

Written Statement of
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To the
Committee on the Judiciary
United States Senate

Protecting Pride: Defending the Civil Rights of LGBTQ+ Americans

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Chairman Durbin, Ranking Member Graham, and Members of the Committee:

My name is Kelley Robinson, and I am the President of the Human Rights Campaign (HRC), the nation's largest civil rights organization working to achieve equality for lesbian, gay, bisexual, transgender, and queer (LGBTQ+) people. By inspiring and engaging all people, HRC strives to end discrimination against LGBTQ+ people and realize a nation that achieves fundamental fairness and equality for all, without exception. On behalf of our more than three million members and supporters, I am honored to submit testimony for this important hearing. I am here to demand action and push back against policies being implemented across the states designed to isolate, alienate, and terrify LGBTQ+ people, especially transgender youth.

Recently, and for the first time in our nearly half-century history, HRC has declared a national state of emergency for LGBTQ+ people in the United States. Our emergency declaration is neither exaggeration nor dramatization, but a sober reflection of the dire circumstances faced by the LGBTQ+ community. It follows an unprecedented spike in anti-LGBTQ+ legislative assaults and political extremism across our nation, which is resulting in a health and safety crisis for LGBTQ+ Americans and causing countless families to reconsider whether they want to live and work in the states they call home.

In Missouri, where legislators filed more than a dozen anti-LGBTQ+ bills this year, Governor Mike Parson signed one bill that bans lifesaving, gender-affirming health care for transgender children and another that keeps those same children from playing sports with their friends. Danielle and her husband, who are the parents of a transgender child, have a thriving agriculture business in the state and aging parents who live nearby. Still, they have been weighing whether Missouri is a safe place for their son to grow up. Danielle told us, "It's unfair that Missouri is making us choose between doing what two different generations of my family need to survive."

In Florida, Governor Ron DeSantis doubled down on his "Don't Say Gay" law when signing a slate of extreme anti-LGBTQ+ bills in May. Julia and Theresa, a married couple living in central

Florida who just welcomed their first child, are now leaving the state. Julie, an elementary school teacher, worries about losing her job as an out lesbian educator. Theresa, a nurse, said, “There aren’t laws saying I can’t take care of my trans patients anymore, but this is Florida, so it’s probably just a matter of time.” The couple is actively applying for jobs in other states.

In Texas, where Governor Greg Abbott signed legislation banning transgender young people from receiving the health care they need, some families have made the decision to flee the state—including a family whose son relied on the services he was provided at Texas Children’s Hospital, a single mother who is moving her child overseas, and another mother who told me, “We have accepted that this state is not safe. It is a warlike zone.”

In every corner of our country, there are parents and children, teachers and nurses, community leaders and small business owners who are afraid that the rise in legislative assaults and political extremism has put a target on their backs. LGBTQ+ people are living in fear, and such fear has no place in the United States of America.

Thus, we have declared this state of emergency. In addition, we have issued a guidebook to help LGBTQ+ Americans stay safe as they navigate these new anti-LGBTQ+ laws—whether they are deciding to move, planning a vacation, or searching for a new job. We have also compiled a report that details the impact of these laws for advocates, policymakers, and the media. I have submitted both into the record for your reference.

Although this is a state of emergency, I believe that we still live in a land of possibility and a nation that prides itself on progress. For every Missouri, there is a Minnesota, which recently passed a statewide ban on so-called “conversion therapy.” For every Florida, there is a Michigan, which recently became the 22nd state to make LGBTQ+ non-discrimination protections law. For every Texas, there is a Pennsylvania, which is on the cusp of becoming the 23rd. For every Defense of Marriage Act, there is a Respect for Marriage Act. And for every extremist, there are many more Americans who support LGBTQ+ rights.

Our nation is greater than hate—and we must act now to end this emergency and secure equality for every American, without exception.

Since 2015, there has been a dramatic rise in anti-LGBTQ+ legislation across the states.

Anti-LGBTQ+ legislation is nothing new. But since 2015—when *Obergefell v. Hodges* was decided by the United States Supreme Court—state lawmakers have introduced and enacted increasing numbers and types of legislation that would try to stymie continued gains in lived or legal equality for LGBTQ+ people, with the aim of restricting the areas of public life where LGBTQ+ people can freely and openly participate as our true selves. These lawmakers introduced 115 anti-LGBTQ+ bills across the country in 2015, a record at the time.¹ That heartbreaking trajectory has continued: 2023 shattered previous records with over 525 anti-

¹ HUMAN RIGHTS CAMPAIGN, LGBTQ+ AMERICANS UNDER ATTACK: A REPORT AND REFLECTION ON THE 2023 STATE LEGISLATIVE SESSION 5 (2023), <https://hrc-prod-requests.s3-us-west-2.amazonaws.com/Anti-LGBTQ-Legislation-Impact-Report.pdf> [hereinafter HRC IMPACT REPORT].

LGBTQ+ bills introduced.² In fact, since 2015, anti-equality lawmakers have introduced over 2,000 anti-LGBTQ+ bills across the states.³

Assaults on LGBTQ+ rights have increased and accelerated in recent years.

Starting in 2020, these opponents of equality began leaning into what they saw as an area of potential opportunity: isolating transgender youth from the protection of the law, as well as from their parents, doctors, teachers, guidance counselors, classmates, coaches, and teammates, alongside erasing them from the books they read and the history they learn. Efforts to attack transgender youth drove the increase in bills filed and enacted between 2020 and 2023, harming tens of thousands of transgender young people in the process. Of the hundreds of bills introduced during states' 2023 legislative sessions, 220 explicitly target transgender people.⁴

Their efforts have seen many heartbreaking successes: of the anti-LGBTQ+ bills introduced during states' 2023 sessions, 77 have been signed into law so far.⁵ But their assault on our rights is not limited to these bills. Several states seen a combination of these legislative attacks on transgender youth and their families with administrative attacks, including in Florida, Missouri, and Texas.⁶ Likewise, even members of Congress have helped advance these lawmakers' anti-LGBTQ+ agenda by pushing for these types of bills at the national level⁷ and echoing the harmful, false rhetoric that pride flags, drag performances, and ultimately LGBTQ+ people as a whole do not belong on our military bases⁸ and other public settings.

We cannot afford to leave people in any state behind.

Across the nation, the public is increasingly showing they are on the side of LGBTQ+ equality. Some lawmakers recognize this and the ongoing need to support LGBTQ+ communities, as we saw this year in Michigan—which became the 22nd state to sign LGBTQ+ non-discrimination protections into law.⁹ Likewise, in Minnesota, lawmakers banned so-called “conversion therapy” this year.¹⁰ But if things do not change everywhere, these positive shifts will not be enough to protect LGBTQ+ Americans. With growing attacks on LGBTQ+ equality nationwide, we are risking the creation of two Americas, with many people left behind.

In fact, equal numbers of states—22 to be exact—have passed laws restricting how transgender children can participate in school sports as have those with express LGBTQ+ non-discrimination protections.¹¹ But those 22 pro-LGBTQ+ bills took lawmakers decades to pass, while we saw the 22 sports bans pass in only the last 3 years. Something must be done, as equality should not

² *Id.* at 6.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ See, e.g., Jo Yurcaba, *Florida Issues Texas-Like Guidance Seeking To Bar Transition Care For Minors*, NBC NEWS (Apr. 20, 2022), <https://www.nbcnews.com/nbc-out/out-politics-and-policy/florida-issues-texas-guidance-seeking-bar-transition-care-minors-rcna25273>.

⁷ Bianca Quilantan, *House Republicans Pass Bill Restricting Transgender Athletes From Women's Sports*, POLITICO (Apr. 20, 2023), <https://www.politico.com/news/2023/04/20/house-gop-bill-transgender-athletes-00093044>.

⁸ Oren Liebermann, *Pentagon Cancels Drag Show At Air Force Base As Pride Month Begins*, CNN (May 31, 2023), <https://www.cnn.com/2023/05/31/politics/pentagon-cancels-drag-show-nellis-air-force-base-pride/index.html>.

⁹ HRC IMPACT REPORT, *supra* note 1.

¹⁰ *Id.*

¹¹ *Id.*

depend on someone's zip code. Equality for everyone, everywhere, without exception means that people who have built their lives and communities in these states with hostile anti-LGBTQ+ laws deserve equality too. And there is much work left to be done, given the breadth of these lawmakers' attacks on our communities.

These bills are creating a dangerous environment for LGBTQ+ people nationwide.

For many LGBTQ+ individuals and their families, living in these hostile states has become untenable. They are no longer safe due to their lawmakers' efforts to roll back existing legal protections, reduce our visibility, and reduce cultural and social acceptance of our communities—of our right to exist and thrive as our true selves. These new laws even criminalize parents working with medical professionals to help their children access age-appropriate, medically necessary health care. People in more than two dozen states are now facing hard questions: Do I stay and try to fight, or do I flee to safety? Do I even have the means to flee if I want to? What do I do if I have no option but to stay?

LGBTQ+ people live from coast to coast, with the Williams Institute's estimates on same-sex couples drawn from Census Bureau data showing we live in virtually every county of every state.¹² According to a report released last year by the Human Rights Campaign Foundation, at least 20 million adults in the United States self-identify as LGBTQ.¹³ LGBTQ+ people also reflect the breadth of diversity in this country, with the Williams Institute using Gallup Daily Tracking survey data from 2012–2017 to estimate that 58% of LGBT adults identify as female and that 42% identify among communities of color.¹⁴ In turn, debates about LGBTQ+ rights—and increasingly, efforts to stymie those rights through legislation and the malicious false narratives driving them—are likely to have a negative impact on our communities regardless if they occur at the local, state, or federal level.

LGBTQ+ people feeling the need to flee their homes is not mere speculation.

Surveys show that indeed, many LGBTQ+ people and their families now feel unsafe and unwelcome where they live, with some considering leaving the only homes they have ever known altogether. In a Williams Institute survey of 113 LGBTQ+ adults raising children in Florida—conducted in September 2022, three months after Florida lawmakers passed their first “Don't Say LGBTQ+” bill—over half of those surveyed (56%) reported they were considering moving out of the state, and more than one in six (17%) had already taken steps to do so.¹⁵ In a survey of parents of transgender and gender non-conforming youth ages 18 and younger

¹² *Population Density of Same-sex Couples: United States*, WILLIAMS INST. (Jan. 2019), <https://williamsinstitute.law.ucla.edu/visualization/lgbt-stats/?topic=SS&showCounties=true#density>; cf. CHRISTY MALLORY & BRAD SEARS, WILLIAMS INST., *THE ECONOMIC IMPACT OF MARRIAGE EQUALITY FIVE YEARS AFTER OBERGEFELL V. HODGES* (2020), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Economic-Impact-SS-Marriage-May-2020.pdf> (noting that the number of married same-sex couples in the U.S. has doubled since the Supreme Court's decision in *Obergefell* in 2015).

¹³ HUMAN RIGHTS CAMPAIGN FOUND., *WE ARE HERE: UNDERSTANDING THE SIZE OF THE LGBTQ+ COMMUNITY* (2021), <https://hrc-prod-requests.s3-us-west-2.amazonaws.com/We-Are-Here-120821.pdf>.

¹⁴ *LGBT Demographic Data Interactive*, WILLIAMS INST. (Jan. 2019), <https://williamsinstitute.law.ucla.edu/visualization/lgbt-stats/?topic=LGBT#demographic>.

¹⁵ ABBIE E. GOLDBERG, WILLIAMS INST., *IMPACT OF HB 1557 (FLORIDA'S DON'T SAY GAY BILL) ON LGBTQ+ PARENTS IN FLORIDA* (2023), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Dont-Say-Gay-Impact-Jan-2023.pdf>.

conducted by HRC and the University of Arizona in 2022, parents of LGBTQ+ youth discussed considering, or potentially even being forced to, moving from their states were these bills to pass—including many of those living in states where anti-LGBTQ+ legislation did in fact become law in 2023.¹⁶

Transgender, non-binary, and gender non-conforming people and their families have faced the brunt of these assaults on our freedoms.

Many of these efforts have taken the form of bans on the provision of best practice,¹⁷ age-appropriate, medically necessary health care for transgender and non-binary minors simply because they are transgender. So far this year, 20 states have enacted such bills, joining another two states who did the same in their 2022 sessions.¹⁸ In addition, multiple states have enacted laws that impact the ability of adults to receive gender-affirming care, largely through limitations on public funding being used to cover such treatment for those on Medicaid, those who are incarcerated, or those enrolled in health benefit plans for employees of the state, public colleges, universities, or hospitals, and municipalities.

We estimate that almost one-third (30.9%) of all transgender youth ages 13–17 are living in states where their access to gender-affirming medical care has been banned through bills and/or administrative action.¹⁹ A total of 32 states saw bills introduced banning gender-affirming care during their 2023 legislative sessions, meaning that at their height, half of all transgender youth in the United States were at risk of losing access to care that decades of research have made clear is lifesaving.²⁰ Insidiously, some of these bills would call for transgender youth to immediately detransition, while a handful of these bills mandate timelines for weaning transgender minors off puberty blockers and hormone therapy. For those states where treatment remains allowed under some circumstances, many are finding barriers to actually continuing care like individual providers and clinics shutting down their practices to avoid potential legal action.²¹ Florida lawmakers even eliminated the ability of advanced practice registered nurses and other qualified medical providers who are not physicians from providing any of the broad range of services that constitute gender-affirming care, resulting in even greater barriers.

Additionally, 22 states have passed laws prohibiting transgender students from playing sports alongside peers sharing their gender identity, often effectively denying them the ability to participate in school sports at all. School sports provide essential development opportunities that embody our shared ideals as Americans—teaching young people about teamwork, self-esteem,

¹⁶ HRC IMPACT REPORT, *supra* note 1, at 15.

¹⁷ For an inventory of the leading medical organizations' endorsements of this form of care, see *Medical Organization Statements*, TLDEF, <https://transhealthproject.org/resources/medical-organization-statements/> (last visited June 19, 2023).

¹⁸ Human Rights Campaign Found., *Map: Attacks on Gender Affirming Care by State*, HUMAN RIGHTS CAMPAIGN (June 1, 2023), <https://www.hrc.org/resources/attacks-on-gender-affirming-care-by-state-map>.

¹⁹ Or an estimated 92,700 transgender youth; this number includes the 7,800 transgender youth living in Alabama, Oklahoma, and Arkansas, where courts have issued injunctions against their states' health care bans. See HRC IMPACT REPORT, *supra* note 1, at 11.

²⁰ See Human Rights Campaign Found., *Get the Facts on Gender-Affirming Care*, HRC.org (Mar. 22, 2023), <https://www.hrc.org/resources/get-the-facts-on-gender-affirming-care>.

²¹ See, e.g., Eleanor Klibanoff & Alex Nguyen, *Austin Doctors Who Treated Trans Kids Leaving Dell Children's Clinic After AG Paxton Announces Investigation*, TEXAS TRIBUNE (May 13, 2023), <https://www.texastribune.org/2023/05/13/austin-dell-childrens-gender-affirming/>.

perseverance, leadership, discipline, and exercise, and helping them build friendships and community²²—that all youth deserve access to. Because of these lawmakers’ efforts, driven by a narrative that their bills are necessary to “save women’s sports,” just over one-third (33.8%) of high school age transgender youth are now living in states where they are unable to simply play and have fun alongside their friends.²³

And this year we saw lawmakers return to their once abandoned, unpopular efforts to ban transgender people from using the restroom consistent with their gender identity. In 2023, these bills have largely been tied to public schools, with 10 such bills being signed into law and directly impacting transgender students and adults like school employees and parents. Data show that 15.1% of transgender people (ages 13+)—over 247,000 of the 1.6 million transgender people in the United States—now live in these states where they have been left unable to use bathrooms, locker rooms, and/or other facilities in accordance with their gender identity while in K–12 school buildings.²⁴ Florida and North Dakota lawmakers went even further, adopting bills more in the style of North Carolina’s reviled HB2 that ban transgender people from using the restroom consistent with their gender identity in any government-operated facility, including airports, publicly funded convention centers, government buildings and public schools. Over 110,000 transgender people ages 13 and over live in these two states;²⁵ and unfortunately, these bills likely offer a blueprint for bans to come elsewhere in future legislative sessions.

Lawmakers have been unrelenting in their attacks on LGBTQ+ youth in our nation’s schools.

In six states, school personnel including teachers, coaches, school nurses, guidance counselors, and others are now: able to either misgender transgender students or refuse to refer to them using their correct pronouns;²⁶ forced to “out” them to their parents, even if that puts the student in danger at home, if a student adopts a new chosen name and/or pronouns;²⁷ and finding themselves bound by “Don’t Say LGBTQ+” laws that restrict their ability to even acknowledge the existence of LGBTQ+ people.²⁸

School boards are joining legislators in these efforts to shift the culture of schools in their care to be expressly anti-LGBTQ+. They are doing so using their ability to drive policy on all kinds of diversity, equity, and inclusion initiatives, to approve or deny LGBTQ+-inclusive lessons, books,

²² See generally Jessica L. Fraser-Thomas et al., *Youth Sport Programs: An Avenue to Foster Positive Youth Development*, 10 PHYSICAL EDUC. & SPORT PEDAGOGY 19 (2005), <https://www.tandfonline.com/doi/abs/10.1080/1740898042000334890>.

²³ Or approximately 101,500 of the estimated 300,100 transgender youth ages 13-17 in the United States. See JODY L. HERMAN ET AL., WILLIAMS INST., HOW MANY ADULTS AND YOUTH IDENTIFY AS TRANSGENDER IN THE UNITED STATES? at 4 (2022), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Trans-Pop-Update-Jun-2022.pdf>;

²⁴ This includes 11.1% of all transgender minors ages 13–17 (33,200 youth) and 16.0% of all transgender adults ages 18 and over (213,800 people) nationwide. See HRC IMPACT REPORT, *supra* note 1, at 11.

²⁵ *Id.*

²⁶ We estimate that 8.0% of transgender and gender non-conforming youth ages 13–17—approximately 24,100 students—live in states with school-based pronoun bans. See *id.* at 12.

²⁷ We estimate that 4.4% of transgender and gender non-conforming youth ages 13–17—approximately 13,100 students—live in states with forced outing bills. *Id.*

²⁸ We estimate that 12.3% of LGBTQ+ youth ages 13–17—over 273,600 of the more than 2.2 million LGBTQ+ high school age youth in the United States—are living in states where “Don’t Say LGBTQ+” bills have passed, including 9.9% of transgender youth ages 13–17 (29,600 transgender youth) and 12.7% of cisgender LGBTQ+ youth ages 13–17 (244,000 LGBTQ+ youth). *Id.*

and programs, and to determine policies related to dress codes, discipline measures for anti-LGBTQ+ bullying incidents, and diversity in hiring.²⁹ Together, these efforts have and will continue to isolate and alienate already vulnerable young students from their sources of support. Their actions are essentially forcing these youth back into the closet while at school, further increasing their risk for depression and suicidality.

Additionally, several laws passed this year shamelessly aim to permit discrimination against LGBTQ+ people regardless of age or setting.

First, through what we have dubbed “LGBTQ+ Erasure Laws,” several states have moved to adopt a discriminatory, bioessentialist definition of sex that reduces people to their reproductive abilities. These bills would eliminate a broad array of protections for women and LGBTQ+ people alike that are already embedded throughout state law. Likewise, new religious refusal bills have been getting quietly introduced and passed, creating major LGBTQ+-specific loopholes to important existing non-discrimination protections. Proponents of these bills argue that discrimination against LGBTQ+ people should be allowed for people who assert a religious disagreement with the existence or acceptance of LGBTQ+ people, even though those same situations would not allow them to discriminate against a divorcee or a person of another religion.

Finally, and sadly, lawmakers’ attacks against LGBTQ+ communities being visible in public life do not stop there. In two states, legislators have enacted bills restricting drag shows, and four additional states have passed laws that will likely have a chilling effect on drag performances as well as pride events. Despite decades of Supreme Court precedent on how governments can constitutionally prohibit obscene content,³⁰ these bills would classify drag performances as inherently obscene and limit the performance of drag to adult-only spaces regardless of the type of performance. Lawmakers pushing these bills willfully ignore that like any other kind of performance, drag can be tailored to suit many kinds of audiences: a show at a club on a Saturday night will look dramatically different than a Sunday morning dramatic reading of a children’s book at the local public library.

These policy efforts serve the true purpose of the opponents of LGBTQ+ equality: reversing and even defying legal progress and protections.

Alongside the rights and privileges tied to marriage equality as established in *Obergefell*, anti-LGBTQ+ lawmakers have sought to minimize the impact of the Supreme Court’s decision in *Bostock v. Clayton County*, which affirmed that Title VII of the Civil Rights Act of 1964 prohibits discrimination on the basis of sexual orientation and gender identity.³¹ While an employment discrimination case, *Bostock* was decided using generally applicable principles of statutory interpretation that apply to other civil rights laws long read to be consistent with that law, including in education (Title IX of the Education Amendments of 1972) and health care

²⁹ See, e.g., Matt Laviertes, *From Book Bans To 'Don't Say Gay' Bill, LGBTQ Kids Feel 'Erased' In The Classroom*, NBC NEWS (Feb. 20, 2022), <https://www.nbcnews.com/nbc-out/out-news/book-bans-dont-say-gay-bill-lgbtq-kids-feel-erased-classroom-rcna15819>.

³⁰ See generally *Miller v. California*, 413 U.S. 15 (1973).

³¹ 140 S. Ct. 1731 (2020).

(Section 1557 of the Affordable Care Act) both at the state and federal levels.³² As these anti-LGBTQ+ groups have so far been unsuccessful at implementing their agenda federally, they have pressed on with their efforts across the states, even going as far as to convince lawmakers to enact bills that clearly conflict with existing federal protections in light of *Bostock*—as well as the Equal Protection Clause of the Fourteenth Amendment. Many of their bills that have been passed into law are being challenged—and more will be challenged—in court by organizations including HRC. Several have already been found to be unconstitutional and we anticipate that more will continue to be struck down as challenges progress, but likely at a pace unable to fully eliminate their negative impact on LGBTQ+ people nationwide.

Legislators are advancing these bills as part of a coordinated moral panic.

This intense targeting of the LGBTQ+ community did not happen organically, and these lawmakers' actions do not reflect the will of the people.

Survey after survey shows most Americans support LGBTQ+ equality. According to recent polling, 64% of likely voters believe there is too much legislation designed to limit the rights of LGBTQ+ people in America.³³ In contrast to how many states are banning gender-affirming health care, 54% of voters oppose these bans and this extreme government interference, just as 58% oppose laws that would restrict drag shows.³⁴ And nearly 60% of voting Americans believe middle school libraries should include materials related to gender identity and sexual orientation.³⁵ The American people are on the side of equality, but these hateful and discriminatory bills are being pushed through nonetheless in service of a coordinated, top-down moral panic.

It bears repeating that this recent slate of efforts began as a reaction to the Supreme Court's pro-equality decision in *Obergefell* and has accelerated following other cases like *Bostock* making it clear that the law of the land includes equality for LGBTQ+ people. The pace at which LGBTQ+ equality has advanced has created a “last stand mentality” among some anti-democracy extremists who are determined to reestablish their vision of America by any means necessary. There is a clear connection between their attacks on LGBTQ+ people and broader efforts to ban lessons on racism in schools, to ban diversity, equity, and inclusive-based initiatives, and to criminalize reproductive health care. Their efforts are the opposite of community-driven: again, majorities of Americans, in every state and across every demographic, support LGBTQ+ non-discrimination measures. State legislators, however, have continued to increase the intensity of

³² For more information on other statutes being interpreted consistent with *Bostock*, see CHRISTINE J. BACK & JARED P. COLE, CONG. RES. SERV., POTENTIAL APPLICATION OF *BOSTOCK V. CLAYTON COUNTY* TO OTHER CIVIL RIGHTS STATUTES (2021), <https://crsreports.congress.gov/product/pdf/R/R46832>; CHRISTY MALLORY ET AL., WILLIAMS INST., LEGAL PROTECTIONS FOR LGBT PEOPLE AFTER *BOSTOCK V. CLAYTON COUNTY* (2020), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Bostock-State-Laws-Jul-2020.pdf>.

³³ DATA FOR PROGRESS (2023),

https://www.filesforprogress.org/datasets/2023/3/dfp_transgender_day_of_visibility_tabs.pdf.

³⁴ Domenico Montanaro, *Poll: Dangers For Both Parties On The Economy, Crime And Transgender Rights*, NPR (Mar. 29, 2023), <https://www.npr.org/2023/03/29/1166486046/poll-economy-inflation-transgender-rights-republicans-democrats-biden>.

³⁵ *Majorities of Americans Approve of Citizens and Elected Officials Speaking Their Minds on Politics, but Not Public School Teachers*, GRINNELL COLLEGE (Mar. 22, 2023), <https://www.grinnell.edu/poll/speaking-minds>.

their anti-LGBTQ+ attacks, being all too receptive to these extremists' proposals because of hyper-partisan gerrymandering prevalent across the country.

Well-funded designated hate organizations are coordinating this multi-pronged attack to push LGBTQ+ people back into the shadows as part of an ongoing campaign of hate.

These efforts are being backed by the same well-funded organizations—designated by the Southern Poverty Law Center as hate organizations—that have opposed LGBTQ+ equality in the United States for much of the last decade: fighting for criminalization of same-sex relationships, against marriage equality, and for a so-called right to engage in religious-based refusals of any and all services, even if that means LGBTQ+ people will die in the process.³⁶ They are doing this in concert with newer, smaller groups that formed in response to COVID-19 policies in schools, but whose campaigns quickly broadened with a direct push to have curricula on race and LGBTQ+ people restricted and numerous books banned.³⁷ Their messaging often centers around “parental rights” while in reality only promoting rights aligned with anti-LGBTQ+ groups. These proponents of discriminatory legislation have weaponized their discriminatory ideology and distilled it into discriminatory state law.

To achieve their goals, these groups have revitalized the vintage homophobia that Anita Bryant made famous in her “Save Our Children” crusade in Florida many decades ago.³⁸ That is, they have so sexualized LGBTQ+ identity that they argue that even acknowledging that LGBTQ+ people exist—much less showing any affirmation of LGBTQ+ identity—is inherently inappropriate and corrupting for children. For example, their characterization of all drag performances as obscene is a direct result of their hyper-sexualization of LGBTQ+ identities, and something we are seeing reflected in many policy proposals beyond drag. By framing the existence of LGBTQ+ people as inherently vulgar, and suggesting that some people should have the right to refuse to comply with the laws that govern basic civility in our public square based on a belief that LGBTQ+ people cannot or should not exist, these extremists seek to impose their worldview upon the rest of the country and the world. And our research shows that their efforts are bearing fruit: the average number of tweets per day using slurs such as “groomer” and “pedophile” in relation to LGBTQ+ people surged by 406% in the month following the initial passage of Florida’s “Don’t Say LGBTQ+” bill.³⁹

In service of their goals, these extremist groups have employed a variety of dishonest, anti-democracy tactics.

³⁶ See generally *Anti-LGBTQ*, SPLC, <https://www.splcenter.org/fighting-hate/extremist-files/ideology/anti-lgbtq> (last visited June 19, 2023).

³⁷ Adam Nagourney & Jeremy W. Peters, *How a Campaign Against Transgender Rights Mobilized Conservatives*, N.Y. TIMES (Apr. 17, 2023), <https://www.nytimes.com/2023/04/16/us/politics/transgender-conservative-campaign.html>.

³⁸ Jillian Eugenios, *How 1970s Christian Crusader Anita Bryant Helped Spawn Florida's LGBTQ Culture War*, NBC NEWS (Apr. 13, 2022), <https://www.nbcnews.com/nbc-out/out-news/1970s-christian-crusader-anita-bryant-helped-spawn-floridas-lgbtq-cult-rcna24215>.

³⁹ CTR. FOR COUNTERING DIGITAL HATE & HUMAN RIGHTS CAMPAIGN FOUND., SOCIAL MEDIA’S ROLE IN AMPLIFYING DANGEROUS LIES ABOUT LGBTQ+ PEOPLE (2022), <https://hrc-prod-requests.s3-us-west-2.amazonaws.com/CCDH-HRC-Digital-Hate-Report-2022-single-pages.pdf>.

These groups have jointly created a website that offers model language that has been used in a variety of state legislatures across the country.⁴⁰ Together, they have recruited legislators to sponsor their policies, testified in favor of their own bills in committee hearings, and promised to pay for legal defense when their blatantly discriminatory laws are inevitably challenged in court. They have encouraged lawmakers to ignore decades of rigorous research because those findings do not align with their views, instead weaponizing junk science long discredited by the medical field and using fear-mongering attacks against LGBTQ+ to peddle their policies.⁴¹ Additionally, they openly advocate for conversion therapy and against so-called “gender ideology,” refer to transgender people as deluded, and insinuate that doctors are better off dead than providing gender-affirming care. And, these organizations have even assembled a small group of adults who formerly identified as transgender and have flown them into state capitals across the country to testify in support of their model bills, despite those people having no ties to the state; very often, these individuals had not even received the types of care that the bills they were testifying for would forbid.

Most states that passed anti-LGBTQ+ legislation in 2023 were influenced by these groups—and the desperation to deliver to those audiences drove legislators to flout the rules of the established democratic process to enact unpopular and unconstitutional laws. The ways that officials across the country violated democratic rules and norms to silence opposition have included censorship and outright removal of transgender legislators who spoke out against pending legislation, including State Rep. Zooey Zephyr in Montana and State Rep. Mauree Turner in Oklahoma.⁴² Likewise, earlier this year came the expulsion of State Rep. Justin Jones and State Rep. Justin Pearson by the Tennessee House Speaker over their support for gun violence prevention laws and for their outspoken support for the LGBTQ+ community.⁴³ In Kentucky, leadership worked to change procedural rules to pass bills their final hours of session; legislation was similarly fast-tracked in Georgia; and in Nebraska, the legislature’s procedural rules were outright ignored so their anti-LGBTQ+ legislation could pass. In states including Texas, Oklahoma, Nebraska, and Montana, lawmakers moved to impede the public’s right to be heard in their own statehouses, including by removing peaceful demonstrators and violating their right to peacefully assemble.⁴⁴

In each of these states, supermajority legislatures deployed these tactics to avoid or limit public discourse about the laws they were attempting to muscle through because of gerrymandering, another failure in our democratic process. Gerrymandering has created unfairly drawn state legislative districts that make partisan primaries the toughest elections that a candidate will face. In the states where the vilest of these bills are being passed, the most likely primary voters are these anti-democracy extremists motivated by their desire for discrimination, meaning

⁴⁰ *About Us*, PROMISE TO AMERICA'S CHILDREN, <https://promisetoamericaschildren.org/about-us/> (last visited June 19, 2023).

⁴¹ See Dell Cameron & Dhruv Mehotra, *An Anti-Trans Doctor Group Leaked 10,000 Confidential Files*, WIRED (May 2, 2023), <https://www.wired.com/story/american-college-pediatricians-google-drive-leak/>.

⁴² Lexi McMenamin, *Zooey Zephyr Was Censured This Week; Mauree Turner Went Through It First*, TEEN VOGUE (Apr. 28, 2023), <https://www.teenvogue.com/story/zooey-zephyr-mauree-turner-censure>.

⁴³ See Darian Aaron, *The Righteous Indignation of Tennessee Lawmaker, LGBTQ Ally, Rep. Justin Jones*, GLAAD (Apr. 27, 2023), <https://glaad.org/the-righteous-indignation-of-tennessee-lawmaker-lgbtq-ally-rep-justin-jones/>.

⁴⁴ See, e.g., Lucy Tompkins, *LGBTQ Texans Decry Capitol Arrests After Protests Against Bill Banning Puberty Blockers And Hormone Therapy For Kids*, TEXAS TRIBUNE (May 5, 2023), <https://www.texastribune.org/2023/05/04/texas-senate-bill-14-transgender-care-protests/>.

lawmakers no longer see reason to be held accountable to their entire districts. Despite public opinion overall supporting LGBTQ+ equality at the highest levels ever seen, these legislators come back repeatedly with new and innovative ways to be cruel to LGBTQ+ people.

The rise of these anti-democratic maneuvers poses a troubling warning for future legislative sessions, signaling an increasing and startling divide between legislators' actions and the will of the people. Furthermore, the lack of consequences for the politicians who have already violated democratic norms makes it likely that more leaders may employ such tactics in future years. State legislatures are creatures of state constitutional law, with a complex working of formally adopted legislative rules intertwined with norms about civility, democracy, public input, and debate. These norms are generally vociferously defended—but this year they were bent well past the breaking point in not only one legislature, but many.

Even the mere introduction of these bills has a significant, stigmatizing impact on LGBTQ+ youth, their families, and allies.

Several of these insidious laws have been enjoined by federal courts, and dozens of additional lawsuits have been filed in recent months that will likely have similar outcomes given the willingness of legislators to flaunt that their bills are intended to be discriminatory.⁴⁵ But even injunctions cannot eliminate the stigmatizing impact of these efforts to legislate LGBTQ+ people out of existence. These pieces of anti-LGBTQ+ legislation can have significant and substantial impacts on the health, well-being, and safety of the LGBTQ+ community both before and after passage, as research has shown they can be a substantial source of stress and anxiety for LGBTQ+ youth even by being merely introduced.

Impacts in states where anti-LGBTQ+ legislation has been introduced.

For example, in 2021 when Texas lawmakers first began ramping up their attacks against LGBTQ+ youth, the Trevor Project's crisis hotline saw a 150% growth in calls from youth in the state when compared with the same period the year prior.⁴⁶ Between 2013 and 2019, calls to the Crisis Text Line, a hotline focused on support for LGBTQ+ youth, saw a small, but significant, increase in calls from states where anti-LGBTQ+ legislation was introduced, with spikes occurring in the four weeks after these bills were initially introduced.⁴⁷ In their survey of LGBTQ+ youth conducted in 2022—before the latest onslaught of legislative attacks—the Trevor Project found that two in three LGBTQ+ young people reported their mental health was a lot worse as a result of “hearing about potential state or local laws banning people from

⁴⁵ See, e.g., Melissa Block, *Judge's Blistering Ruling Halts Florida's Ban On Gender-Affirming Care For Minors*, NPR (June 6, 2023), <https://www.npr.org/2023/06/06/1180581910/judges-blistering-ruling-halts-floridas-ban-on-gender-affirming-care-for-minors>.

⁴⁶ Kinzi Sparks, *New Data Illuminates Mental Health Concerns Among Texas' Transgender Youth Amid Record Number of Anti-Trans Bills*, TREVOR PROJECT (Sept. 27, 2021), <https://www.thetrevorproject.org/blog/new-data-illuminates-mental-health-concerns-among-texas-transgender-youth-amid-record-number-of-anti-trans-bills/>.

⁴⁷ Dominique Parris et al., *Anti-LGBTQ Policy Proposals Can Harm Youth Mental Health*, CHILDTRENDS (July 6, 2021), <https://www.childtrends.org/publications/anti-lgbtq-policy-proposals-can-harm-youth-mental-health>.

discussing LGBTQ people at school,” whereas one in three said their mental health was poor most or all of the time as a result of anti-LGBTQ+ legislation.⁴⁸

And again, these bills directly strip away access to many of the supportive actions and resources that are both protective against the adverse mental health impacts of stigma, harassment, and discrimination, and which actively help LGBTQ+ youth feel safe, affirmed, and welcomed.⁴⁹ Prior research has found that having one’s pronouns affirmed by a single additional adult,⁵⁰ and/or having a single additional context where one can use their chosen name,⁵¹ is associated with a lower risk of depression and suicidality among transgender and non-binary youth. Data from HRC and the University of Connecticut’s 2022 LGBTQ+ Youth Survey shows that, prior to this legislative session, transgender and gender non-conforming youth who had their pronouns and chosen name used more frequently in schools, and who were able to use the restroom in accordance with their gender identity more often, were significantly less likely to be depressed.⁵² Similarly, there are multiple known benefits of sports participation, including lower levels of anxiety and depression,⁵³ higher levels of self-esteem,⁵⁴ and better academic performance.⁵⁵ Yet, in the 23 states where transgender youth are banned from playing sports in accordance with their gender identity, transgender youth are now denied access to these benefits as well.⁵⁶

Other research has found that LGBTQ+ youth who attend schools with inclusive curricula—such as those including discussions of sexual orientation and gender identity in health education, reading LGBTQ+ authors or stories in English classes, and/or teaching about LGBTQ+ people and movements in history—feel safer, are safer, and do better in school.⁵⁷ Data from HRC’s 2022 Youth Study show that LGBTQ+ youth who attended schools with inclusive curricula were less likely to feel unsafe at school or experience school-based bullying or harassment than those who

⁴⁸ 2023 U.S. National Survey on the Mental Health of LGBTQ Young People, TREVOR PROJECT (2023), <https://www.thetrevorproject.org/survey-2023/#anti-lgbtq-policies>.

⁴⁹ See, e.g., Diana M. Tordoff et al., *Mental Health Outcomes in Transgender and Nonbinary Youths Receiving Gender-Affirming Care*, 5 JAMA NETWORK OPEN e220978 (2022), <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2789423>; JODY L. HERMAN & KATHRYN K. O’NEILL, WILLIAMS INST., *SUICIDE RISK AND PREVENTION FOR TRANSGENDER PEOPLE: SUMMARY OF RESEARCH FINDINGS 2* (2021), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Trans-Suicide-Summary-Sep-2021.pdf>.

⁵⁰ *National Survey on LGBTQ Youth Mental Health 2021*, TREVOR PROJECT, <https://www.thetrevorproject.org/survey-2021/?section=SuicideMentalHealth> (last visited June 19, 2023).

⁵¹ Stephen T. Russell et al., *Chosen Name Use is Linked to Reduced Depressive Symptoms, Suicidal Ideation and Behavior among Transgender Youth*, 63 J. ADOLESCENT HEALTH 503 (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6165713/>.

⁵² HRC IMPACT REPORT, *supra* note 1, at 14.

⁵³ Michael J. Panza et al., *Adolescent Sport Participation and Symptoms of Anxiety and Depression: A Systematic Review and Meta-Analysis*, 42 J. SPORTS & EXERCISE PSYCHOLOGY 201 (2020), <https://doi.org/10.1123/jsep.2019-0235>.

⁵⁴ Scott L. Zuckerman et al., *The Behavioral, Psychological, And Social Impacts of Team Sports: A Systematic Review And Metaanalysis*, 39 PHYSICIAN & SPORTS MEDICINE 246 (2021), <https://pubmed.ncbi.nlm.nih.gov/33196337/>.

⁵⁵ Susan Rankin et al., *The Influence of Climate on the Academic and Athletic Success of Student-Athletes: Results from a Multi-Institutional National Study*, 87 J. HIGHER EDUC. 701 (2016), <https://doi.org/10.1080/00221546.2016.11777419>.

⁵⁶ Shoshana K. Goldberg, *Fair Play: The Importance of Sports Participation for Transgender Youth*, CTR. FOR AM. PROGRESS (Feb. 8, 2021), <https://www.americanprogress.org/article/fair-play/>.

⁵⁷ See, e.g., JOSEPH G. KOSCIW ET AL., GLSEN, *THE 2021 NATIONAL SCHOOL CLIMATE SURVEY* (2022), <https://www.glsen.org/sites/default/files/2022-10/NSCS-2021-Full-Report.pdf>.

did not attend such schools.⁵⁸ Those who attended schools with inclusive curricula were also more likely to consider going to college and were less afraid that their LGBTQ+ identity would negatively impact their future educational or employment opportunities.⁵⁹ Yet since this survey was conducted, six states have passed or expanded “Don’t Say LGBTQ+” bills which censor discussions of sexual orientation and gender identity in classrooms, increasing the risk of stigmatization and harassment for LGBTQ+ youth while simultaneously denying them access to supportive and affirming education.

Impacts beyond these states and on LGBTQ+ allies.

The parents of LGBTQ+ youth who live in more LGBTQ+-friendly states have also expressed concerns about growing anti-transgender and anti-LGBTQ+ sentiment and legislation nationwide. In surveys, these parents have described an almost constant state of fear and anxiety not unlike the experiences of parents in states where discriminatory legislation is actively being enacted.⁶⁰ Their concerns were not just limited to fears that legislation would pass in their own states, but also included spillover psychological impacts of legislation elsewhere, and how their child could internalize it.

These bills and the campaigns of hate driving them can and have had broad impacts beyond LGBTQ+ communities as well. Despite ongoing teacher shortages nationwide, lawmakers have focused their energy on enacting these blatantly discriminatory bills, contributing to even more teachers and other school personnel leaving the profession.⁶¹ Some health care providers and clinics that have historically offered gender-affirming care services have outright closed or otherwise scaled back the level of information available on their websites, primarily in response to harassment by anti-LGBTQ+ extremists.⁶² In fact, we previously identified 24 different hospitals and providers across 22 states who were directly attacked online following harassing, inflammatory, and misleading posts by these campaigns.⁶³ Even in supportive states, clinics and providers are now having to manage larger than usual patient waiting lists to meet demand from individuals unable to receive care at home, impacting patient health across the board.

These bills are being advanced along a backdrop of explicitly anti-LGBTQ+ violence that is on likewise on the rise.

These legislative attacks have been occurring against a backdrop of violence facing LGBTQ+ people. In virtually every country, countless numbers of LGBTQ+ people still lack fundamental rights and protections, and are at risk of violence, and in some cases, death. In particular,

⁵⁸ HRC IMPACT REPORT, *supra* note 1, at 14.

⁵⁹ *Id.*

⁶⁰ Roberto L. Abreu et al., *Impact of Gender-Affirming Care Bans on Transgender and Gender Diverse Youth: Parental Figures’ Perspective*, 36 J. FAM. PSYCH. 643 (2022), <https://pubmed.ncbi.nlm.nih.gov/35324250/>; Kacie M. Kidd et al., *“This Could Mean Death for My Child”: Parent Perspectives on Laws Banning Gender-Affirming Care for Transgender Adolescents*, 68 J. ADOLESCENT HEALTH 1082 (2021), <https://pubmed.ncbi.nlm.nih.gov/33067153/>.

⁶¹ See, e.g., Charles P. Pierce, *Teachers Are Leaving the Profession Thanks to Florida’s Anti-LGBTQ Laws*, ESQUIRE (June 1, 2023), <https://www.esquire.com/news-politics/politics/a44065969/florida-teachers-resigning-lgbtq-curriculum/>.

⁶² See, e.g., Anna Zoledziowski, *Hospitals Remove Trans Healthcare Information After Far-Right Attacks*, VICE (Sept. 23, 2022), <https://www.vice.com/en/article/pkgz7n/vanderbilt-trans-clinic-healthcare-info-erased>.

⁶³ HUMAN RIGHTS CAMPAIGN FOUND., ONLINE HARASSMENT, OFFLINE VIOLENCE (2022), <https://hrc-prod-requests.s3-us-west-2.amazonaws.com/HRCF-OnlineHarassmentOfflineViolence.pdf>.

transgender people face an epidemic of violence here in the United States and around the world. And unfortunately, we have even seen violent attacks here at home increasing in scale and scope alongside these bills being advanced, with no signs of this stopping anytime soon.

Studies on violence historically faced by LGBTQ+ people show we are constantly under threat.

LGBTQ+ communities in the United States have always been fighting for their safety, and for their rights to live freely and openly. Our lives reflect the breadth of lived experiences of the communities in which we live, meaning we also face the same challenges and threats of harm facing other Americans. Late last year at Club Q in Colorado Springs, we lost five members of our community and allies to gun violence as a sobering reminder of that fact. Likewise, we are only a few days removed from the seventh anniversary of the horrifying events at Pulse nightclub in Orlando. But sadly, being subjected to gun violence has long been a lived reality for many LGBTQ+ people in the United States. In fact, two-thirds of the more than 300 fatalities involving transgender and gender non-conforming we have tracked over the last ten years involved guns.⁶⁴

The violence at Pulse and Club Q sought to disrupt our sense of community—targeting our places of safety, places where that offered a sense of love and belonging. Such attacks are not limited to those spaces, however, as our being LGBTQ+ people who uniquely experience harassment and discrimination based upon our sexual orientation and gender identity means we are regularly forced to confront additional risks to our well-being. Even in 2021, one in five of all hate crimes reported to the FBI were motivated by anti-LGBTQ+ bias.⁶⁵ Likewise, data collected through the National Crime Victimization Survey (NCVS) indicate that, between 2017 and 2020, the rate of violent victimization of lesbian and gay people was more than two times the rate for straight people.⁶⁶ These threats disproportionately impact transgender people, compounding the harm that these attacks have wrought on our communities. In fact, transgender and bisexual people responding to the NCVS experiencing violence at even higher rates than their lesbian and gay counterparts.⁶⁷

Reports of anti-LGBTQ+ violence in 2023 show these trends are accelerating because of these bills and the rhetoric supporting them.

⁶⁴ Human Rights Campaign Found., *Fatal Violence Against the Transgender and Gender Non-Conforming Community in 2023*, HRC.ORG, <https://www.hrc.org/resources/fatal-violence-against-the-transgender-and-nonbinary-community-in-2023> (last visited June 19, 2023).

⁶⁵ *Hate Crime in the United States Incident Analysis: 2021*, FBI CRIME DATA EXPLORER, <https://crime-data-explorer.fr.cloud.gov/pages/explorer/crime/hate-crime> (last visited June 19, 2023) (indicating 16% of incidents were motivated by sexual orientation bias and 4% by gender identity bias); see also *Hate Crime Statistics*, JUSTICE.GOV, <https://www.justice.gov/hatecrimes/hate-crime-statistics> (last visited June 19, 2023) (providing 2020 data).

⁶⁶ JENNIFER L. TRUMAN & RACHEL E. MORGAN, DEP'T OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, VIOLENT VICTIMIZATION BY SEXUAL ORIENTATION AND GENDER IDENTITY, 2017–2020 at 1 (2022), <https://bjs.ojp.gov/content/pub/pdf/vvsogi1720.pdf>; see also Andrew R. Flores et al., *Gender Identity Disparities in Criminal Victimization: National Crime Victimization Survey, 2017–2018*, 111 AM. J. PUB. HEALTH 726 (2021), <https://doi.org/10.2105/AJPH.2020.306099>; Andrew R. Flores et al., *Victimization Rates and Traits of Sexual and Gender Minorities in the United States: Results from the National Crime Victimization Survey, 2017*, 6 SCIENCE ADVANCES eaba6910 (2020), <https://doi.org/10.1126/sciadv.aba6910>.

⁶⁷ TRUMAN & MORGAN, *supra* note 66.

So far this year, we have reported on the murders of at least 12 transgender and gender-nonconforming people in the United States.⁶⁸ This is completely unacceptable. Unfortunately, however, we know that the gravity of these horrific acts is lost on many individuals and groups across the country who seek to encourage such violence against our communities as part of their campaigns of hatred and isolation.

As their efforts within dozens of statehouses continue to result in enacted, discriminatory laws, these actors have become increasingly willing to not only openly call for and engage in violence against LGBTQ+ people, but to do so against our allies as well. Pro-equality lawmakers and businesses have faced exponentially increasing numbers of violent threats over the last few years, months, and even weeks: often with these anti-democracy extremists' false rhetoric on pedophilia and grooming being invoked as justification.⁶⁹

This year alone, we have seen a particularly outsized number of violent, expressly anti-LGBTQ+ threats being made and carried out, which we outline in the attached Appendix A. Events at public libraries, community centers, and even stores and other private establishments are being increasingly threatened and in turned cancelled for daring to affirm LGBTQ+ people. This is happening in every corner of the United States, including in states that have not actively considered any anti-LGBTQ+ legislation. Even settings like school board meetings, as seen recently in Glendale, CA following officials' efforts to recognize Pride Month,⁷⁰ have become mired in violence. Just last week, a Montana man was sentenced to 18 years in prison after shooting into the home of a lesbian woman, hoping to not only "rid the town" of its LGBTQ+ residents, but also inspire others across the country to do the same.⁷¹ This will surely continue as these bills continue to proliferate and encourage extremists into believing that they will succeed so long as they continue to actively fight against us, our spaces, and our allies.

LGBTQ+ communities are resilient, but we need active allies in the fight against these dangerous, alienating efforts.

We have accomplished so much but there is so much more to do—this legislative session is proof positive of the volumes of work before us. We need our allies to be active allies and truly stand up for the LGBTQ+ community.

Congress must take concrete, immediate steps to address ongoing discrimination and violence against LGBTQ+ people.

For example, Congress could address persistent gun violence—and its disproportionate impact on marginalized communities—by passing common-sense gun safety solutions. Of course, passage of the Equality Act would provide explicit and consistent federal non-discrimination

⁶⁸ Human Rights Campaign Found., *supra* note 64.

⁶⁹ See, e.g., *Gay, Jewish California Lawmaker Targeted with Bomb Threat for Second Time*, CBS NEWS (Dec. 7, 2022), <https://www.cbsnews.com/news/scott-weiner-gay-jewish-california-lawmaker-bomb-threat-second-time/>.

⁷⁰ Jeremy Childs & Christian Martinez, *3 Arrested Outside Glendale School Board In Violent Clashes Over LGBTQ+ Rights*, L.A. TIMES (June 7, 2023), <https://www.latimes.com/california/story/2023-06-06/glendale-braces-for-protests-ahead-of-school-board-vote-to-recognize-lgbtq-pride-month>.

⁷¹ Office of Public Affairs, *Montana Man Sentenced for Federal Hate and Firearms Crimes for Shooting Intended to Kill and Rid Town of LGBTQ+ Residents*, JUSTICE.GOV (June 14, 2023), <https://www.justice.gov/opa/pr/montana-man-sentenced-federal-hate-and-firearms-crimes-shooting-intended-kill-and-rid-town>.

protections for LGBTQ+ people across key areas of life where we know they regularly encounter unfair treatment—and would provide a vital tool toward our fight against the waves of blatantly discriminatory bills being enacted by state lawmakers.

While the Supreme Court's decision in *Bostock* has ensured that LGBTQ+ people can already assert the law's protections in many key areas, it leaves untouched those settings like public accommodations where no applicable federal protections currently exist—and where LGBTQ+ people are increasingly facing discrimination and violent attacks. The Equality Act would solve this and many other issues facing all Americans today. Indeed, despite the prevalence of discrimination faced by LGBTQ+ people across the country, there is patchwork of express protections against sexual orientation and gender identity discrimination in various settings in place at the state level, and given the legislation being enacted by many states' lawmakers today, we do not anticipate that problem to be resolved on its own anytime soon.

Notably, around 80% of Americans favor laws that would protect LGBTQ+ people against discrimination in jobs, public accommodations, and housing; this includes 48% who *strongly* support such laws.⁷² Support for these protections has increased over the past few years: around seven in ten Americans favored nondiscrimination provisions in 2015 (71%), 2017 (70%), 2018 (69%), and 2019 (72%), before rising to 76% in 2020 and 79% in 2021. Support for the Equality Act is prevalent across the country regardless of political affiliation: overwhelming shares of Democrats (90%) and independents (82%), as well as two-thirds of Republicans (66%), favor nondiscrimination provisions for LGBTQ+ people. The Equality Act has also been endorsed by more than 640 organizations,⁷³ including civil rights, education, health care, and faith-based organizations, and more than 530 companies employing more than 15.9 million people across all 50 states with a combined annual revenue of \$7.5 trillion.⁷⁴ It has overwhelming support among business and corporate leaders, which includes more than 60 business associations and more than 160 Fortune 500 companies.

In this heightened environment, the fight against unamerican bullies will take all of our efforts to overcome.

And we truly need everyone to stand firm with the LGBTQ+ community and to our shared, American values of diversity, equity, and inclusion—including corporations that have recently been cowering in the face of a firestorm of anti-trans and anti-LGBTQ+ sentiment stoked by these anti-democracy extremists. Corporate allyship is more than just displaying a rainbow logo, one month every year. It is not periodically performative: it is an on-going practice. As businesses like Target and Anheuser-Busch face the same hate and intimidation that the LGBTQ+ community encounters daily, we need them to stay just as strong in their convictions as we do. Companies everywhere must take steps to vigilantly protect the safety of their employees, customers, and suppliers, who now face horrendous, unhinged attacks while simply showing up

⁷² HRC Staff, *ICYMI: New Data Shows Support for LGBTQ+ Rights Reaches Highest Rates Ever Recorded*, HRC.ORG (Mar, 27, 2023), <https://www.hrc.org/press-releases/icymi-new-data-shows-support-for-lgbtq-rights-reaches-highest-rates-ever-recorded>.

⁷³ HUMAN RIGHTS CAMPAIGN, 647 ORGANIZATIONS ENDORSING THE EQUALITY ACT (2021), <https://hrc-prod-requests.s3-us-west-2.amazonaws.com/resources/Orgs-Endorsing-Equality-Act-9-9-2022.pdf>

⁷⁴ Business Coalition for the Equality Act, HRC.ORG, <https://www.hrc.org/resources/business-coalition-for-equality> (last visited June 19, 2023).

for work. It is imperative that the members of the business community go on record as ardent supporters of equality who will not back down to the extremists who aim to divide us.

Standing back as LGBTQ+ people are pushed into the margins is both inherently unamerican and bad for our economy. Indeed, studies have previously found a positive correlation between LGBTQ+ inclusion and GDP per capita. Likewise, in every state and across every business, we know that allowing discrimination against LGBTQ+ people has a measurable impact on our workforces and productivity. With significant generational shifts already underway, corporate leaders who want to future proof their businesses must act now to support our community. Data show that LGBTQ+ people are a growing part of global society, with an estimated \$1.1 trillion in purchasing power in the United States. When LGBTQ+ people and our allies feel a sense of belonging and fairness—when we know that companies' values match our own—we are more connected and loyal to our brands. And when businesses strongly embrace diversity and inclusion, they are also able to recruit talented employees and keep them engaged—spelling success for their bottom lines. In the face of these extremist attacks, we must all demand more from the businesses we work for and buy from.

School districts across the country are being forced to navigate laws designed to alienate LGBTQ+ youth and the children of LGBTQ+ parents. Every school administrator must ensure that all students are allowed to thrive. Like Title VII of the Civil Rights Act of 1964 protects LGBTQ+ employees, Title IX of the Education Amendments of 1972 protects LGBTQ+ students and students who are the children of LGBTQ+ parents. Administrators are obligated to follow Title IX and may seek guidance from the Department of Education.

As Congress considers the Fiscal Year 2024 appropriations bills, it should use this opportunity to support the needs of the LGBTQ+ community. The country, and the world, has made incredible progress in addressing the HIV/AIDS crisis in the past decade. The prospects for an AIDS-free generation are on the horizon, but it requires continued and expanded investment in the programs we know are effective. For FY24, Congress should provide a substantial downpayment on the national PrEP program (as outlined in the Administration's FY24 budget proposal) to address structural racism or systemic bias that have prevented disproportionately affected communities from the benefits of the HIV prevention efforts. Beyond prevention and treatment, it is imperative that Congress recognize that housing is health care and provide the resources necessary to fully fund the Housing Opportunities for People with AIDS (HOPWA) program. The House of Representatives should immediately reverse course to drop the anti-LGBTQ+ riders that have been included on the appropriations bills released so far. If they do not, the Senate and President must keep these harmful provisions from ever becoming law. The global HIV/AIDS epidemic requires our continued focus. A clean reauthorization for the President's Emergency Plan for AIDS Relief (PEPFAR) should be enacted this Congress. In addition, access to quality, affordable health care is critical for every person. States that have not yet expanded Medicaid should do so immediately.

To successfully combat this epidemic of extremism and violence, we must all work to repudiate anti-LGBTQ+ legislation, and the rhetoric and falsehoods informing them, in the strongest possible terms. We are all stakeholders in the fight against disinformation and hate, both offline and on, and need to collectively recognize the severity and immediacy of these threats against LGBTQ+ people and work together to successfully protect our communities from harm and

affirm our shared right to exist in public as our truest selves. One of the easiest and most important ways we can all fight back is by showing up and speaking out. For example, school boards hold meetings regularly where we can each stand up for the importance of inclusion in our local communities. When we give students an opportunity to see themselves and their classmates represented in what they learn at school, we teach them to embrace diversity and inclusion in all facets of their lives. We must champion our students and educators alike, and should empower teachers to use their skills and knowledge to support LGBTQ+ students—rather than allow them to continue to be silenced by their own elected officials.

Conclusion

The multiplying threats facing millions in our community are not just perceived—they are real, tangible, and harrowing. They pose an imminent threat to the health and safety of millions of LGBTQ+ people and their families who are living every day in fear, facing harassment and uncertainty. As we have seen over the last few years, these threats result in violence against us, force families to uproot their lives and their homes in search of safer places to live, and trigger a tidal wave of increased homophobia and transphobia that puts all our safety at risk.

Within HRC, our number one priority will always be to ensure that LGBTQ+ people are safe, with meaningful legal protections against acts of hostility, discrimination, and violence in place. We cannot and will not stop until full, lived equality is the reality for every single LGBTQ+ person, regardless of where they call home. The LGBTQ+ community is resilient, and this Pride Month we will overcome the forces seeking to alienate us from our friends, neighbors, doctors, teachers, guidance counselors, books, school curricula, and each other.

This year in particular, our community has been reminded that Pride is more than a parade. It is about centering our defiant joy and audacious efforts against unamerican bullies no matter who they may be. Despite the ferocity of those who are trying to silence us, push us back into the closet, and erase us under the law, we march and dance in the streets in celebration of our LGBTQ+ family—and we march and protest in the streets to protect and advance the civil rights of LGBTQ+ people and our allies everywhere.

However, it is also incumbent on our allies across the country to stand with us and make it clear that they choose to be on the right side of history. Lawmakers and companies alike cannot sit idly by as anti-democracy extremists attack and malign LGBTQ+ people, our families, and our allies. Pride is not the time for any of us to shrink back or hide in a corner: we must be boldly and unapologetically true to ourselves, our values, and our moral compasses. That is something to take pride in—we cannot shrink away in fear because some bullies come after us.

We are in this fight together, and the collective strength of our community will help us push through to progress. This is a moment of crisis for the LGBTQ+ community and our country. But with crisis always comes reckoning. And with reckoning comes the opportunity for bold and transformative change. Together, we will get to a world where we are all free and liberated, where the safety and dignity of every LGBTQ+ person is respected and protected—and in the meantime, we can continue to celebrate Pride without exception.