically male employee come dressed in the female's uniform because of his perceived "gender identity" as a woman? Can a cross-dressing male employee use the women's restroom, or if female employees object, can a company require him to use the men's room, or order him to change his clothes? Is the employer required to give transgendered people their own separate restrooms? This is not some far-fetched hypothetical. West Publishing of Eagan, Minnesota, a large publisher of legal materials, was recently sued by a cross-dressing male under Minnesota's sexual orientation law, which explicitly prohibits discrimination against transgendered people. After complaints by several women employees that a man dressed as a woman was using the women's restroom at work, West officials requested that the man use the single-occupancy restrooms and not the women's restrooms. He refused, left his job at West and sued for sexual orientation discrimination. The trial court dismissed the suit, but the Minnesota Court of Appeals reversed, ruling that it was an insufficient defense as a matter of law for West Publishing to argue "that Goins is a man and that an employer may legitimately segregate restrooms by sex." *Goins v. West Group*, 619 N.W.2d 424, 429 (Minn. App. 2000). Upon further appeal the Minnesota Supreme Court held that it is not sexual orientation discrimination under the Minnesota sexual orientation law to designate employee restroom use on the basis of biological sex, and reinstated the trial court's dismissal. *Goins v. West Group*, 635 N.W. 2d 717, 723 (Minn. 2001). However, the fact that the suit was brought and the claim substantiated in the

Minnesota Court of Appeals demonstrates the danger of adding transgendered to a corporation's non-discrimination policy. Employers should not expect transgendered employers elsewhere to be dissuaded by the Minnesota case, especially those other states or localities where laws prohibit discrimination against transgendered persons.

E. Conflict with Religious Discrimination Law

What about employees with religious beliefs against gay sex? Could they possibly sue and win a case against a company with a nondiscrimination policy protecting sexual orientation?

Yes, under certain circumstances.

Under federal Title VII protections, an employer must make reasonable accommodations of an employee's religious beliefs. Thus, an employer could be sued for taking adverse action against an employee who requested a change in a job assignment because she perceived that performing her job assignment would violate her beliefs against gay sex. An employee recently sued an employer that fired him for refusing to assign foster children to gay or lesbian couples because of his religious beliefs. *Phillips v. Collings*, 256 F.3d 843 (8th Cir. 2001).

Could a company be sued for disciplining or firing an employee whose expression of religious beliefs violates the company's diversity policy?

Yes.

If an employer's implementation of its sexual orientation policy prohibits speech or writing that opposes gay or lesbian relationships, an employee's expression of religious beliefs may violate the company policy. At Hewlett Packard, part of the implementation of the Hewlett Packard diversity policy included dis-

playing in the workplace posters of certain persons protected by the policy. The company placed a poster depicting two gay men near the cubicle of a Christian who objected to the poster. He responded to the poster by placing Bible verses about gay sex on his overhead bins. When he refused to remove the Bible verses unless the company removed the poster, he was fired for his opposition to the diversity advertising campaign. The employee sued Hewlett Packard for religious discrimination in violation of Title VII. The federal judge dismissed the lawsuit, holding as a matter of law that the company did not have to accommodate the employee's religious beliefs. *Peterson v. Hewlett-Packard Co.*, Case No. CIV 00-68-S-LMB, Slip op. at 16-18 (June 1, 2001). The court held that allowing the employee to display the Bible verses "may well have exposed HP to potential lawsuits filed by other HP employees asserting harassment claims." Slip op. at 17. However, the only reason another employee could possibly have sued for harassment is that the company voluntarily undertook a duty to prohibit condemnation of gay and lesbian relationships. A company's self-imposed duty (or a state-imposed duty) to protect sexual orientation cannot trump the federal prohibition against discriminating on the basis of religion. The Hewlett Packard case is on appeal to the United States Court of Appeals for the Ninth Circuit.

Endnotes

¹ Executive Order 11246 requires that federal government contractors display an "Equal Employment Opportunity Is the Law" poster (provided by the Office of Federal Contract Compliance Programs) on their premises. But there is no requirement that government contractors have a written nondiscrimination policy of their own.

² The states that prohibit discrimination on the basis of sexual orientation in employment and public accommodations are California, Connecticut, Hawaii, Maryland, Massachusetts, Minnesota, Nevada, New Hampshire, New Jersey, Rhode Island, Vermont and Wisconsin.

³ Vermont law requires employers to extend benefits such as family leave and workers' compensation to the civil union partners of their employees. 15 V.S.A § 1204(e). Vermont employers are not required to extend medical insurance or pension benefits to their employees' civil union partners, for those matters are controlled by ERISA. Vermont Division of Health Care Administration, HCA Bulletin 110, December 21, 2000, www.bishca.state.vt.us/Regs&Bulls/hcabulls/HCABUL110.htm.

For additional information, or for review of your Human Resource Policies, please contact Paul Weber at the Corporate Resource Council, (480) 444-0030.

Jordan Lorence has a national litigation practice in constitutional law issues relating to freedom of speech, religious liberty and discrimination law. He has argued before the United States Supreme Court as well as many other federal and state courts. Mr. Lorence earned a B.A. in journalism from Stanford University (California) in 1977, and a J.D. from the University of Minnesota Law School in 1980. In addition to his work as a trial attorney, Mr. Lorence has worked as a law professor, a reporter, and an administrative assistant to a Minnesota Senate committee chairman. He is currently Senior Vice President - Field Services for the Alliance Defense Fund.

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Submission #

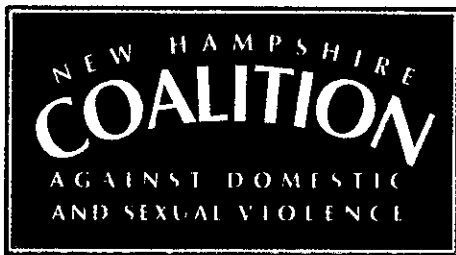
Hi, my name is Kelly Landry. I was born here in Concord, raised in Canterbury, I went to school in Belmont, and I'm attending the University of New Hampshire in Durham as both my parents did before me. I don't have any intention to leave this state any time soon: I hope to live free here, and then I hope to die here. And as much as I love this state, I could tell you stories about discrimination, violence, and even death in hopes of convincing you that there is cisgenderism, and a real and present danger to trans people in the state of New Hampshire. But, I believe the opposition to HB 415 has and will continue to show that very clearly, and frankly I don't think I could keep my composure. And I won't tell you my life story as a non-operative trans woman because I don't expect you to understand me or who I am, I simply expect you to represent and protect me as a citizen of New Hampshire. I will focus on what informal conversations with my compatriots and representatives tell me are the issues here.

Opponents have implied that this bill would legalize rape and sexual assault, but in point of fact, this bill would add "gender identity and expression" to existing nondiscrimination and hate crimes law, including in the areas of employment and housing. And while I'm proud of New Hampshire's uniqueness, it would be joining 13 other states with similar laws, none of which have lost the ability to prosecute criminals as a result. Because I have neither the resources nor inclination to rely on a shrink nor to pursue medical transitioning, many will tell you that I'm "really a man" and that I'm a "threat to their women's purity", but I assure you nothing could be further from the truth. I do not want to destroy the world or sexually assault women in nursing homes or churches or daycares or anywhere at all; I just want the equal opportunity to come home after a hard day's work. Would you really deny me that? Especially in this economy? Especially based on some assumption that our state is somehow not as good as those 13 other states, or even its own state university? Which by the way has had "gender identity and expression" in its nondiscrimination policy since 2005.

Because without this legislation, I don't have that protection. Because of narrow and frankly sexist interpretations of sex and gender nondiscrimination law, precedents have been set that citizens can be discriminated against based on the way their gender takes shape, as long as it is not based on their actual gender or sex. Such precedents have opened up a critical loophole in current nondiscrimination law that must be closed, and would be closed by adding the terms 'gender identity and expression'.

This bill is not really about protecting a minority or listening to the will of a majority. Allow me to point out Articles 12 and 10 of the New Hampshire Bill of Rights. According to Article 12, "Every member of the community has a right to be protected by it in the enjoyment of his life, liberty, and property...", and according to Article 10, "Government being instituted for the common benefit, protection, and security of the whole community, and not for the private interest or emolument of any one man, family, or class of men[.]" Indeed it is not the role of the government to protect some or represent many, but to protect and serve all. The current toil to formulate a budget for the state of New Hampshire and to collect taxes from all should not just benefit cisgender or non-transgender people, or everyone with perfectly expressed genders (whatever you think that means), but all who work, live, and pay their taxes here.

HB 415 is needed. Attempts to portray this bill as protecting sexual predators imply (to me) either incompetence in understanding the legislative and judicial processes, or else a willful and frankly tyrannous deception of the public. These attempts should be unsuccessful in achieving what might otherwise be their results: to cause harm to real and living New Hampshire residents; and to force their neighbors to conform to their own ideals of how people should look, act, and think. Please, I urge you to support HB 415.



Planned Parenthood® *Submission* *Y*
of Northern New England

April 23, 2009

Good afternoon Chairwoman Reynolds and members of the Senate Judiciary Committee.

As organizations dedicated to the rights and safety of men, women and children throughout New Hampshire, the **New Hampshire Coalition Against Domestic and Sexual Violence** and their **14 member programs** and the **New Hampshire Women's Lobby** support House Bill 415, AN ACT adding certain terms regarding non-discrimination to the laws.

As you may know, this bill would amend New Hampshire's hate crimes and key non-discrimination statutes to be explicitly inclusive of transgender people by adding "gender identity or expression" as a protected characteristic. It is our understanding that some legislators have misconceptions and misinformation about the legislation and its effect on public safety and in particular, the safety of women and children. We are writing to clarify any misunderstandings that may exist.

The purpose of HB415 is to protect transgender people and other gender non-conforming individuals from violence and discrimination. HB415 will not affect individuals' rights to privacy or safety in public areas. Some claim that this bill will threaten women's safety in public bathrooms and locker rooms. This is a deliberate scare tactic and this claim is without merit. This argument is based on assumptions that male predators will misrepresent themselves as transgender in order to enter female-only bathrooms and locker rooms with the intent of harassing and harming women. Some believe that this individual would then be exempt from prosecution by the law if the individual claims to be transgender.

Our organizations believe that these fears and claims are unfounded and fundamentally untrue. ***An individual—transgender or not—who enters a women's bathroom to harass or attack women would continue to be prosecuted under the proposed law.*** In addition, transgender women and men using the bathroom that is consistent with their gender identity and gender expression are no more a threat to public safety and individual privacy rights than are other individuals. In fact, data from a 2007 report entitled "Violence Against Women in New Hampshire," conducted by the University of New Hampshire Survey Center, the New Hampshire Division of Public Health Services, and the New Hampshire Coalition Against Domestic and Sexual Violence, clearly shows that for the majority of victims of either sexual or physical violence, the perpetrator of the

most recent assault they experienced was someone whom they knew. In New Hampshire, as elsewhere in the U.S., a woman is most likely to be harmed by someone in her own circle of friends and family.

As you undoubtedly know, violence and discrimination against women are very serious issues in our society. Our organizations fight to stop violence and discrimination, and we have made great strides in our efforts. However, our work cannot be complete unless we curb the violence regularly experienced by those whose gender identity or gender expression does not conform to others' expectations.

We are saddened by those individuals and groups that are deliberately misleading legislators and the public by creating an unfounded fear about women's safety in connection with this legislation. Not only does this scare tactic detract from the very real issues of violence facing women in the New Hampshire, it also ignores the serious threats to personal safety that many transgender and gender non-conforming people in the New Hampshire experience on a daily basis.

We urge you to support HB415, AN ACT adding certain terms regarding non-discrimination to the laws, in order to bring safety and security to all individuals in New Hampshire.

Sincerely,

The New Hampshire Women's Lobby

Planned Parenthood of Northern New England

The New Hampshire Coalition Against Domestic and Sexual Violence

**RESPONSE to Sexual &
Domestic Violence**
Berlin; Colebrook; Lancaster

Turning Points Network
Claremont; Newport

**Rape and Domestic Violence
Crisis Center**
Concord

Starting Point
Conway; Ossipee

**Sexual Harassment and Rape
Prevention Program (SHARPP)**
University of New Hampshire
Durham

**Monadnock Center for
Violence Prevention**
Keene; Jaffrey

New Beginnings
Laconia

WISE
Lebanon

**The Support Center at
Burch House**
Littleton

YWCA Crisis Service
Manchester; Derry

**Bridges: Domestic and
Sexual Violence Support**
Nashua; Milford

Voices Against Violence
Plymouth

A Safe Place
Portsmouth; Rochester; Salem

**Sexual Assault Support
Services**
Portsmouth; Rochester

Submission H

175 Quincy Road
Longview Farm
Plymouth, New Hampshire 03264
April 23, 2009

State of New Hampshire
Senate Judiciary Committee
New Hampshire State House
Concord, New Hampshire 03301

Dear Chair Deborah Reynolds and Members of the Committee:

I Support HB 415 which would define gender identity and expression adding them to the list of classes of people protected from discrimination.

Discrimination is never good. Please do not exclude our transgender folks. New Hampshire should continue supporting all citizens fairly.

I know that people who struggle with their gender identity face many challenges and harassment. They need to feel safe and protected from those who do not understand their transition. When we support one group fairly, we strengthen society as a whole.

All people in New Hampshire must feel safe and protected. One group can not be excluded from the whole. Understandably, this social group has not been well represented in the past but it is time to include them in all non-discrimination laws.

Thank you for your consideration.

Sincerely,

Carol S. Perkins
PFLAG NH Mom

Submission I

HB 415 - adding certain terms regarding non-discrimination to the laws

This bill simply adds “gender identity or expression” or “gender identity or expression, sexual orientation” to the current laws on the State Commission for Human Rights and other applicable statutes.

Currently 13 states and Washington, DC nationwide and at least 98 counties and cities have passed non-discrimination laws to explicitly protect people from discrimination on the basis of gender identity and expression. In our state of New Hampshire there are already at least 27 employers based or operating here that have adopted non-discrimination policies that include gender identity.

It seems fair that all persons be recognized and not discriminated against because of their gender identity.

*Barbara Hull Richardson
Cheshire District 5*

Co-sponsor

not allowed to testify

Submission of

T.M. Ricker, Elkins, NH / 23 April 2009 / Senate Judiciary Committee / HB415
(Nondiscrimination of gender identity or expression)

I am here today to support HB415.

I know this bill won't erase discrimination, but it is my hope that it will send a message to that segment of the population who would openly abuse and harass those who don't fit neatly into the gender roles society has clung to for so many years. The opponents of this bill have managed to create quite a catchphrase to instill fear in those who are, unfortunately, not as well informed as they could be. This bill is so much more than a "bathroom bill." It's about equality and respecting individual differences.

I've heard reported lately, that because the economic climate is so critical now, we shouldn't be concerning ourselves with social issues. I'd say the two are inter-related. It is my understanding that New Hampshire has been losing its young people – they go away to college and they often don't come back. Some of that is economic, but some of it is, I am sure, the lack of diversity we have. Providing protections for groups frequently singled out for discrimination is one way to let people know that diversity is valued here. We need young people, the people with drive, determination, fresh ways of thinking. We need a community to draw those forward-thinkers back to the land in which they were born. This bill might be a minor factor in doing that, but all the little bits accumulate toward common goals.

I've seen gender identity discrimination in my radically different places of work in the last 10 years (one, a science-oriented business and the other, NH state hospital). My transgender friends and acquaintances have been harassed and threatened by co-workers on the job, even when their employers have not only been fair, but clear, in their expectations that discrimination not occur. Behind closed doors, direct care staff at New Hampshire Hospital have openly mocked patients who are transgender... patients who were not there because they were transgender, but because of true mental illness like depression, schizophrenia, etc. It is worth noting that the American Psychiatric Association has been debating the removal of gender identity disorder from the next edition of their catalog of mental illness, just as they had debates on the removal of homosexuality 30 years ago.

HB415, I think, would not only protect an employee with an out of the norm gender expression, but also provide a legal standpoint for employers to use when other employees seem unable to accept diversity in their workplace. A law would carry more weight than any employer policy. It would provide a means to give protections to those with less of a voice, such as patients at the State hospital.

Submission K

Testimony

In support of NH House Bill 415
“An Act Adding Certain Terms Regarding Non-Discrimination To The
Laws”

Katherine Snell
4-215 Heritage Village Dr.
Nashua, NH 03062

When I was first approached to testify before this hearing, my first reaction was “What do I have to say?” I have been lucky in retaining my employment during and after my transition so I have mainly a “good news” story. I have remained a happy and productive worker and have made great significant contributions to my employer’s business and maintain excellent relationships with my coworkers and customers. I have been fortunate in working for one of the largest employers in the state who pay more than lip service to equal opportunity. Despite this they still have not instituted gender identity and expression in company non-discrimination policies. Without legal protection I remain at the mercy of my company’s goodwill in retaining me. I also worry about what would happen if for some reason I was to lose my job and have to seek employment again. Even if an employer was not aware of my situation, my history follows me around in my Social Security and other records. Any simple background check would reveal my status to a prospective employer. In fact such a situation happened to a friend who was enthusiastically hired by a firm in Boston (a city with gender identity non-discrimination laws) and subsequently let go within three days after her background became known. I have not only myself to support but also my two wonderful daughters. They are doing great in school and life in general despite the hardships that my transition has had on them. I would

hate it that they had to endure additional hardship if I could not find employment.

I also believe that having been fortunate that I should do what I can to help. I personally know many other transgender people who are either unemployed or under-employed as a result of their status. Although I have no formal statistics, one can find within any small group of transpeople, someone who has suffered from employment or another form of discrimination. It is absolutely pervasive within the community. Although this bill will not prevent all cases of discrimination as it can often be hidden in other reasons, it's passing into law will make people think twice before discriminating against someone for their gender identity. This bill is not about the false issues our opponents represent it as but rather its about creating a level playing field and equal opportunity for people who were born with a difference.

I would sincerely like to thank Reps. Butler and Richardson and Senator Clark for introducing and sponsoring this legislation and hope that New Hampshire will soon join the growing number of states that treat all their citizens equally.

Submission L



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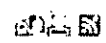
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Poll: Support Seen For Medical Marijuana, Parental Notification

Rep. Vaillancourt

Granite State Survey Asks Residents About Key Issues

POSTED: 9:23 pm EDT April 22, 2009
UPDATED: 5:00 pm EDT April 22, 2009



Initializing

DURHAM, N.H. -- A new survey shows that New Hampshire residents are more likely to support state Senate candidates who support medical marijuana, parental notification and mandatory seat belts.

The Granite State Poll conducted by the University of New Hampshire Survey Center showed that 45 percent of residents said they were more likely to vote for a Senate candidate who supports legalizing marijuana for medicinal purposes.

The poll showed that 24 percent of residents said they would be less likely to vote for such a candidate. Another 26 percent said it would make no difference.

Pollster Andy Smith said the survey center wanted to take a look at the social issues being debated by the Legislature.

"So we wanted to look at those issues, and we looked at a number that have been hot-button issues," Smith said.

Residents said they would also be more likely to vote for Senate candidates who supported a law requiring all vehicle occupants to use seat belts. The poll showed 58 percent of residents were more likely to support such a candidate, while 26 percent said they were less likely, with 16 percent saying the issue would make no difference.

On other issues, New Hampshire residents showed support for more conservative viewpoints. Fifty-eight percent of respondents said they were more likely to vote for a candidate who supported requiring that parents be notified before their daughter under the age of 18 receives an abortion.

On the same question, 26 percent said they were less likely to support such a candidate, and 11 percent said it made no difference.

"This is one that is really a complex issue because I don't think people see this as an abortion case as much as it is a parental control of what their children are doing case," Smith said.

The issue of the death penalty showed similar results, with 56 percent saying they were more likely to vote for a candidate who supported the death penalty and 26 percent saying they were less likely to support such a candidate.

Residents were more split on the issue of transgender rights. Thirty-eight percent of residents said they were more likely to vote for a candidate who supported a law protecting transgendered individuals, while 16 percent said they were less likely.

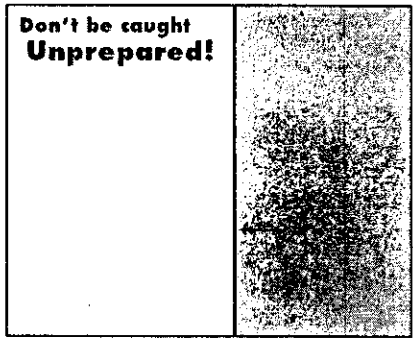
But 39 percent of residents said they didn't know or were unsure. The transgender rights question was the only one in the survey that specifically asked respondents whether they felt they didn't know enough about the issue to give an opinion. No other question had more than 7 percent of respondents say they weren't sure of their opinion.

Smith said that while social issues can be divisive, they likely will not decide a candidate's fate in upcoming elections.

"It's the fiscal issues that are much more critical, and the elections of 2010, which is still a long

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way away, will be fought over fiscal issues, less so on social issues," Smith said.

The poll of 503 randomly selected New Hampshire adults was conducted by telephone between April 13 and April 22. The margin of sampling error was plus or minus 4.4 percent.

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TRANSGENDER RIGHTS

"A cutting-edge book full of new information and ideas."

—PATRICK CALIFIA

Transgender
RIGHTS

Paisley Currah

Richard M. Juang

Shannon Price Minter

EDITORS



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"At last! *Transgender Rights* is the only book any activist, ally, or family member should really need to figure out the tactics of most if not all gender bullies and stop them dead in their tracks. Yippee for the good guys, the good grls, and all the rest of us good folks."

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Bill # NB415

Hearing date: 4/23/09

Executive session date: 4/23/09

Motion of: ITL

VOTE: 5-0

Made by Reynolds
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 Houde
 Letourneau
 Roberge

Seconded Reynolds
by Senator: Lasky
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by Senator: Lasky
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Motion of: _____

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<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Reynolds, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Lasky, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Houde	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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*Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: April 23, 2009

THE COMMITTEE ON Judiciary

to which was referred House Bill 415

AN ACT adding certain terms regarding non-discrimination to the laws.

Having considered the same, the committee recommends that the Bill:

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 5-0

AMENDMENT # s

Senator Bette R. Lasky
For the Committee

L. Gail Brown 271-3076

New Hampshire General Court - Bill Status System

Docket of HB415

Docket Abbreviations

Bill Title: adding certain terms regarding non-discrimination to the laws.*Official Docket of HB415:*

Date	Body	Description
01/08/2009	H	Introduced and Referred to Judiciary; HJ 12 , PG.227
01/22/2009	H	Public Hearing: 2/5/2009 2:00 PM LOB 208
03/09/2009	H	Subcommittee Work Session: 3/12/2009 9:00 AM LOB 208
03/10/2009	H	Executive Session: 3/17/2009 11:00 AM LOB 208 (Continued 3/18&19/09 11:00 AM LOB 208 If Needed)
03/18/2009	H	Committee Report: Without Recommendation for Mar 24 RC ; HC 22A , PG.762-763
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EXECUTIVE SESSION REPORT

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

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