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

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 reinterpretations, 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.

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## SYSTEMATIC DISCRIMINATION AGAINST LGBTQ PEOPLE

**Opposed the Equality Act:** The Trump-Pence administration declared their opposition to the Equality Act— crucially important, bipartisan legislation that will finally provide clear, comprehensive non-discrimination protections for LGBTQ people across the country in employment, housing, public spaces, education, jury services, credit and federal funding. More than 200 major corporations have joined HRC's Business Coalition for the Equality Act. In a historic move, the U.S. Chamber of Commerce and National Association of Manufacturers announced their support for the Equality Act. A recent survey by PRRI found that nearly seven in 10 Americans support laws like the Equality Act. More than 500 statewide and national organizations have endorsed the legislation, including social justice, religious, medical and child welfare organizations.

**Asserted that Title VII doesn't apply to LGBTQ people:** The Department of Justice (DOJ) 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. Later, the DOJ rescinded a memo issued by the Obama administration and replaced it with a discriminatory memo, arguing that Title VII also does not apply to transgender people.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.

**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. A recent poll from Gallup found that more than 70% of Americans support transgender people serving openly in the military.



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## **Proposed granting federal contractors a License to Discriminate against LGBTQ people and other minorities:**

The Trump-Pence administration proposed a federal regulation that would gut non-discrimination protections for LGBTQ people and other vulnerable communities by adding religious exemptions to President Obama's 2014 executive order that prohibits discrimination in hiring by federal contractors on the basis of both sexual orientation and gender identity. The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) announced a notice of proposed federal rulemaking that lays out OFCCP's intention not to enforce non-discrimination requirements if a contractor claims that it is acting in accord with religious tenets which will negatively impact LGBTQ people, women and religious minorities. The proposal cherry picks federal court decisions, relies upon language not contained in the majority opinions, and blatantly changes the context and meaning of case law to justify the changes to existing regulations.

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## **INSIDIOUS ATTACKS ON LGBTQ HEALTH CARE**

THE TRUMP-PENCE ADMINISTRATION IS INSERTING HATE AND DISCRIMINATION INTO OUR HEALTH CARE SYSTEM, ACROSS MULTIPLE AGENCIES

### **1557**

HHS just published a proposed major change to the administrative rule interpreting Section 1557 of the Affordable Care Act (ACA) to remove explicit protections for LGBTQ people in health care programs and activities by excluding protections from discrimination based on sex stereotyping and gender identity. This would enable medical providers to deny even life-saving care to LGBTQ people based on the provider's personal beliefs.

### **Affordable Care Act**

The Justice Department issued a legal filing arguing that the entirety of the Affordable Care Act should be overturned. This move would jeopardize health care for over 130 million people with preexisting conditions like HIV and eliminate non-discrimination protections for LGBTQ people.

### **Kicked people living with HIV out of the military**

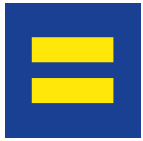
The Department of Defense instituted a "Deploy or Get Out" policy, which would remove military personnel living with HIV from service solely because of their status.

### **Erased transgender people**

Trump's HHS proposed a new definition that would narrowly define sex as either male or female, unchangeable, and determined by birth. According to the New York Times "The new definition would essentially eradicate federal recognition of the estimated 1.4 million [transgender] Americans."

### **Proposed cutting over \$1.35 billion from PEPFAR budget**

In his proposed FY 2019 budget, Trump cut \$1.35 billion from, or 29% of, PEPFAR's budget. PEPFAR is the U.S. government program that fights AIDS abroad.



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## FEDERAL JUDICIAL NOMINEES

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

**Brett Kavanaugh, Supreme Court of the United States:** From non-discrimination protections to health care to LGBTQ military service, Kavanaugh was clearly hand-picked by anti-LGBTQ organizations to undermine the progress for equality. There are still more than 429,000 documents in the George W. Bush Presidential Library, alone, that could pertain to Brett Kavanaugh's record and provide a necessary insight into his legal views, especially on LGBTQ equality. During his confirmation hearing, Kavanaugh repeatedly refused to answer basic questions on whether the landmark Supreme Court case *Obergefell v. Hodges*, legalizing same-sex marriage throughout the United States, was decided correctly. HRC still believes the credible testimony of Dr. Christine Blasey Ford.

**Steven Menashi, U.S. Second Circuit Court of Appeals:** Menashi has a history of hateful, disturbing writings that render him unfit to be an impartial federal judge tasked with protecting the rights and civil liberties of all. In one piece, Menashi explicitly diminishes the hate that led to the brutal murder of Matthew Shepard. Menashi also has a history of denouncing women's marches against sexual assault, dismissing education about multicultural awareness, and defending anti-Islam rhetoric. More recently, Menashi served as legal counsel to Education Secretary Betsy DeVos, and helped her roll back Title IX protections for survivors of sexual assault on campuses.

**Matthew Kacsmaryk, U.S. District Court for the Northern District of Texas:** Kacsmaryk opposed the Equality Act and lobbied the Trump-Pence administration to sign an executive order that could exacerbate anti-LGBTQ discrimination. In opposition to transgender equality, Kacsmaryk co-signed an amicus brief in the *Gloucester County School Board v. G.G.* opposing the ability of transgender students to use facilities that align with their gender identity.

**Brian Buescher, U.S. District Court for the District of Nebraska;** Buescher opposed protecting LGBTQ people through non-discrimination laws and supported overturning *Roe v. Wade*. Buescher also served on the 2016 Republican Platform Committee which passed the most overtly anti-LGBTQ platform in history that included attacks on transgender people and a commitment to overturn nationwide marriage equality.

**Wendy Vitter, U.S. District Court for the Eastern District of Louisiana:** Vitter has a long history of opposing women's reproductive rights. Vitter has used her public platform to promote misinformation on reproductive health and has spoken at anti-abortion rallies and panels.

**Eric E. Murphy, U.S. Sixth Circuit Court Of Appeals.** Murphy filed an amicus brief in 2017 in support of a school district that refused to allow transgender students to use facilities matching their gender identity and previously argued that same-sex marriage was "too new" to be a fundamental right.



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**Chad Readler, U.S. Sixth Circuit Court Of Appeals.** As former Acting Assistant Attorney General for the DOJ's Civil Division, Readler argued against protections for LGBTQ workers and defied a court order requiring the Trump-Pence administration to disclose the names of the so-called "experts" it consulted regarding the administration's transgender military ban.

**Allison Jones Rushing, U.S. Fourth Circuit Court Of Appeals.** Rushing's record includes working with the Alliance Defending Freedom (ADF), a SPLC designated hate group, which supports the re-criminalization of same-sex relationships in the United States. Rushing also defended religious freedom and co-authored an article with ADF's senior counsel that argued the courts were too often allowing "anti-religious" people with "eggshell sensitivities" to challenge government acknowledgments of religion.