

SHEILA JACKSON LEE
18TH DISTRICT, TEXAS

WASHINGTON OFFICE:
2252 Rayburn Office Building
Washington, DC 20515
(202) 225-3816

DISTRICT OFFICE:
1919 Smith Street, Suite 1180
Houston, TX 77002
(713) 655-0050

ACRES HOME OFFICE:
6719 West Montgomery, Suite 204
Houston, TX 77091
(713) 691-4882

HEIGHTS OFFICE:
420 West 19th Street
Houston, TX 77008
(713) 861-4070

FIFTH WARD OFFICE:
4300 Lyons Ave., Suite 200
Houston, TX 77020
(713) 227-7740

Congress of the United States
House of Representatives
Washington, DC 20515

COMMITTEES:
JUDICIARY
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Investigations
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CONGRESSWOMAN SHEILA JACKSON LEE
HOUSE JUDICIARY COMMITTEE
COMMITTEE STATEMENT IN SUPPORT OF
H.R. 5, THE EQUALITY ACT
2141 RAYBURN HOUSE OFFICE BUILDING
APRIL 2, 2019
10:00AM

- I am proud to be an original cosponsor of H.R. 5, the “Equality Act,” and I am proud that today, the House Judiciary Committee is holding the first hearing on this landmark legislation.
- Mr. Chairman, the Equality Act is historic legislation and when enacted into law will do for LGBTQ Americans and for the country what the landmark Civil Rights Act of 1964 did for African Americans.
- The Equality Act extends anti-discrimination protections to LGBTQ Americans in the areas of employment, education, access to credit, jury service, federal funding, housing, and public accommodations.
- An estimated 8.1 million LGBT workers age 16 and older live in the United States, about half of whom—4.1 million people—live in states

without statutory protections against sexual orientation and gender identity discrimination in employment.

- There are over 3.5 million LGBT students age 15 and older in the United States, 2.1 million of whom live in states without statutory protections against sexual orientation and gender identity discrimination in education.
- There are an estimated 13 million LGBT people age 13 and older in the U.S., approximately 6.9 million of whom live in states that do not prohibit sexual orientation and gender identity discrimination in public accommodations.
- There are an estimated 11 million LGBT adults in the U.S., over 5.6 million of whom live in states without statutory protections against sexual orientation and gender identity discrimination in housing and 8 million lack such protections in credit.
- H.R. 5 is vital for persons living in states that do not have legislation that protect members of the LGBT community from this sort of discrimination.
- My homestate of Texas, to its shame, does not prohibit discrimination against members of the LGBT community in the fields of employment, education, public accommodations, housing or credit.
- **This is despite the fact that, according to a study conducted by researchers at UCLA, in Texas there are 647,000 LGBTQ individuals at risk of discrimination in employment; 316,000 LGBTQ individuals at risk of discrimination in education; over 1 million LGBTQ individuals at risk of discrimination in public accommodations, 858,000 LGBTQ individuals at risk of discrimination in housing or credit**

- The truth is, Mr. Chairman, that no American should ever be treated as less than equal in the eyes of the law or fear that they can be discriminated against because who they are or who they love.
- The Equality Act guarantees that LGBTQ Americans in Texas and across the country cannot be discriminated against because of who they are or who they love.
- It is long past time for this legislation to become law and that is why I proudly joined my colleagues today on the Judiciary Committee in taking the next step in the journey of this legislation and I look forward to working towards final passage on this matter, and enshrining in our federal civil rights legislation
- Despite significant legal advances over the past several years – including marriage equality, LGBTQ Americans remain vulnerable to discrimination on a daily basis and too often have little recourse.
- Fifty percent of the national LGBTQ community live in states where, though they have the right to marry, they have no explicit non-discrimination protections in other areas of daily life.
- In most states, a same-sex couple can get married one day and legally denied service at a restaurant, be fired from their jobs or evicted from their apartment the next.
- In some areas, federal law prohibiting sex discrimination has already been properly interpreted by federal courts and administrative agencies to include discrimination on the basis of sexual orientation or gender identity.
- The Equality Act affirms these interpretations of existing law and makes the prohibition against discrimination on the basis of sexual orientation or gender identity explicit, in order to provide greater

clarity to members of the public, employers, schools, businesses and others.

- In areas where sex discrimination is not already prohibited, the bill amends existing law to bar discrimination on the basis of sex, as well as sexual orientation and gender identity.
- This is why the Equality Act has the bipartisan support of Members of Congress, the strong support of the business community, and the overwhelming support of the American people – with more than 7 in 10 supporting the Equality Act.
- Mr. Chairman, we have come a long way as we realize what it means to be equal in the eyes of the law and one another.
- It was only 4 years ago that our nation realized marriage equality in the Supreme Court's decision in *Obergefell v. Hodges*, 576 U.S. ____ (2015).
- But it is important that we not be complacent and keep propelling forward this country's destiny towards a more perfect union
- **As the civil rights pioneer Harvey Milk once said: rights are won only by those who make their voices heard.**
- Today, the House Judiciary Committee joins that chorus.
- **I want to thank and commend my colleague from Rhode Island, Mr. Cicilline, on his efforts on this bill, and shepherding it from concept to introduction.**

- On behalf of LGBTQ Texans and all Americans, I am proud to be one of the original co-sponsors of H.R. 5, the Equality Act and I look forward to voting this bill out of committee, supporting it on the House floor, and working to ensure its enactment.
- With this critical legislation, we will finally, fully end discrimination against LGBTQ Americans, and move our nation closer to fulfilling the promise of equality, opportunity and justice for every American.
- Thank you, Mr. Chairman, and with that I yield back.

CBS News

Hate Crime Survivor Jumps Off Cruise Ship

By: Sean Alfano

July 3, 2007

As horrific and painful as the past year had been for hate-crime survivor David Ritcheson, his future seemed brighter — a chance to attend college for free, to devote his life to public service and to leave behind a troubled past. The past 15 months of Ritcheson's life were focused on recovering physically and emotionally from a brutal attack in which he was beaten unconscious and sodomized with a plastic pole by a man shouting "White Power!"

But Ritcheson leaped to his death in the Gulf of Mexico from an upper deck of a Carnival Cruise ship on Sunday morning, according to several witnesses. Although his family has declined to speak publicly about the death, the family's attorney scheduled a news conference for Tuesday.

Ritcheson had endured more than two dozen painful surgeries and relied on a colostomy bag. Perhaps worse, virtually everyone he met knew who he was and what had happened to him that terrifying night in April 2006.

But many who knew him say he appeared to have emerged from that time with a newfound clarity. Thanks to the Anti-Defamation League, he had a full scholarship to the college of his choice. Like many 18-year-olds, he had not yet decided on a career path, but thought he wanted to help prevent attacks like the one he had endured.

"My sense is that he was doing relatively well," said Martin Cominsky, the regional director for the southwest region of the ADL. "We were very optimistic. It was a rather miraculous recovery."

Or so it seemed.

Ritcheson rarely discussed his feelings and declined to get counseling after being attacked at the drug-fueled teen party in April 2006. A year later, he testified before Congress in support of a hate crimes bill.

Ritcheson, a Mexican-American, was beaten and sodomized with a patio umbrella pole. He also was stomped on and burned with cigarettes, and his attackers poured bleach on him before leaving.

He was hospitalized for more than three months and endured some 30 operations. Two men were convicted of aggravated sexual assault in the attack.

Mike Trent, the assistant district attorney who prosecuted Ritcheson's attackers, said the small, quiet youth always seemed positive and upbeat about his recovery.

"He certainly wanted to see justice done in the case and wanted his attackers punished, but I thought that — considering everything that had happened to him — he had come through things remarkably well," Trent said.

He said Ritcheson had used drugs before the attack but realized drug use played a role in his assault and had promised to quit. According to testimony, the attack was triggered by Ritcheson's drunken pass at another teen's 12-year-old sister.

Ritcheson's death is "just very tragic because I thought he had turned a corner and was trying his best to make something positive out of what happened to him," Trent said. "He thought that he could handle everything on his own."

Although he remembered nothing of the four-hour attack, Ritcheson testified about it during congressional hearings in April on a hate-crimes bill. That bill passed the House and is pending in a Senate committee.

Rep. Sheila Jackson Lee, a Democrat from Texas, said she hopes to have the measure formally named "David's Bill" in Ritcheson's honor.

"I could not have been more moved by his commitment to getting things right," Jackson Lee said Monday. "He was able to dig deep over all of the pain and all the humiliation and try to be of help to someone else."

Houston Chronicle

Teen who survived pipe attack dies after leap from ship

By: Bill Murphy

July 1, 2007

A Spring teen who survived a brutal beating with a pipe last year jumped to his death from a Cozumel-bound cruise ship on Sunday.

Carnival Cruise Lines officials would not confirm his identity, but **Rick Dovalina**, head of **LULAC** in Houston, said Sunday night that he learned through the family's attorney, **Carlos Leon**, that 18-year-old **David Ritcheson** has died.

"Carlos said that the family confirmed it, that it was true," Dovalina said.

"The family heard from the captain of the ship. He went overboard."

An 18-year-old was observed by "a bunch of people" jumping over the railing of the upper deck of Carnival Cruise Lines' *Ecstasy* around 7:35 a.m. Sunday, said **Coast Guard** spokesman **Adam Eggers**. The ship's crew pulled the body from the water and he was pronounced dead at 9:10 a.m. The ship had departed Galveston on Saturday and was a "couple of hundred" miles out, Eggers said.

A written statement from the cruise line also said the 18-year-old appeared to jump from the ship.

Ritcheson's death comes less than three months after he testified before Congress about how two teens nearly killed him on April 23, 2006, by repeatedly kicking a patio umbrella stand into his rectum while shouting "white power!"

About a dozen cars were parked outside the family's home Sunday night. A woman who answered the door with tears in her eyes declined to comment when asked if Ritcheson had died.

"We're not commenting on anything," the woman said.

Albert Galvan, Ritcheson's father, also declined to comment when reached by phone.

Ritcheson's relatives will fly to the Mexican resort town of Cozumel on Monday to identify the body, Dovalina said. Ritcheson went on the cruise with a friend's family and several other friends, Dovalina said.

Dovalina said he thought Ritcheson was holding up fairly well.

"He just got back from Washington not that long ago. He went through a lot. He endured two trials," Dovalina said.

In an April interview, Ritcheson said he was still struggling with being identified as the victim of the pipe attack. A skinhead named David Tuck, 19, was sentenced to life in prison for his part in the attack. **Keith Turner**, 18, received a 90-year sentence.

"I shouldn't care what people think," David Ritcheson said earlier this year. "But it's like everyone knows I'm 'the kid.' I don't want to be a standout because of what happened."

Jolyn Hammonds, a classmate at **Klein Collins High School**, said she was shocked by Ritcheson's death.

"I want to throw up. It's horrible," she said. "I honestly couldn't see David's pain. If he was in pain, he hid it really, really well. He was always smiling, joking around, being himself."

Tuck's mother, **Sharon Tuck**, found out about the incident late Sunday night.

"What?" she said. "Oh my God. I'm so sorry. That shocks me. I feel for them. I'm in shock."

Trial testimony revealed Ritcheson and Gus Sons, whom he'd befriended at an alternative school for students with disciplinary problems, met up with Tuck and Turner at a crawfish festival in Spring the night of the attack. From there, they went to Sons' house, where they drank vodka, smoked marijuana and used cocaine and Xanax, an anti-anxiety drug.

Sons testified that Tuck and Turner attacked Ritcheson because they believed he stole some drugs and tried to kiss Sons' 12-year-old sister.

Tuck and Turner dragged Ritcheson, who was Hispanic, into the backyard, where they taunted him with racial slurs, punched and kicked him in the head and burned him 17 times with cigarettes. They tried to carve a swastika into his chest.

His attackers poured bleach on his face and body and left him for dead. No one called for an ambulance until well after daybreak.

The former Klein Collins High School running back and freshman homecoming prince spent three months and eight days in the hospital and endured more than 30 surgeries.

He was coping with the past, he said last spring, "by not thinking about it." He declined psychiatric help.

Ritcheson called on Congress to strengthen U.S. hate crime laws.

"I appear before you as a survivor," Ritcheson told members of a **House Judiciary** subcommittee April 17. "I am here before you today asking that our government take the lead in deterring individuals like those who attacked me from committing unthinkable and violent crimes against others because of where they are from, the color of their skin, the God they worship, the person they love, or the way they look, talk or act."

LGBT People in the U.S. Not Protected by State Nondiscrimination Statutes

March 2019

At the federal level and in most states, nondiscrimination statutes do not expressly enumerate sexual orientation and gender identity as protected characteristics. Twenty-two states and Washington, D.C. expressly enumerate either or both of these characteristics in their nondiscrimination statutes, although not necessarily in all settings. This research brief estimates the number of LGBT people who are protected by such statutes in the areas of employment, education, public accommodations, housing, and credit—and the number who are not.*

KEY FINDINGS

- An estimated 8.1 million LGBT workers age 16 and older live in the United States. About half of these workers—4.1 million people—live in states without statutory protections against sexual orientation and gender identity discrimination in employment.
- There are over 3.5 million LGBT students age 15 and older in the U.S. About 2.1 million live in states without statutory protections against sexual orientation and gender identity discrimination in education.
- There are an estimated 13 million LGBT people age 13 and older in the U.S. Approximately 6.9 million live in states that do not statutorily prohibit sexual orientation and gender identity discrimination in public accommodations.
- There are an estimated 11 million LGBT adults in the U.S. Over 5.6 million live in states without statutory protections against sexual orientation and gender identity discrimination in housing and 8 million lack such protections in credit.

Our estimates are conservative in that state statutes also protect LGBT children and younger youth; however, due to limited knowledge about the size of these groups in the population, we could not include them in our calculations.

	EMPLOYMENT		EDUCATION		PUBLIC ACCOMMODATIONS		HOUSING		CREDIT	
	Has Statute	LGBT Workers (Age 16+)	Has Statute	LGBT Students (Age 15+)	Has Statute	LGBT People (Age 13+)	Has Statute	LGBT Adults (Age 18+)	Has Statute	LGBT Adults (Age 18+)
Alabama	No	78,000	No	53,000	No	147,000	No	117,000	No	117,000
Alaska	No	15,000	No	7,000	No	25,000	No	21,000	No	21,000
Arizona	No	179,000	No	75,000	No	286,000	No	242,000	No	242,000

LGBT People Not Protected by State Nondiscrimination Statutes

	EMPLOYMENT		EDUCATION		PUBLIC ACCOMMODATIONS		HOUSING		CREDIT	
	Has Statute	LGBT Workers (Age 16+)	Has Statute	LGBT Students (Age 15+)	Has Statute	LGBT People (Age 13+)	Has Statute	LGBT Adults (Age 18+)	Has Statute	LGBT Adults (Age 18+)
Arkansas	No	50,000	No	31,000	No	95,000	No	76,000	No	76,000
California	Yes	1,194,000	Yes	471,000	Yes	1,859,000	Yes	1,615,000	No	1,615,000
Colorado	Yes	156,000	Yes	59,000	Yes	234,000	Yes	200,000	Yes	200,000
Connecticut	Yes	82,000	Yes	43,000	Yes	133,000	Yes	111,000	Yes	111,000
Delaware	Yes	24,000	No	11,000	Yes	40,000	Yes	34,000	No	34,000
Washington DC	Yes	45,000	Yes	9,000	Yes	58,000	Yes	56,000	No	56,000
Florida	No	545,000	No	212,000	No	886,000	No	772,000	No	772,000
Georgia	No	271,000	No	116,000	No	425,000	No	356,000	No	356,000
Hawaii	Yes	34,000	Yes	13,000	Yes	59,000	Yes	52,000	No	52,000
Idaho	No	25,000	No	18,000	No	48,000	No	36,000	No	36,000
Illinois	Yes	326,000	Yes	140,000	Yes	506,000	Yes	426,000	Yes	426,000
Indiana	No	165,000	No	72,000	No	272,000	No	229,000	No	229,000
Iowa	Yes	59,000	Yes	35,000	Yes	106,000	Yes	87,000	Yes	87,000
Kansas	No	56,000	No	33,000	No	92,000	No	73,000	No	73,000
Kentucky	No	82,000	No	45,000	No	144,000	No	117,000	No	117,000
Louisiana	No	94,000	No	49,000	No	169,000	No	139,000	No	139,000
Maine	Yes	35,000	Yes	13,000	Yes	60,000	Yes	53,000	Yes	53,000
Maryland	Yes	151,000	No	67,000	Yes	234,000	Yes	198,000	Yes	198,000
Massachusetts	Yes	224,000	Yes	87,000	Yes	335,000	Yes	296,000	Yes	296,000
Michigan	No	229,000	No	112,000	No	373,000	No	311,000	No	311,000
Minnesota	Yes	135,000	Yes	60,000	Yes	210,000	Yes	175,000	Yes	175,000
Mississippi	No	48,000	No	34,000	No	99,000	No	79,000	No	79,000
Missouri	No	131,000	No	64,000	No	217,000	No	180,000	No	180,000
Montana	No	18,000	No	10,000	No	30,000	No	24,000	No	24,000
Nebraska	No	45,000	No	22,000	No	67,000	No	55,000	No	55,000
Nevada	Yes	92,000	No	27,000	Yes	145,000	Yes	127,000	No	127,000
New Hampshire	Yes	35,000	No	14,000	Yes	59,000	Yes	51,000	No	51,000
New Jersey	Yes	205,000	Yes	97,000	Yes	343,000	Yes	288,000	Yes	288,000
New Mexico	Yes	47,000	No	22,000	Yes	85,000	Yes	72,000	Yes	72,000
New York	Yes	588,000	Yes	221,000	Yes	913,000	Yes	800,000	Yes	800,000
North Carolina	No	238,000	No	111,000	No	382,000	No	319,000	No	319,000
North Dakota	No	12,000	No	8,000	No	20,000	No	16,000	No	16,000
Ohio	No	298,000	No	123,000	No	462,000	No	389,000	No	389,000
Oklahoma	No	74,000	No	42,000	No	138,000	No	113,000	No	113,000
Oregon	Yes	129,000	Yes	41,000	Yes	207,000	Yes	183,000	No	183,000
Pennsylvania	No	307,000	No	133,000	No	490,000	No	416,000	No	416,000
Rhode Island	Yes	29,000	No	14,000	Yes	44,000	Yes	38,000	Yes	38,000
South Carolina	No	99,000	No	50,000	No	167,000	No	137,000	No	137,000

	EMPLOYMENT		EDUCATION		PUBLIC ACCOMMODATIONS		HOUSING		CREDIT	
	Has Statute	LGBT Workers (Age 16+)	Has Statute	LGBT Students (Age 15+)	Has Statute	LGBT People (Age 13+)	Has Statute	LGBT Adults (Age 18+)	Has Statute	LGBT Adults (Age 18+)
South Dakota	No	15,000	No	9,000	No	25,000	No	20,000	No	20,000
Tennessee	No	133,000	No	67,000	No	223,000	No	182,000	No	182,000
Texas	No	647,000	No	316,000	No	1,053,000	No	858,000	No	858,000
Utah	Yes	67,000	No	40,000	No	104,000	Yes	80,000	No	80,000
Vermont	Yes	19,000	Yes	7,000	Yes	30,000	Yes	26,000	Yes	26,000
Virginia	No	197,000	No	96,000	No	308,000	No	257,000	No	257,000
Washington	Yes	226,000	Yes	72,000	Yes	342,000	Yes	300,000	Yes	300,000
West Virginia	No	40,000	No	17,000	No	68,000	No	58,000	No	58,000
Wisconsin**	LGB only	110,000	LGB only	57,000	LGB only	186,000	LGB only	152,000	No	171,000
Wyoming	No	10,000	No	6,000	No	18,000	No	15,000	No	15,000
Total unprotected		4,115,000**		2,132,000**		6,854,000**		5,626,000**		7,976,000
Total protected		4,012,000		1,425,000		6,188,000		5,420,000		3,070,000
Total		8,127,000		3,557,000		13,042,000		11,046,000		11,046,000

*Our estimates do not take into account administrative and judicial decisions that have interpreted sex discrimination laws to cover sexual orientation or gender identity discrimination. Rather, we have limited our analysis to statutes that facially include the words "sexual orientation" or "gender identity."

**Nondiscrimination statutes in Wisconsin prohibit discrimination based on sexual orientation but not gender identity. An estimated 14,000 transgender people in the state lack employment protections based on gender identity, 6,000 are unprotected in education, 21,000 lack protections in public accommodations and 19,000 lack protections in housing. These numbers were added to the total unprotected in each domain.

Suggested Citation: LGBT People in the United States Not Protected by State Nondiscrimination Statutes. (March 2019) The Williams Institute, UCLA, Los Angeles, CA.

METHODOLOGICAL NOTES

LGBT Workers

To estimate the number of LGBT people in the labor force in each state, we relied upon the [Gallup Daily Tracking Survey](#), a population-based survey, for information about the percentage of respondents in the labor force (defined as employed full-time or part time, or were unemployed, but actively looking for work and able to work) who identified as LGBT. These estimates correspond to information reported in the Williams Institute's [LGBT Demographic Data Interactive](#). We then applied (multiplied) this percentage to estimates provided by the U.S. Census Bureau of the number of people age 16 and older in the labor force in each state (and rounded to the nearest 1,000). The number of people ages 16 and older in the labor force was derived from the [2017 American Community Survey 1-Year Estimates](#) (Table DP03 "*Selected Economic Characteristics*").

The estimated percentages of adults age 18 and older in the labor force who identify as LGBT is derived from the [Gallup Daily Tracking Survey](#). The Gallup Daily Tracking survey is an annual list-assisted random digit dial (70% cell phone, 30% landline) survey, conducted in English and Spanish, of approximately 350,000 U.S. adults ages 18 and older who reside in the 50 states and the District of Columbia. LGBT identity is based on response to the question, "*Do you, personally, identify as lesbian, gay, bisexual, or transgender?*" Respondents who answered "yes" were classified as LGBT. State estimates use 2015-2017 data unless otherwise noted. Due to small overall population sizes, 2012-2017 data were aggregated for the following states: Alaska, Delaware, Hawaii, Idaho, Mississippi, Montana, New Hampshire, North Dakota, Rhode Island, South Dakota, Vermont, West Virginia, and Wyoming.

To determine the number of LGBT people in the labor force protected and not protected under current state statutes, we used information from the [Movement Advancement Project](#) on whether a state did or did not have a statute that explicitly prohibits discrimination on the basis of sexual orientation and gender identity, or in the case of Wisconsin, only on the basis of sexual orientation. In total, 21 states, plus Washington DC, have a statute that extends protections to workers on the basis of both sexual orientation and gender identity. We then counted the rounded estimates of LGBT workers in states with and without protective statutes.

For Wisconsin, we counted cisgender LGB workers as protected and transgender workers as unprotected (on the basis of gender identity). To estimate the numbers of cisgender LGB and transgender workers in Wisconsin, we first calculated the percentages of LGBT adults in the state that are cisgender LGB and transgender (of any sexual orientation), 88.8% and 11.2%, respectively, using the data sources described above, and then applied those percentages to the estimated number of LGBT workers in the state.

LGBT Students

To estimate the number of LGBT students enrolled in U.S. schools, we relied upon population-based surveys for information about the percentage of the population that is LGBT and applied it to U.S. Census Bureau estimates of the number of students enrolled in school (public and private) in each state. Given that the Census Bureau's estimates of the number of students enrolled in school was only available by sex and for students in specific age groups, we identified percentage LGBT for corresponding sex and age groups to derive estimates of the number of LGBT students enrolled in each state.

To estimate the percentage of youth age 15-17 that identify as LGBT, separately for males and females:

- To estimate the percentage of males and females age 15-17 who identify as LGB, we averaged the national estimates from the 2015 and 2017 Youth Risk Behavior Surveillance Survey (YRBS), a nationally representative sample of school-enrolled high school students in grades 9-12.
 - Among males age 15-17, we estimated that approximately 4.8% identify as GB, based on an average of 4.4% of males in 2015 who identified as gay or bisexual (2% identified as gay; 2.4% identified as bisexual), and 5.1% of males in 2017 who identified as gay or bisexual (2.3% gay; 2.8% bisexual).
 - Among females age 15-17, we estimated that approximately 13.6% identify as LB, based on an average of 11.8% of females in 2015 who identified as LB (2.0% identified as lesbian; 9.8% identified as bisexual), and 15.4% of females in 2017 who identified as lesbian or bisexual (2.3% lesbian; 13.1% bisexual).
- To estimate the percentage of males and females age 15-17 who are transgender, we used the recent national estimate reported in Age of Individuals who Identify as Transgender in the United States of the percentage of 13 to 17 year old adolescents who are transgender (0.73%). To estimate the percentage of transgender adolescents who were heterosexual/not-LGB (and thus avoid double-counting sexual minority transgender adolescents in our estimate of the total count of LGB+T adolescents) we used data from the 2015-2017 Behavioral Risk Factor Surveillance System (BRFSS). Among BRFSS respondents age 18-24 (the youngest age group for which data were assessed) categorized as transgender by answering "yes, transgender, male-to-female", "yes, transgender, female-to-male," and "yes, transgender, gender-nonconforming" to the question "do you consider yourself to be transgender?", 46.3% identified their sexual orientation as "straight" or other and were categorized as heterosexual/non-LGB. Applying this 46.3% to the 0.73% of youth who were transgender, we estimated that 0.3% of youth age 13-17 were transgender and not LGB-identified.
- We next added this percentage (0.3%) to the percentage GB (4.8%) among males and LB (13.6%) among females to arrive at an estimate of percentage LGBT for males (5.1%) and females (13.9%).

To estimate the percentage of adults (age 18-64) that identify as LGBT, separately for males and females:

- To estimate the percentage of males and females that identify as LGBT in specific age groupings that correspond to estimated numbers of enrolled students reported by the U.S. Census Bureau, we used data from the 2017 [Gallup Daily Tracking Survey](#) which is an annual list-assisted random digit dial (70% cell phone, 30% landline) survey, conducted in English and Spanish, of approximately 341,000 U.S. adults ages 18 and up who reside in the 50 states and the District of Columbia. LGBT identity is based on response to the question, *"Do you, personally, identify as lesbian, gay, bisexual, or transgender?"* Respondents who answered "yes" were classified as LGBT.
 - Age 18-19: 7.2% of males and 16.2% of females identified as LGBT
 - Age 20-24: 7.3% of males and 15.3% of females identified as LGBT
 - Age 25-34: 5.7% of males and 10.1% of females identified as LGBT
 - Age 35-64: 3.5% of males and 3.4% of females identified as LGBT

To estimate the number of LGBT youth (age 15-17) and adults (age 18-64) enrolled in school:

The numbers of students enrolled in U.S. schools by age, sex, and state were obtained from the [2017 American Community Survey 1-Year Estimates](#) (Table B14003 *"Sex by School Enrollment By Type of School By Age for the Population 3 Years and Over"*).

- To estimate the number of LGBT students age 15-17 by state, we applied (multiplied) the sex-specific percentage LGBT to the ACS reported sex-specific estimates of public and private enrollment for youth aged 15-17 in each state, and summed counts across males and females.
- To estimate the number of LGBT students age 18-64 by state, we applied (multiplied) the age- and sex-specific percentage LGBT from Gallup to each state's age- and sex-estimate of public and private school enrollment (from ACS), and summed counts across sex and age groups.
- To estimate the number of LGBT students 15+ by state, we summed the total estimated number of youth and adult students by state and rounded to the nearest 1,000.

To determine the number of LGBT students protected and not protected under current state statutes, we used information from the [Movement Advancement Project](#) on whether a state did or did not have a statute that explicitly protected students *"from discrimination in school, including being unfairly denied access to facilities, sports teams, or clubs"* on the basis of sexual orientation and gender identity, or, in the case of Wisconsin, only on the basis of sexual orientation. In total, 14 states, plus Washington DC, had a statute that extended protections to students (at all levels of schooling, enrolled in public and private schools) on the basis of sexual orientation and gender identity. We then summed up the rounded estimates of LGBT students in states with and without protective statutes.

For Wisconsin, we counted cisgender LGB students as protected and transgender students as unprotected (on the basis of gender identity). To estimate the numbers of cisgender LGB and transgender students in the state, we first calculated the percentages of LGBT youth and adults in the state that are cisgender LGB and transgender (of any sexual orientation), 95.0% and 5.3%, respectively, among youth, and 88.8% and 11.2%, respectively, among adults, using the data sources described above. We then applied those percentages to the estimated numbers of LGBT youth and adult students in the state (and then summed and rounded the cisgender LGB and transgender estimates to the nearest 1,000).

LGBT People

To estimate the number of LGBT people in each state, we relied upon population-based surveys for information about the percentage of the population that is LGBT and applied it to U.S. Census Bureau estimates of the numbers of youth (ages 13-17) and adults (18+) in each state.

- To estimate the percentage of youth age 13-17 that identify as LGBT, we used information from the Youth Risk Behavior Surveillance Survey (YRBS) and recent estimates from The Williams Institute reported in [Age of Individuals who Identify as Transgender in the United States](#) that utilized Behavioral Risk Factor Surveillance Survey (BRFSS) data.
- To estimate the percentage of youth age 13-17 who identify as LGB (9.2%), we averaged the national estimates from the [2015](#) (8.0%) and [2017](#) (10.4%) Youth Risk Behavior Surveillance Survey (YRBS), a nationally representative sample of school-enrolled high school students in grades 9-12. Then, we applied (multiplied) this percentage to 2017 population estimates produced by the U.S. Census Bureau (based on projections from the 2010 Census) for youth ages 13 to 17 and rounded to the nearest 1,000. Census estimates were obtained via [American FactFinder Table PEPSYASEX, "Annual Estimates of the Resident Population by Single Year of Age and Sex for the United States, States, and Puerto Rico Commonwealth: April 1, 2010 to July 1, 2017."](#) Next, to estimate the number of youth age 13-17 who are transgender, we used recent estimates from [Age of Individuals who Identify as Transgender in the United States](#) with a slight correction to avoid double-counting sexual minority transgender youth (adding a total of 46.3% of the estimated number of transgender youth per state to our estimate of the number of LGB youth to arrive at a total estimate of the number of LGBT youth per state).
- The estimated percentages of adults age 18 and older who identify as LGBT is derived from the [Gallup Daily Tracking Survey](#). The Gallup Daily Tracking survey is an annual list-assisted random digit dial (70% cell phone, 30% landline) survey, conducted in English and Spanish, of approximately 350,000 U.S. adults ages 18 and up who reside in the 50 states and the District of Columbia. LGBT identity is based on response to the question, "Do you, personally, identify as lesbian, gay, bisexual, or transgender?" Respondents who answered "yes" were classified as LGBT. Respondents who answered "no" were classified as non-LGBT. Estimates derived from other measures of sexual orientation and gender identity will yield different results. State estimates of the percentage of the population that is

LGBT-identified use 2015-2017 data unless otherwise noted. Due to small overall population sizes, 2012-2017 data were aggregated for the following states: Alaska, Delaware, Hawaii, Idaho, Mississippi, Montana, New Hampshire, North Dakota, Rhode Island, South Dakota, Vermont, West Virginia, and Wyoming. All percentages correspond to those reported in the Williams Institute's [LGBT Demographic Data Interactive](#).

- To estimate the number of LGBT adults age 18 and older by state, the weighted percentage of LGBT Gallup Daily Tracking respondents was applied to 2017 population estimates produced by the U.S. Census Bureau (based on projections from the 2010 Census) for adults ages 18 and older and rounded to the nearest 1,000. Census estimates were obtained via [American FactFinder Table PEPSYASEX](#), "Annual Estimates of the Resident Population by Single Year of Age and Sex for the United States, States, and Puerto Rico Commonwealth: April 1, 2010 to July 1, 2017." The estimated number (rounded to the nearest 50) of adults ages 18 and older who identify as transgender are reported in [Age of Individuals who Identify as Transgender in the United States](#).

To determine the number of LGBT people that are protected and not protected in public accommodations under current state statutes, we used information from the [Movement Advancement Project](#) on whether a state did or did not have a statute that explicitly prohibits discrimination on the basis of sexual orientation and gender identity, or, in the case of Wisconsin, only on the basis of sexual orientation. In total, 20 states, plus Washington DC, had a statute that extended protections in public accommodations on the basis of sexual orientation and gender identity. We then counted the numbers of LGBT people in states with and without protective statutes.

For Wisconsin, we counted cisgender LGB people as protected and transgender people as unprotected (on the basis of gender identity). To estimate the numbers of cisgender LGB and transgender people (of any sexual orientation) in Wisconsin, we used estimates of the numbers of transgender youth and adults in the state as reported in [Age of Individuals who Identify as Transgender in the United States](#) and subtracted them from our estimates of all LGBT youth and adults in the state. We then rounded all LGB and transgender estimates in to the nearest 1,000.

LGBT Adults (18+)

The methodological notes for our estimates of the number of LGBT adults per state are reported in [Adult LGBT Population in the United States](#).

To determine the number of LGBT people that are protected and not protected in housing under current state statutes, we used information from the [Movement Advancement Project](#) on whether a state did or did not have a statute that explicitly prohibits discrimination on the basis of sexual orientation and gender identity, or in the case of Wisconsin, only on the basis of sexual orientation. In total, 21 states plus Washington DC, had a statute that extended protections in housing on the basis of sexual orientation and gender identity. We then counted the numbers of LGBT people in states with and without protective statutes.

For Wisconsin, we counted cisgender LGB people as protected and transgender people as unprotected (on the bases of gender identity). To estimate the numbers of cisgender LGB and transgender people (of any sexual orientation), we used an estimate of the number of transgender adults in the state as reported in Age of Individuals who Identify as Transgender in the United States and then subtracted them from our estimate of all LGBT adults in the state. We then rounded all LGB and transgender estimates in to the nearest 1,000.

To determine the number of LGBT people that are protected and not protected in credit under current state statutes, we used information from the [Movement Advancement Project](#) on whether a state did or did not have a statute that explicitly prohibits discrimination on the bases of sexual orientation and gender identity. In total, 14 states had a statute that extended protections in credit on the bases of sexual orientation and gender identity. We then counted the numbers of LGBT people in states with and without protective statutes.

April 1, 2019

The Honorable Jerrold Nadler
Chairman, Committee on the Judiciary
U.S. House of Representatives

The Honorable Doug Collins
Ranking Member, Committee on the Judiciary
U.S. House of Representatives

Dear Chairman Nadler, Ranking Member Collins, and members of the Committee on the Judiciary,

I am writing in support of H.R. 5 which proposes to extend nondiscrimination protections to all U.S. residents in many domains of life, including education. As a social epidemiologist, my research focuses on sexual orientation and gender identity-based differences in socioeconomic status. According to my estimations, there are over 3.5 million LGBT students ages 15 and up in the United States [1].

Of these, 2.1 million students across 36 states would obtain protection from sexual orientation and gender identity discrimination through the passage of H.R. 5, because their state currently does not have a civil rights law that explicitly includes sexual orientation and gender identity. Research documents that these students are vulnerable to discrimination, harassment, and bullying that negatively impacts not only their education, but has lasting negative consequences for lifelong economic well-being, health, and civic engagement [1-15].

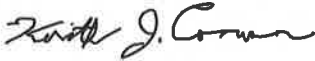
Several studies find higher rates of bullying in high school [2-4], and sexual and other physical violence victimization in college[5-9], among LGBT compared to heterosexual peers. Research also notes harassment of LGBT students by school staff and administrators at secondary and post-secondary levels [10-12]. Lastly, institutional policies and climate have also been found to vary widely in their inclusion and protection of LGBT students [10, 13-16].

Harassment and discrimination at multiple points in the life course are among the leading contributors to sexual orientation- and gender identity- based differences in educational attainment and economic well-being. For example, lower levels of education and higher rates of poverty have been observed among lesbian and bisexual women, bisexual men, and

transgender adults compared to heterosexual, cisgender (non-transgender) peers in several population-based studies [17-24].

In summary, it is critical to extend for H.R. 5 to extend federal protections to LGBT students.

Sincerely,

A handwritten signature in black ink, appearing to read "Kerith J. Conron". The signature is fluid and cursive, with the first name "Kerith" being more prominent.

Kerith Jane Conron, ScD, MPH
Blachford-Cooper Research Director and Distinguished Scholar

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