



**Testimony of the Boston Bar Association
Before the Joint Committee on the Judiciary
In Support of H 502 and S 764
An Act Relative to Transgender Equal Rights
June 8, 2011**

The Boston Bar Association appreciates the opportunity to submit the following testimony in support of H 502 and S 764, *An Act Relative to Transgender Equal Rights*. The Boston Bar Association knows that diversity in the legal profession – like diversity in our society at large – is a tremendous asset. As a professional organization of 10,000 members, we ask that the legislature protect that diversity by affirming that no one should face discrimination or violence because of gender identity or expression and to pass this critical civil rights legislation for these reasons:

- The core of the Boston Bar Association’s mission is to promote access to justice for all. Transgender people suffer from high incidences of violence, harassment, and discrimination requiring that they be treated equally with other protected classes under Massachusetts law. The Transgender Equal Rights Bill will provide transgender people with access to all of the fundamental elements of society such as employment, housing, public accommodations, public education, credit, and protection from crime.
- Transgender people need the specific and explicit protection this bill will provide because they suffer pervasive discrimination and disproportionately high levels of crime. The Transgender Equal Rights Bill will add “gender identity and expression” to existing Massachusetts civil rights laws which currently prohibit discrimination on the basis of age, race, creed, color, national origin, sexual orientation, sex, and marital status. Massachusetts will join 14 other states and 136 other jurisdictions, including local communities such as Amherst, Boston, Cambridge, and Northampton, in providing this basic civil rights protection. This critical bill will also add “gender identity or expression” to the Commonwealth’s hate crimes statute so that the law explicitly protects transgender people.
- Our judicial system has also recognized the importance of protecting transgender people. Rulings of the Massachusetts Commission Against Discrimination and the Superior Court have made clear that discrimination against some transgender people is already prohibited by state laws forbidding sex and disability discrimination. And, the First Circuit has held that federal statutes prohibiting sex discrimination afford protection to individuals who experience discrimination because they are gender non-conforming.
- Many private employers have also shown good sense and moral leadership by implementing policies prohibiting discrimination on the basis of gender identity. Over

450 large and small companies nationwide, including major Massachusetts employers such as Bank of America, Brandeis University, John Hancock Financial, Foley Hoag LLP, Harvard University, Massachusetts Mutual Life, Novartis, Prudential Financial, Raytheon, Staples, Tufts University, and Walgreens, have employment policies that prohibit discrimination on the basis of gender identity.

- The organized legal bar has also made clear its support for transgender-inclusive laws and policies. In August of 2006, the American Bar Association issued a recommendation urging federal, state, local, and territorial governments to enact legislation prohibiting discrimination on the basis of actual or perceived gender identity or expression.
- Despite this progress, there is still a gap in legal protection for transgender people: our state and federal statutes are not explicit in protecting transgender people. The Transgender Equal Rights Bill will fill that gap by granting transgender people protected status under Massachusetts law. Most importantly, Massachusetts will be making this significant statement: that acts of discrimination and violence against individuals who are gender non-conforming is both dehumanizing and inconsistent with our common desire to live in a just society.