



Friday, August 1st, 2008

Alexis Taylor, General Counsel
D.C. Office of Human Rights
441 4th Street, NW, Suite 570 North
Washington, DC 20001

Dear Ms. Taylor:

On behalf of Parents, Families, and Friends of Lesbians and Gays (PFLAG) National's 500 chapters and over 200,000 members and supporters, we strongly oppose the District of Columbia's proposed rulemaking that would administratively roll back some of the most important protections for transgender people that are currently guaranteed under the D.C. Human Rights Act (DCHRA) – a law written and unanimously passed by the D.C. Council making discrimination against transgender people illegal.

In its current form, the DCHRA is a model we are proud to readily offer up as an important advocacy tool for other jurisdictions to adopt and ensure similar protections for transgender people nationwide. If the proposed rulemaking is approved, D.C. would no longer provide the strongest anti-discrimination protections in the country. Not only would the strength of these advocacy efforts be diminished, but a new precedent would be established that could effectively erode similar laws and protections in other states and localities nationwide.

We have three specific objections to the proposed rules:

- 1. We are strongly opposed to the proposed Subsections 801.3 and 801.4, which would exempt the D.C. Department of Corrections (DOC) and all other District Agencies from the DCHRA as it applies to transgender people in the District's custody.**

Specifically, the DOC and the Office of Human Rights (OHR) – an independent agency charged with enforcing this law – justified that denying transgender individuals the full rights of the DCHRA was due to “safety and security” concerns. We vigorously oppose this justification. Consistent with our presentation to you on July 22nd, groups like the DC Prisoners' Project, the DC Trans Coalition, Helping Individual Prostitutes Survive, and other national organizations like the National Center for Transgender Equality, and the National Gay and Lesbian Task Force have offered highly persuasive evidence that “safety and security” can be preserved without denying transgender individuals full DCHRA based rights.

Model policies already exist in certain areas like New York State's Juvenile Detention Centers, where inmates are referred to by their preferred name and pronoun as well as receiving special housing options, ultimately prioritizing their safety and security. We are disappointed that OHR and DOC have not taken advantage of these model policies or utilized local organizations' extensive resources, knowledge and support, which could easily be used to help develop plans and policies that are mutually compatible with the DOC's concerns for safety and security as well as human rights advocacy groups' efforts to preserve full DCHRA rights for all transgender individuals.

2. **We also strongly oppose the proposed repeal of Subsection 802.2 of Chapter 8, which states that “All entities covered under the Act with single-occupancy restroom facilities shall use gender-neutral signage for those facilities (for example, replacing signs that indicate ‘Women’ and ‘Men’ with signs that say ‘Restroom’).**

We are disappointed that OHR wishes to repeal this simple and cost-effective rule that would actually help benefit all restroom patrons waiting in long lines. The privacy issue is not even present in the case of a single-occupancy restroom. OHR stated that small-businesses were confused by these requirements and did not understand why they had to comply with this law. It is OHR’s duty to educate the public on rules related to the DCHRA and, therefore, the Agency must do a better job at educating the public on the law’s current form rather than attempting to change the intent of the law.

3. **Finally, we oppose the proposed Subsection 806.5, which would require that identification badges for D.C. government employees “state the employee’s legal name, as documented by the Department of Human Resources. The name affixed on the badge shall be changed after the employee provides proof of a formal name change through a court of competent jurisdiction.”**

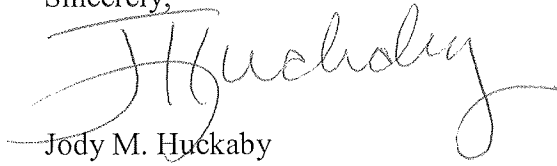
As you may know, transgender people often informally adopt a first name that is consistent with their gender identity and expression, and this change typically occurs long before they are ready to go to court to formally change their legal names – a process that requires a significant amount of time and resources. We believe that this proposal violates the intent of the DCHRA. According to D.C. law, any D.C. resident is free to use any name one wishes, for any non-fraudulent purpose, without the need for formal legal proceedings. Furthermore several federal agencies as well as state and local governments have adopted informal procedures that allow a transgender employee to have their preferred name affixed to their identification badges, which helps avoid confusion, embarrassment, and most importantly malicious harassment. If such a procedural change is necessary, we believe it is more appropriate to amend the District Government’s employment guidelines rather than the DCHRA.

In conclusion, we encourage you to continue to meet with local transgender and allied organizations to better understand, appreciate, and address the needs of the transgender community. Doing so will require a great deal of effort, education and innovation on the part of those agencies that work with transgender individuals. As you know, the obligation of equally meeting the needs of all D.C. residents, including transgender residents, is codified in D.C. law. We cannot allow thoughts about inconvenience to various agencies and fear arising from ignorance be the basis for denying equal human rights to certain individuals.

It is our hope that you will not proceed with this proposed rulemaking. We thank you for your attention to this matter.

If you would like to discuss this matter, please contact Rhodes Perry, our Field and Policy Manager at 202-467-8180 x 221 or at rperry@pflag.org.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Huckaby". The signature is written in dark ink and is positioned above the printed name.

Jody M. Huckaby
Executive Director
PFLAG National

Cc: Mayor Adrian Fenty
Peter J. Nickles, Acting Attorney General
D.C. Council Members
Christopher Dyer, Director of LGBT Affairs
Gustavo Velasquez, Commissioner of the Office of Human Rights
Metro DC Parents, Families and Friends of Lesbians and Gays (PFLAG) Chapter
Gay and Lesbian Activists Alliance
DC Prisoner's Project
DC Trans Coalition
Helping Individual Prostitutes Survive
Human Rights Campaign
National Center for Transgender Equality
National Gay and Lesbian Task Force
Transgender Health Empowerment