

Testimony of Carter Brown

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Subcommittee on the Constitution, Civil Rights, and Civil Liberties
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My name is Carter Brown and I am honored to submit this testimony in support of the Equality Act and in support of the millions of hard-working Americans whose livelihoods have been threatened by a lack of clear, permanent workplace protections. Each day, workers across the country are subject to anti-LGBTQ discrimination and harassment that denies them a fair chance to earn a living. I know this, because it happened to me.

I once believed I was the embodiment of the American Dream. My early days were spent in a family that lived paycheck to paycheck, struggling to keep food on the table. I had even briefly experienced homelessness at the age of fourteen while a student in high school. Determined to break the cycle of poverty, I fought hard to earn my diploma and was the first in my family to go to college. I learned I had a penchant for real estate and entered the field determined to be a success story.

In the following years I married my best friend and welcomed our daughter into the world. I felt a responsibility, as many new husbands and fathers do, to provide for my family. So I continued to work hard and establish myself in my career. I earned three promotions in two years, enabling me to purchase my very first home. These visual markers of success were proof that the American Dream had not eluded me, but that it was clutched firmly in my hand.

And then one day, I arrived to work and discovered that a coworker had outed me as a transgender man. Everything around me shattered.

In the months that followed, I was the subject of cruel office gossip and forced to endure invasive and offensive questioning from colleagues on the subject of my identity. On one occasion, I was cornered in a meeting room by several coworkers who told me I was really a woman, because I had a vagina. Another coworker asked if I “had already had the surgery at the bottom,” while looking me up and down.

When they weren’t asking me to use other bathrooms or questioning me about my private life, my coworkers excluded me from work lunches and avoided me in the halls. I was suddenly isolated in a field where communication and teamwork was essential to doing my job. To my

coworkers, being transgender eclipsed everything. I began to dread coming into work and spent lunch breaks alone, crying in my car.

I was fired shortly after, and despite my previous achievements and excellent work performance, the termination from work was lawful. In my home state of Texas, there are no explicit state statutes prohibiting discrimination on the basis of sexual orientation or gender identity. In fact, 30 states in total – that is more than half of the country – have no statutory protections whatsoever for LGBTQ workers who experience discrimination in the workplace. How can the American Dream be realized when a majority of states have failed to extend equal access and equal opportunity to its citizens?

My experience left me embarrassed and vulnerable. I was overwhelmed trying to cope with a crushing lack of financial security. As a result of being fired, I was forced to cash out my 401k and defer auto loans and mortgage payments to keep my family afloat. We lost our health insurance and had to depend on Medicaid to care for my daughter's special health needs. It would be an understatement to say that the loss of my job caused my family significant economic and emotional turmoil. And my experience is not uncommon.

LGBTQ Americans rightfully fear being outed at work will cause them to lose their jobs, be passed over for promotions, or suffer lost wages. It should come as no surprise that more than half of all LGBTQ workers hide their LGBTQ identity at work.[1]

The Equality Act is simple. It amends existing civil rights law to include sexual orientation and gender identity as protected characteristics to provide consistent and explicit non-discrimination protections for LGBTQ people across key areas of life, including employment, housing, credit, education, public spaces and services, federally funded programs, and jury service. The legislation also amends the Civil Rights Act of 1964 to prohibit discrimination in public spaces and services and federally funded programs on the basis of sex, sexual orientation, and gender identity.

In addition to these changes, the Equality Act updates the Civil Rights Act to more fully reflect the way we live our lives today. Specifically, Title II of the Civil Rights Act is amended to strengthen the list of covered places to include providers of goods and services like stores, accountants, and banks, as well as transportation providers like taxis, as places of public accommodation. These modernized protections would not only protect me as a transgender man, but my family and many people who I love. Texas is one of only five states in the country that has no state level public accommodations statute. This means that my family can still be denied service at a store or by a taxi or car service because of my race without any legal recourse.

All Americans, regardless of sexual orientation or gender identity, need permanent and explicit nondiscrimination laws to protect them in the workplace. If the Equality Act had been in place during my employment, it would have been illegal for my employer to engage in harassment and fire me because I was transgender. My family would not have had to shoulder the burden of my loss of income and worry about my emotional health. I understand that not everyone shares my values, and I may never change their minds. But we can change the law. A person's sexual orientation or gender identity has nothing to do with their ability to do their job. But now, because there are no clear federal protections in place for LGBTQ workers, passing this historic piece of legislation has everything to do with our survival.

[1] Human Rights Campaign Foundation. 2018. *Degrees of Equality: A National Study Examining Workplace Climate for LGBT Employees*. Washington, D.C.: Human Rights Campaign.