

“We’re Here, We’re Queer,
We’re in the Public Record!”:
LGBTQ Life and Culture as Seen
Through Government Information

The White House is shown at night, illuminated with vibrant rainbow lights. The central portico is lit with yellow and orange, the columns with green, and the wings with blue and purple. The sky is dark, and the overall scene is festive and celebratory.

Jesse Silva
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Kelly L. Smith
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Acronyms

ACS > American Community Survey

ADB > Asian Development Bank

DOJ > Dept. of Justice

DOL > Dept. of Labor

EO > Executive Order

HHS > Dept. of Health and Human Services

HUD > Dept. of Housing and Urban Development

LGBTQIA* > Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual

RFRA > Religious Freedom Restoration Act

SCOTUS > Supreme Court of the United States

SOGI > Sexual Orientation and Gender Identity

SOTU > State of the Union Address

WH > White House

Trump Administration, 2018-2021

- DOJ Religious Liberty Task Force established
- Transgender military service “ban”
- Argued against *Bostock* and opposed the Equality Act
- HHS rule to allow medical providers to cite “conscience objections” in care refusal
- HUD rule to allow federally-funded homeless shelters to ignore a person’s gender identity and instead house them according to their assigned sex at birth or their legal sex
- DOL rule to add religious exemption for Obama-era EO on hiring discrimination by federal contractors
- During Pride Month 2020 (and on anniversary of Pulse shooting), HHS rule rolling back transgender health care protections
- Floated idea of Title IX interpretation change to legally define sex as “a person’s status as male or female based on immutable biological traits identifiable by or before birth”
- With less than 2 weeks before Biden’s inauguration, HHS rule to permit social service agencies and providers that receive HHS grant funding (e.g. foster care, adoption, HIV/STI prevention, youth homelessness) to discriminate on the basis of SOGI

Bostock v. Clayton County (2020)

- Pre-*Bostock*, 21 states included LGBTQ as a protected class for employment discrimination
- *Bostock* affirms that 1964 Civil Rights Act barring sex discrimination in the workplace protects LGBTQ employees from being fired because of their SOGI
- One day before Trump left office, DOJ issued memorandum asserting that *Bostock* should not be interpreted as applying to other laws banning sex discrimination; Biden DOJ withdrew that memo 3 days later
- Biden's EO 13988 directs agencies to interpret *Bostock* to other areas of law where sex discrimination is prohibited, including education, housing, and health care; future administrations may not interpret *Bostock* this way

Biden Administration, 2021-

“It's a new dawn
It's a new day
It's a new life
For me
And I'm feeling good”



John Legend performing “Feeling Good,” Biden Inaugural Celebration 1/20/21
<https://www.youtube.com/watch?v=QDY55T-v4MM>

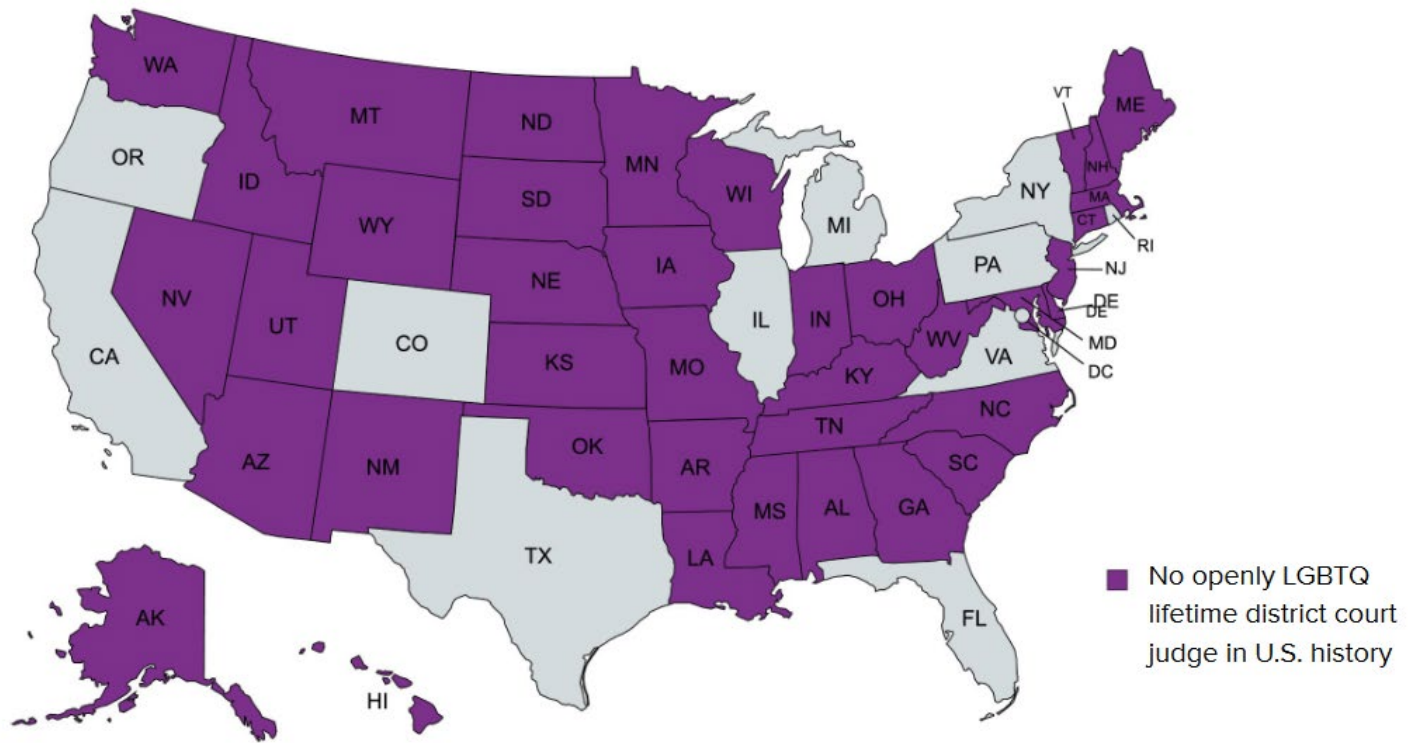
Appointments

- In first 100 days of Biden Administration, 14% of appointees identified as LGBTQ+
- Pete Buttigieg (DOT), Rachel Levine (HHS), Karine Jean-Pierre (WH), Chantale Wong (ADB)
- First out LGBTQ women to serve as federal circuit court judges; as of March 2024, Biden tied Obama record (11) for LGBTQ+ federal judges



Doug Emhoff, Pete Buttigieg, Chasten Buttigieg, Kamala Harris
<https://www.youtube.com/watch?v=7Vwq7koRDn8>

States where an openly LGBTQ lifetime district court judge has *never* served



<https://civilrightsdocs.info/pdf/Openly-LGBTQ-Federal-Judges.pdf>

Executive Orders

- EO 13988: Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation
 - Biden Day 1
 - *Bostock* interpretation
- EO 14075: Advancing Equality for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Individuals
 - Addresses harmful state/local laws, conversion therapy, child welfare/juvenile justice, schools, access to health care, housing, older adults, data collection, etc.

Executive Orders

- EO 14020: Establishment of the White House Gender Policy Council
 - coordinate federal government efforts to advance gender equity and equality; propose improvement in the collection of data related to gender and gender identity
- EO 14021: Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity
 - review of Title IX & other regulations to ensure, in federally funded entities, an educational environment free from sexual harassment, sexual violence, and discrimination on the basis of sex and SOGI
- EO 14035: Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce
 - “Each Federal employee should be able to openly express their sexual orientation, gender identity, and gender expression, and have these identities affirmed and respected, without fear of discrimination, retribution, or disadvantage.”

Transgender Issues

- Promoting visibility and inclusion, consistently highlighting rights for/attacks on transgender people in SOTU and other addresses
- Guidance on gender inclusion in the federal workplace
- DOJ statements of interest and amicus briefs supporting litigation against state laws that restrict rights of transgender youth
- DOD policy updates for military service
- HUD withdrawal of Trump proposed rule that would have weakened Equal Access Rule
- White House roundtable affirming transgender kids
- Health care protections
- Mental health resources
- Expanding availability of accurate federal IDs
- Addressing anti-transgender violence
- Advancing data collection
- April 2024 Title IX regulations do NOT address transgender athletes

Various Agencies Service to LGBTQ People: Office of the President

THE WHITE HOUSE



MENU



JUNE 08, 2023

FACT SHEET: Biden-Harris Administration Announces New Actions to Protect LGBTQI+ Communities

Several agencies participated, we will highlight a couple

Agencies Service to LGBTQ People- Dept. of Education



U.S. Department of Education

Student Loans

Grants

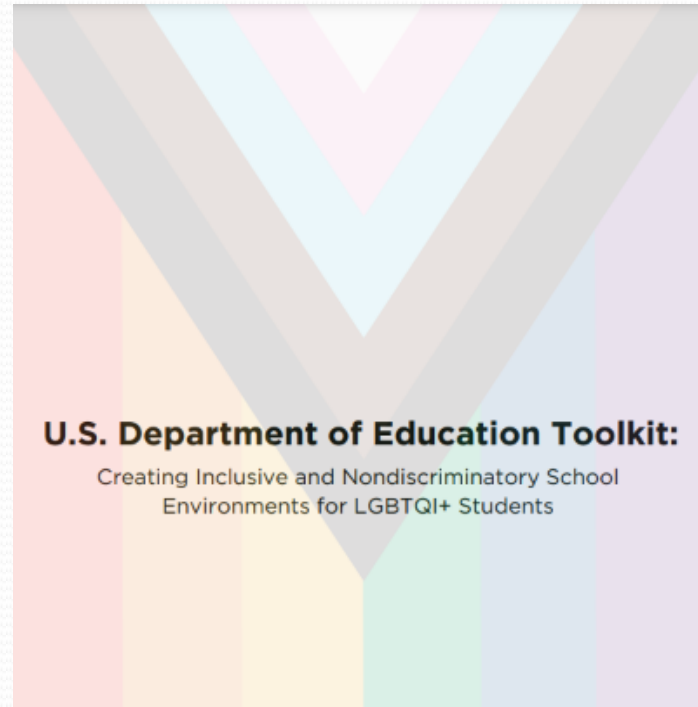
OCR

Office for Civil Rights

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Resources for LGBTQI+ Students

The mission of the U.S. Department of Education's Office for Civil Rights is to ensure equal access to education and to promote educational excellence through vigorous enforcement of civil rights laws. To serve this mission, OCR enforces civil



U.S. Department of Education Toolkit:

Creating Inclusive and Nondiscriminatory School
Environments for LGBTQI+ Students

U.S. Department of Education Releases Final Title IX Regulations, Providing Vital Protections Against Sex Discrimination

APRIL 19, 2024

Agencies Service to LGBTQ People: HHS



U.S. Department of
Health and Human Services

Enhancing the health and well-being of all Americans

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LGBTQI+



[HHS Reports on LGBTQI+ Health](#)

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LGBTQI+ Health & Well-being

HHS works to ensure that LGBTQI+ people, their families, and communities receive equal access to health services by providing enhanced resources for LGBTQI+ health issues;

State Department Report on LGBTQ Human Rights

Began in 2021, report in 2022, another in 2023



The screenshot shows the top navigation bar of the U.S. Department of State website with links for Newsroom, Business, Employees, Job Seekers, Students, Travelers, and Visas. Below this is the U.S. Department of State logo and a main menu with categories: POLICY ISSUES, COUNTRIES & AREAS, BUREAUS & OFFICES, and ABOUT. The breadcrumb trail reads: Home > Office of the Spokesperson > Press Releases > Release of the First Annual Interagency Report on the Implementation of the Presidential Memorandum on Advancing the Human Rights of LGBTQI+ Persons Around the World. The main headline is: Release of the First Annual Interagency Report on the Implementation of the Presidential Memorandum on Advancing the Human Rights of LGBTQI+ Persons Around the World. Below the headline, it is labeled as a PRESS STATEMENT by ANTONY J. BLINKEN, SECRETARY OF STATE, dated APRIL 28, 2022.

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U.S. DEPARTMENT of STATE

POLICY ISSUES COUNTRIES & AREAS BUREAUS & OFFICES ABOUT

Home > Office of the Spokesperson > Press Releases > Release of the First Annual Interagency Report on the Implementation of the Presidential Memorandum on Advancing the Human Rights of LGBTQI+ Persons Around the World

★★★

Release of the First Annual Interagency Report on the Implementation of the Presidential Memorandum on Advancing the Human Rights of LGBTQI+ Persons Around the World

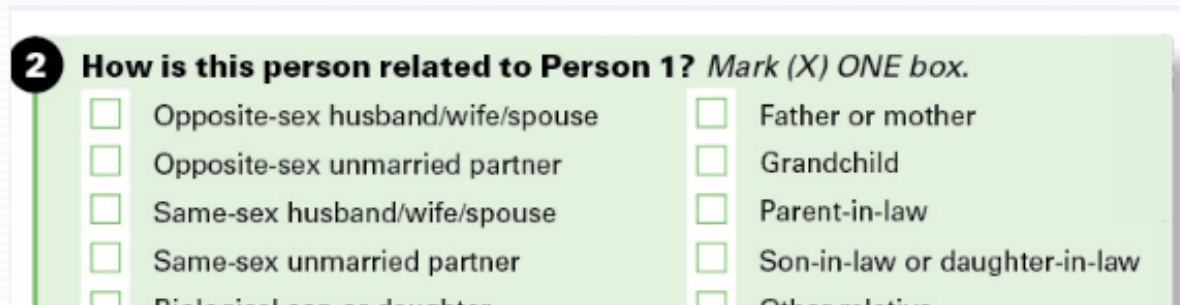
PRESS STATEMENT

ANTONY J. BLINKEN, SECRETARY OF STATE

APRIL 28, 2022

LGBTQ Representation in Federal Statistics (just some)

- Census 2020, and a news release for June 2024



2 How is this person related to Person 1? Mark (X) ONE box.

<input type="checkbox"/> Opposite-sex husband/wife/spouse	<input type="checkbox"/> Father or mother
<input type="checkbox"/> Opposite-sex unmarried partner	<input type="checkbox"/> Grandchild
<input type="checkbox"/> Same-sex husband/wife/spouse	<input type="checkbox"/> Parent-in-law
<input type="checkbox"/> Same-sex unmarried partner	<input type="checkbox"/> Son-in-law or daughter-in-law
<input type="checkbox"/> Biological son or daughter	<input type="checkbox"/> Other relative

- Household Pulse Survey asks respondents' SOGI
 - LGBTQ disproportionately affected by COVID-19
- First Federal Evidence Agenda on LGBTQI+ Equity
 - guide for federal agencies to ensure they are collecting data and evidence they need to improve the health and wellbeing of LGBTQI+ Americans
- Testing ACS Questions on SOGI

Legislation: Equality Act

- Introduced **2019, 2021, 2023** (plus earlier iterations)
- Would amend existing civil rights laws to explicitly include SOGI as protected characteristics
- Employment, housing, credit, education, jury service, public spaces and services, federally funded programs
- Includes protections for “religious liberty” but clarifies that RFRA is not a defense against discrimination claims

Legislation: Respect for Marriage Act

- Codified 2015 *Obergefell v. Hodges*, 2013 *United States v. Windsor*, and 1967 *Loving v. Virginia*
- Officially repealed 1996 Defense of Marriage Act, which banned federal recognition of same-sex marriage; requires the federal government to recognize same-sex and interracial marriages
- Response to Justice Thomas argument in *Dobbs* that SCOTUS should reconsider *Obergefell*

SCOTUS Decisions

- *Masterpiece Cakeshop, LTD v. Colorado Civil Rights Commission (2018)*
 - SCOTUS ruled in favor of a baker who refused to bake a wedding cake for a same sex couple because of a religious objection
- *303 Creative LLC et al. v. Elenis et al. (2023)*
 - SCOTUS ruled in favor of web designer who refused to work on a gay wedding website

Dobbs v. Jackson Women's Health

- Overturned *Roe v. Wade*
- *Roe* had a number of right to privacy provisions that were cited in several pro-LGBTQ cases
- Justice Thomas: "*...we should reconsider all of this Court's substantive due process precedents, including Griswold, Lawrence, and Obergefell*"



States Moving Against LGBTQ

- This presentation focuses on Federal, but can't ignore states
- Lots of anti-LGBTQ legislation since 2020:
 - Don't say gay
 - Banning medical treatment for trans kids
 - Anti-drag queen laws
 - Library drag queen story hours
 - LGBTQ book bans
- Some states have banned book bans and publishers have sued



States Moving Against LGBTQ, 2023

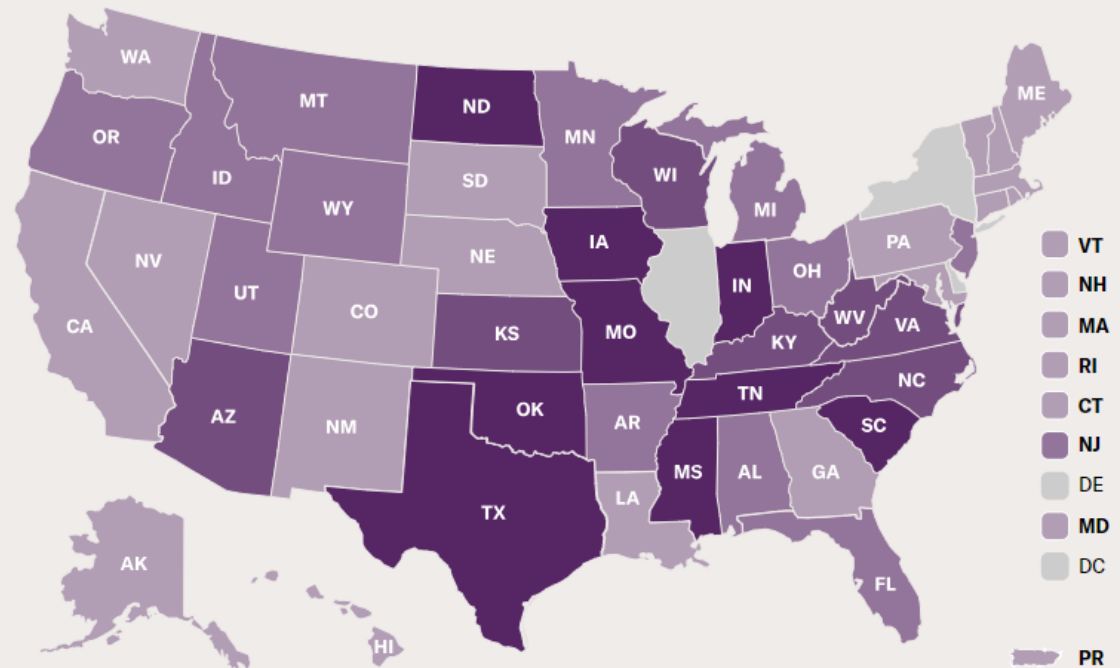
▼ 2023 LEGISLATIVE SESSION

In 2023, the ACLU tracked **510** anti-LGBTQ bills in the U.S.

Choose a state on the map to show the different bills targeting LGBTQ rights and take action. While not all of these bills will become law, they all cause harm for LGBTQ people.

Last updated on December 21, 2023 ⓘ

Bills per state



<https://www.aclu.org/legislative-attacks-on-lgbtq-rights-2023>

States Moving Against LGBTQ, 2024

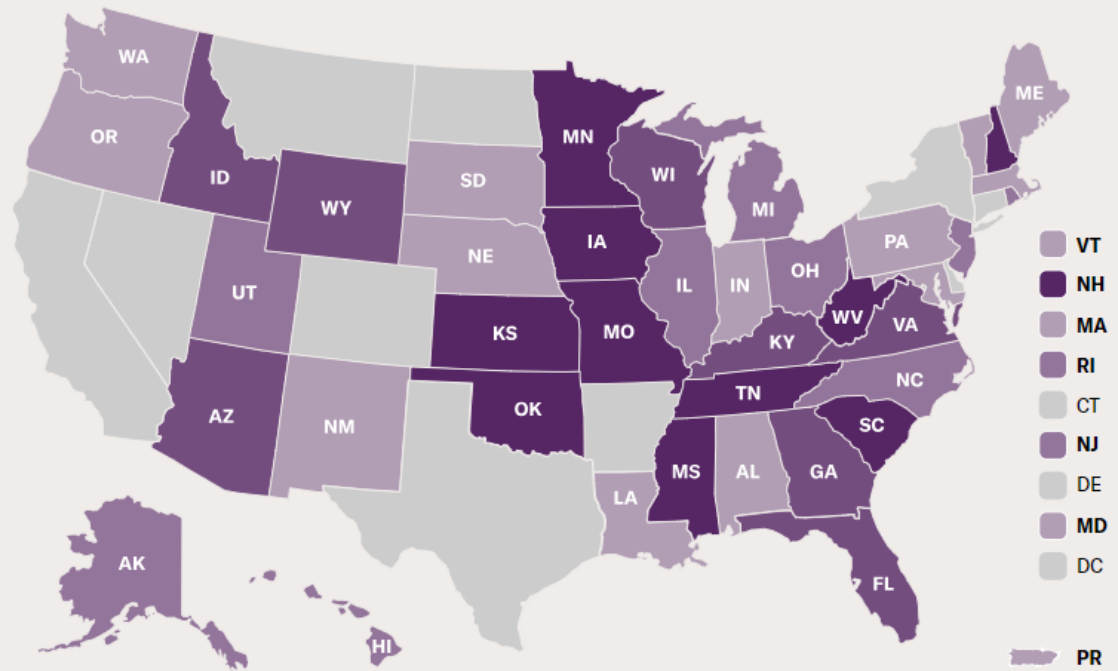
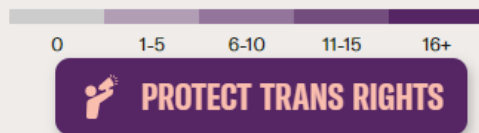
2024 LEGISLATIVE SESSION

The ACLU is tracking **515** anti-LGBTQ bills in the U.S.

Choose a state on the map to show the different bills targeting LGBTQ rights and take action. While not all of these bills will become law, they all cause harm for LGBTQ people.

Last updated on May 31, 2024 ⓘ

Bills per state



<https://www.aclu.org/legislative-attacks-on-lgbtq-rights-2024>

Still I Rise (Maya Angelou)

You may write me down in history
With your bitter, twisted lies,
You may trod me in the very dirt
But still, like dust, I'll rise.

Out of the huts of history's shame
I rise
Up from a past that's rooted in pain
I rise

Does my sexiness upset you? Does it
come as a surprise
That I dance like I've got diamonds
At the meeting of my thighs?

Leaving behind nights of terror and fear
I rise

Into a daybreak that's wondrously clear
I rise

Bringing the gifts that my ancestors gave, I
am the dream and the hope of the slave.

I rise

I rise

I rise.

Want to read more?

Check out our LibGuide:

<http://ucsd.libguides.com/lgbtdocs>

Select Additional Resources:

- American Progress. A Timeline of the Biden Administration's Efforts To Support LGBTQ Equality in the First 100 Days. <https://www.americanprogress.org/article/timeline-biden-administrations-efforts-support-lgbtq-equality-first-100-days/>
- GLAAD. Biden Accountability Tracker. <https://glaad.org/biden-harris/>
- GLAAD. Trump Accountability Tracker. <https://glaad.org/trump-accountability-tracker/>
- Human Rights Campaign. President Biden's Pro-LGBTQ Timeline. <https://www.hrc.org/resources/president-bidens-pro-lgbtq-timeline>
- LGBTQ+ Victory Institute. LGBTQ Appointments in the Biden - Harris Administration. <https://victoryinstitute.org/programs/political-appointments-program/lgbtq-appointments-in-the-biden-harris-administration/>
- NBC News. Undoing 4 years of 'damage': LGBTQ advocates on Biden's first 100 days. <https://www.nbcnews.com/feature/nbc-out/undoing-4-years-damage-lgbtq-advocates-biden-s-first-100-n1266035>

Thanks! Questions?

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