

# Congress of the United States

Washington, DC 20515

Hon. Jefferson B. Sessions  
Attorney General of the United States of America  
The United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

October 11, 2017

Dear Attorney General Sessions,

On this National Coming Out Day, we call on you to affirm the rights of LGBT employees in the work place. As Members of Congress who are dedicated to equality, it is clear to us that workers should feel safe to be "out" in the workplace without fear of being targeted by their employers. Title VII of the Civil Rights Act prohibits employers from discriminating because of an individual's sex, and for years organizations like Lambda Legal have successfully made the case that sexual orientation discrimination and gender identity discrimination are forms of discrimination based on sex. That is why we were dismayed that the Department of Justice, under your oversight, has recently argued that it was legal to discriminate against an employee based solely on their sexual orientation or gender identity. On National Coming Out Day, we urge you to reverse your decision and make it so that no LGBT American need fear "coming out" at work.

Earlier this year, Lambda Legal successfully argued before the Seventh Circuit Court of Appeals that Kimberly Hively had rights under Title VII that forbade her employer from denying her a promotion for not hiding her LGBT identity at work. Building on this success we hope that the Second Circuit Court will rule in the case *Zarda v. Altitude Express* that, when Donald Zarda was fired for not concealing his LGBT identity at work, his Title VII rights were violated. We are glad that the Equal Employment Opportunity Commission filed an amicus brief affirming Mr. Zarda's rights even if you filed an amicus brief arguing to opposite.

Even more recently, the case of *Evans v. Georgia Regional Hospital* brings this issue to light again. Jameka Evans worked as a security officer at the Georgia Regional Hospital, but was denied equal pay and work opportunities because of her sexual orientation and for not conforming to her employer's expectation of a female employee's dress and mannerisms. If Jameka Evans were a man, her attraction to women would not have led to this mistreatment; this reality is the very definition of discrimination based on sex. Recognizing this simple truth, the Eleventh Circuit Court of Appeals found in the case of *Glenn v. Brumby* that Vandy Beth Glenn's

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civil rights had been violated when she was fired after coming out as transgender. With legal precedents such as these, Lambda Legal has guided Jameka Evans' appeals and this summer appealed to the United States Supreme Court to right this wrong.

Everyone deserves the right to feel safe in the workplace. Employees should be hired and fired based on their ability to do the job, not for who they are or whom they love. All workers, whether transgender, gay or straight, deserve equal pay and equal opportunity for equal work. This National Coming Out Day, we choose to elevate the voices of those who have needed to conceal their LGBT identity at work, while praising Jameka Evans, Donald Zarda and Kimberly Hively who, with the help of Lambda Legal, have pushed the cause of LGBT equality forward. We believe what numerous courts have already found: that the Civil Rights Act protects LGBT employees, and we urge you to affirm these rights in every case and every court in the nation. National Coming Out Day is a day for LGBT Americans to step forward and live their identity, and it is all of our moral responsibility to protect them as they do.

Sincerely,



Donald Norcross  
Member of Congress



Pramila Jayapal  
Member of Congress



Mark Pocan  
Member of Congress



Debbie Wasserman Schultz  
Member of Congress



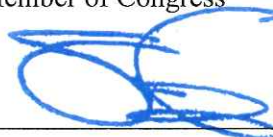
Joe Kennedy III  
Member of Congress



Alan Lowenthal  
Member of Congress



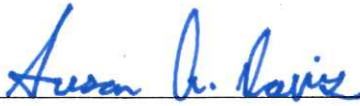
Carol Shea-Porter  
Member of Congress



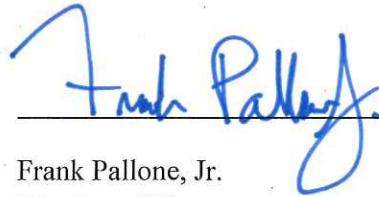
Sean Patrick Maloney  
Member of Congress

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Susan A. Davis  
Member of Congress



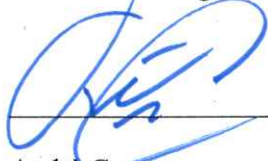
Frank Pallone, Jr.  
Member of Congress



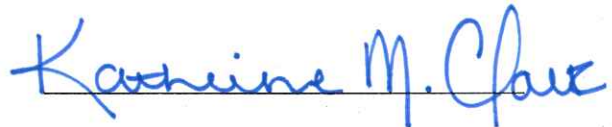
Bonnie Watson Coleman  
Member of Congress



Dina Titus  
Member of Congress



Andre Carson  
Member of Congress



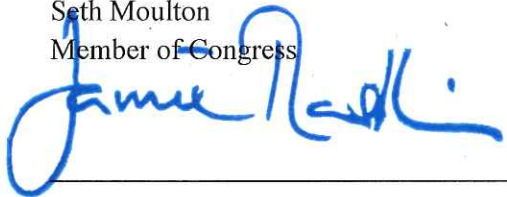
Katherine Clark  
Member of Congress



Seth Moulton  
Member of Congress



Linda T. Sanchez  
Member of Congress



Jamie Raskin  
Member of Congress



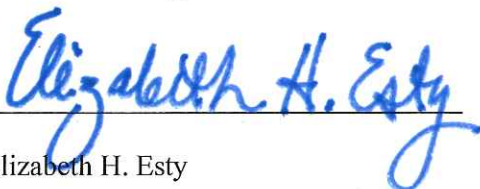
Brian Higgins  
Member of Congress



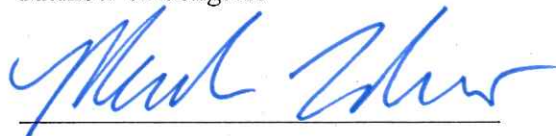
Matthew Cartwright  
Member of Congress



David N. Cicilline  
Member of Congress



Elizabeth H. Esty  
Member of Congress



Mark Takano  
Member of Congress

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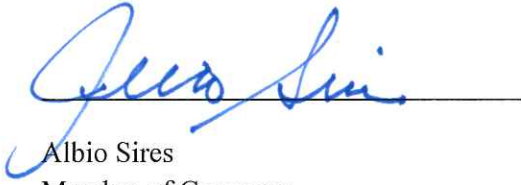
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Charlie Crist  
Member of Congress



Dwight Evans  
Member of Congress



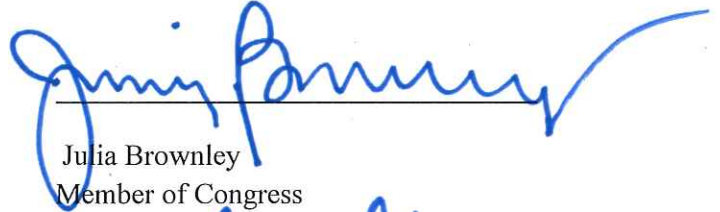
Albio Sires  
Member of Congress



Jared Polis  
Member of Congress



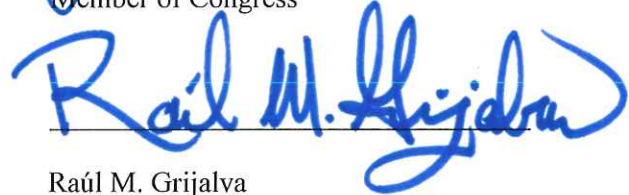
Mark DeSaulnier  
Member of Congress



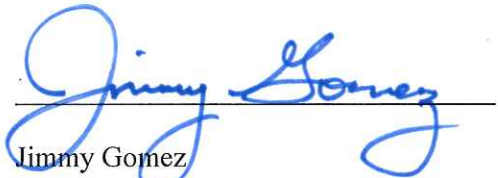
Julia Brownley  
Member of Congress



Raul Ruiz, M.D.  
Member of Congress



Raúl M. Grijalva  
Member of Congress



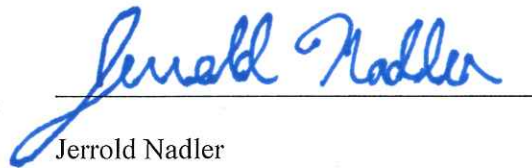
Jimmy Gomez  
Member of Congress



Ted W. Lieu  
Member of Congress



Lisa Blunt Rochester  
Member of Congress



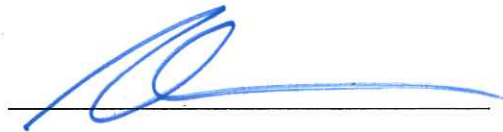
Jerrold Nadler  
Member of Congress

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A handwritten signature in blue ink, appearing to read "DMP, Jr.", written over a horizontal line.

Donald M. Payne, Jr.  
Member of Congress

A handwritten signature in blue ink, appearing to read "Ro Khanna", written over a horizontal line.

Ro Khanna  
Member of Congress