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# THE TRUMP-PENCE ADMINISTRATION'S CRUSADE AGAINST LGBTQ AMERICANS

In less than one year, the Trump-Pence Administration has unleashed a torrent of attacks on the LGBTQ community and undermined the rights of millions of Americans. Through rollbacks, rescissions, and re-interpretations, Donald Trump and Mike Pence have systematically and meticulously eroded years of progress and protections. What's more, Trump and Pence have appointed and nominated scores of extreme and unqualified anti-LGBTQ officials to crucial agencies and court benches — some of whom will serve lifetime appointments. Beyond these extensive, explicit attacks on LGBTQ equality, the Trump-Pence Administration has targeted many of the most marginalized within our community — from banning Muslim refugees, to undermining voting rights, to putting the lives and livelihoods of 75,000 LGBTQ Dreamers at risk.

With the 2018 midterm elections approaching, we can — and must — pull the emergency brake. If we don't, we can look forward to three more years just like the last one.

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## SYSTEMATIC DISCRIMINATION AGAINST LGBTQ PEOPLE

### **Trump and Pence launched an all out assault on transgender service members:**

President Donald Trump's dangerous and unpatriotic move to reinstate a ban on qualified transgender people serving in the military could result in the discharge of more than 15,000 transgender Americans currently serving our country at this critical time. HRC has joined two individuals who seek to join the military; one current service member who seeks appointment as an officer; the State of Washington; Gender Justice League; and the American Military Partner Association as plaintiffs in *Karnoski v. Trump* challenging this ban<sup>1</sup>.

### **Trump instructed the DOJ to give federal agencies a “license to discriminate”:**

Donald Trump's order instructs the Attorney General to provide direction to all agencies on “interpreting religious liberty protections in Federal law.” The Attorney General's directive puts millions of LGBTQ Americans at risk of discrimination, and instructs federal government attorneys on how to handle matters before them and directs federal agencies to reconsider current and future regulations in light of this license to discriminate<sup>2</sup>.

**The DOJ has asserted that Title VII doesn't apply to LGBTQ people:** The Department of Justice (DOJ) in July filed an amicus brief arguing that Title VII of the Civil Rights Act of 1964 which prohibits discrimination on the basis of sex does not protect lesbian, gay, or bisexual people from discrimination. In October, the DOJ rescinded a memo issued by the Obama Administration and replaced it with a discriminatory memo, arguing that Title VII also does not apply to transgender people. DOJ instructed all U.S. attorneys to adopt this dangerous position in all pending and future matters<sup>3</sup>.

### **The DOJ and ED put transgender students at risk by rescinding protective**

**Title IX guidance:** Under the direction of Attorney General Jeff Sessions and Education Secretary Betsy DeVos, the U.S. Departments of Justice and Education revoked the Obama Administration's guidance detailing schools' obligations to transgender students under Title IX of the Education Amendments of 1972.



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## INSIDIOUS ATTACKS, AGENCY-BY-AGENCY

BEYOND THE HEADLINES, THE TRUMP-PENCE ADMINISTRATION IS INSERTING HATE AND DISCRIMINATION INTO OUR GOVERNMENT, ACROSS ALL AGENCIES.

### White House

In addition to his assault on transgender service members and “license to discriminate,” the president’s budget<sup>5</sup> proposal would devastate federal safety net programs and human rights protections abroad. Trump pardoned<sup>6</sup> anti-immigrant, anti-LGBTQ former Maricopa County Sheriff Joe Arpaio. Egregiously, according to the *New Yorker*<sup>7</sup>, when asked about Mike Pence and LGBTQ rights, Donald Trump said “Don’t ask that guy — he wants to hang them all!”

### Department of Justice (DOJ)

Not only did Attorney General Jeff Sessions instruct U.S. attorneys to take the position that Title VII does not protect LGBTQ people and rescind protective guidance for transgender students, he also withdrew the DOJ’s request<sup>8</sup> for a preliminary injunction in its legal challenge to the anti-LGBTQ North Carolina law HB2. He also declined to appeal<sup>9</sup> a nationwide preliminary injunction that prevents the HHS from enforcing gender identity non-discrimination protections under Section 1557 of the Affordable Care Act.

### Department of Education (ED)

U.S. Secretary of Education Betsy DeVos has attacked LGBTQ students — and especially transgender students — at every turn. In September, ED began a process<sup>10</sup> to rescind Title IX guidance related to schools’ obligations to address sexual harassment, including sexual violence. ED also released a Q&A on Campus Sexual Misconduct<sup>11</sup>, which erases all mentions of LGBTQ students and schools’ obligations to students of all sexual orientations and gender identities.

### Department of Homeland Security (DHS)

DHS has made it harder for LGBTQ people fleeing violence around the world to find safety in the U.S. Trump issued an executive order to create further obstacles for all people seeking to enter the U.S., preventing refugees from escaping some of most anti-LGBTQ regimes in the world. Additionally, the Trump-Pence Administration’s cruel decision in September to end the Deferred Action for Childhood Arrivals (DACA)<sup>12</sup> program affects an estimated 75,000<sup>13</sup> LGBTQ Dreamers.



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### Department of Health and Human Services (HHS)

HHS removed all mentions of LGBTQ people<sup>14</sup> and health disparities from its strategic plan — and also used anti-abortion language. Additionally, after stating there were no changes to the survey, HHS removed a question on sexual orientation<sup>15</sup> from a national survey of seniors, making it more difficult to track issues senior LGBTQ Americans face.

### State Department

The State Department has failed to demonstrate America's commitment to human rights or guarantee that supporting and protecting the human rights of LGBTQ people remains a commitment and priority. While the U.S. Congress has passed resolutions condemning the violence and persecution by Chechen authorities, President Trump and Secretary of State Rex Tillerson have thus far failed to publicly condemn the attacks<sup>16</sup>. HRC President Chad Griffin has called on Sec. Tillerson to speak out on these and other anti-LGBTQ human rights abuses<sup>17</sup>.

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## DANGEROUS NOMINEES TO EVERY LEVEL OF GOVERNMENT

PERSONNEL IS POLICY, AND DONALD TRUMP AND MIKE PENCE ARE DOING EVERYTHING THEY CAN TO STACK ALL AGENCIES OF GOVERNMENT AND OUR FEDERAL COURT SYSTEM WITH NOMINEES WHO ARE BOTH UNQUALIFIED AND HAVE TROUBLESOME RECORDS ON EQUALITY.

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### FEDERAL JUDICIAL NOMINEES:

TRUMP AND PENCE ARE STACKING OUR COURT SYSTEM WITH UNQUALIFIED IDEOLOGUES WHO WILL ATTACK LGBTQ RIGHTS.

**Neil Gorsuch, Supreme Court of the United States:** The Supreme Court has played a central role in advancing the promise of equality for LGBTQ Americans, and Judge Gorsuch's anti-equality record — from opposing crucial medical treatment for a transgender person to supporting a license to discriminate for private corporations — make him unfit to sit on the nation's highest court<sup>18</sup>.

**Jeff Mateer, U.S. District Court for the Eastern District of Texas:** In a 2015 speech titled "The Church and Homosexuality," Jeff Mateer objected to a transgender student using a restroom consistent with her gender identity, calling the policy<sup>19</sup> "Satan's plan." Mateer fought against non-discrimination protections for the LGBTQ community in Plano and San Antonio, Texas, and he even supports<sup>20</sup> the dangerous and debunked practice of so-called "conversion therapy." Mateer also claimed that marriage equality will lead to bestiality<sup>21</sup>.



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**Damien Schiff, U.S. Court of Federal Claims:** Schiff opposed anti-bullying policies, the decriminalization of same-sex relationships, and marriage equality. In his writings, Schiff has encouraged parents to opt out of public schools<sup>22</sup> in response to new curriculum that discouraged LGBTQ bullying and normalized families with same-sex parents; and opposed the Supreme Court<sup>23</sup> ruling decriminalizing same-sex relationships.

**L. Steven Graz, U.S. Eighth Circuit Court of Appeals:** Graz served on the board of a non-profit that backed the abusive practice of conversion therapy<sup>24</sup> on LGBTQ minors. Graz said that language protecting people on the basis of sexual orientation opened the door for protections for pedophiles<sup>25</sup> and argued Nebraska should not recognize<sup>26</sup> marriage equality. Graz also opposed allowing same-sex parents to adopt. The American Bar Association has deemed Graz unqualified to serve<sup>27</sup> in the position Trump has nominated him for.

**Mark Norris, U.S. District Court for the Western District of Tennessee:** Norris has voted in the Tennessee General Assembly to support legislation giving business a license to discriminate<sup>28</sup> against LGBTQ people and supported a state law preventing local municipalities<sup>29</sup> from passing LGBTQ non-discrimination protections. Norris also opposed federal guidance from the Obama administration helping to protect transgender students from discrimination and harassment in public schools.

**Stephen Schwartz, U.S. Court of Federal Claims:** Schwartz's work opposing equality includes defending North Carolina's discriminatory HB2<sup>30</sup>. He also notably served as co-counsel to the Gloucester County School Board in Virginia after it was sued by transgender student Gavin Grimm for discrimination<sup>31</sup>. Grimm challenged the school board in court for denying him use of the boy's restroom.

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## CABINET APPOINTEES



### **Jeff Sessions, United States Attorney**

**General:** Jeff Sessions has repeatedly supported laws that criminalize LGBTQ activity, blasting the Lawrence v. Texas decision, which finally ended the criminalization of same-sex relationships<sup>32</sup>. Jeff Sessions supported the discriminatory "Don't Ask, Don't Tell" and co-sponsored the Federal Marriage Amendment, saying he would seek "again and again" to pass an amendment to the United States Constitution outlawing marriage equality<sup>33</sup>.



### **Betsy DeVos, Secretary of the Department of Education:**

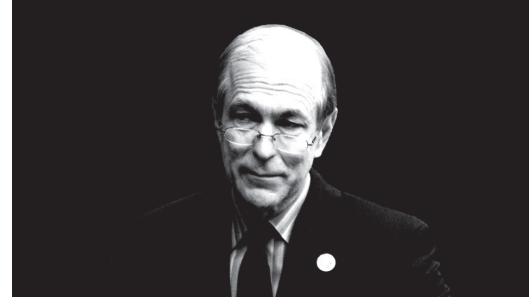
DeVos' personal foundation has donated \$275,000 to Focus on the Family, an organization that promotes, among other things, conversion therapy. DeVos' personal foundation has donated \$15,000 to the Becket Foundation, an organization that advocates for legislation creating a license to discriminate. DeVos' personal foundation has donated \$65,000 to the Thomas More Law Center, an organization that represented organizations that challenged the constitutionality of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act<sup>34</sup>.



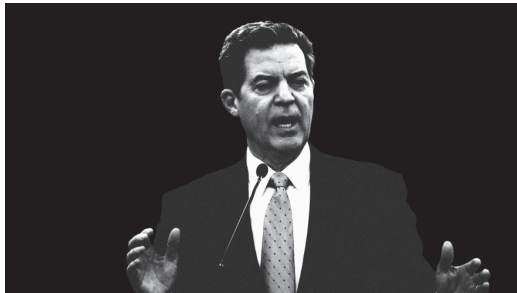
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**Mark Green, Secretary of the Army:** Green's anti-LGBTQ record includes describing former President Obama's guidance protecting transgender students an example of "tyrannical government"<sup>35</sup>, saying that being transgender is a "disease"<sup>36</sup>, encouraging the state of Tennessee to deny marriage licenses<sup>37</sup> to gay couples, and equating transgender people<sup>38</sup> to rapists and pedophiles. Green was ultimately forced to withdraw his nomination.



**Scott Garrett, President of the Export-Import Bank:** In 2015, Garrett pushed for the exclusion of openly LGBTQ candidates for public office and refused to support<sup>39</sup> the National Republican Congressional Committee because it "supported homosexuals in primaries." During his time in Congress, Garrett voted against hate crimes protections for LGBTQ people, against the repeal of "Don't Ask, Don't Tell" policy, refused to support the Employment Non-Discrimination Act, and he twice voted in favor of banning marriage equality<sup>40</sup>.



**Sam Brownback, Ambassador-at-Large for International Religious Freedom:** As governor, Brownback orchestrated a policy change<sup>41</sup> that would make it nearly impossible for transgender Kansans to change their birth certificates to reflect their gender identity. In 2015, Brownback attacked LGBTQ state employees by stripping away non-discrimination protections. Brownback issued another blatantly discriminatory executive<sup>42</sup> that prohibited the state government from taking action against clergy members or faith organizations that deny services to same sex couples based on religious beliefs<sup>43</sup>.



**Sam Clovis, Chief Scientist for the Department of Agriculture:** Clovis has a disturbing history of anti-LGBTQ extremism, as reported by CNN<sup>44</sup>. Clovis, who has no scientific background, has repeatedly peddled the falsehood that being LGBTQ is a "choice." Clovis has also disgustingly equated protecting LGBTQ people from discrimination with protecting pedophiles, and he opposes marriage equality. Clovis was ultimately forced to withdraw his nomination.



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