

TO: Senate Judiciary Committee  
FROM: Nora Broker  
RE: Vote YES on HB 2673A  
DATE: May 3, 2017

Chair Prozanski and members of the committee:

I am writing in support of HB 2673A. I believe deeply that this bill is a critical and necessary measure for the state to take on behalf of transgender Oregonians. This belief is based on my experience as an Oregon native, as an attorney who regularly assists transgender clients to navigate the identity document update process, and as a transgender Oregonian myself.

I want to share a bit about what it means to be a trans attorney, helping trans people through the process under current law. I usually have to go through a curious dance walking clients through the complicated and intimidating process, as I translate rules and requirements that often bear little resemblance to folks' lived experience. I have to assure them that intimidating language does not, in fact, require specific medical invasions. We often commiserate on how "complete" can be a fundamentally irrelevant concept with respect to gender identity—not just for trans people, but for everyone. I have to explain how and why their deeply personal information must be dragged forth for public inspection. Depending on where they live, I may have to prepare them to face needless scrutiny and doubt. Through all this, I have to balance my own advocate's sense of the practical process with an informed empathy for their justified doubt, fear, and mistrust.

As a severely marginalized community, trans people have learned a deep mistrust for the official institutions, both legal and medical, that have for so long treated them with skepticism, scorn, or worse. Mistrust is an even more significant issue for groups such as trans people of color, who face marginalization on multiple fronts. This all creates serious problems in terms of access to justice, and can become a substantial barrier to people attempting to get their lives in order—with profound implications for their economic stability, family and relationship stability, and for their physical and emotional safety. A request such as posting personal information on a public cork board may seem trivial to many people; for a trans woman of color who has faced domestic abuse, that request may sound very different. I urge this committee to truly weigh what is necessary and what is not. Many of the processes written into current law can convey a sense of mistrust and skepticism as to trans peoples' legitimacy, and their authority over their own identities. As a trans person, I must say: we know ourselves. You can and should trust us. And fostering an environment of mutual trust is critical, not just for the wellbeing of trans people, but also for the wellbeing of all Oregonians.

To make this more personal, I must add that were this bill already law, I am certain that I would take advantage of the administrative process for updating birth certificates. You see, I am currently in the process of my own legal name and gender marker change. As per current law, I have a hearing set for my petition at the Multnomah County Circuit Court in late May of this year. On the one hand, I am lucky: thanks to my legal career, the court is largely demystified for me. I also know that, at least within my home court, I am familiar with the culture, and I do feel confident that I will find an environment of support, affirmation, and respect. At the same time, this is my place of business. These are my colleagues. And while demystified in some ways, it is absolutely distressing that I am forced to drag forth my personal and private information, including highly sensitive medical information, however obliquely referenced, in such a setting, when that kind of exposure and disclosure is not necessary. Were this bill already law, I am certain that I would take advantage of the chance to maintain my privacy.

Finally, I'd like to speak more broadly. It has been a little over a year now since then-U.S. Attorney General Loretta Lynch stood to announce a challenge to North Carolina's HB 2 ("the bathroom bill"), and shocked our community with the following words:

"Let me also speak directly to the transgender community itself. . . . [N]o matter how isolated or scared you may feel today, the Department of Justice and the entire Obama administration wants you to know that ***we see you, we stand with you, and we will do everything we can to protect you going forward.*** Please know that history is on your side."

This was, quite frankly, one of the most transcendent moments I can remember. I simply sat there for a minute in stunned silence, trying to process the sense of recognition and validation. That these words came from someone with such authority, at the top of my own profession no less—it was as if the world shifted, and I was overcome by that sense of sea-change, that things that so long seemed impossible were now, perhaps, possible. One year later, Attorney General Jeff Sessions announced the government's withdrawal from the HB 2 challenge, and the current administration has taken action after action to claw back inchoate trans rights. It's hard to process this quick backlash. It's a time of emboldened hatred across this country, from media to state houses and legislatures, and a time of resurgent doubt and fear for trans people. And in this time of doubt, it has never been more important for those of good faith and good will to stand up for what is right, and to reassure those who face persecution that they are valued and that they are safe.

I was born and raised in Oregon. I came up on Oregon values. I look around my home state and I see so many people who are ready and eager to take a stand. By passing HB 2673A, the Oregon legislature would take great practical strides toward fairness and safety for trans people, as I and others have explained. But further, this bill presents the legislature with a wonderful opportunity to channel A.G. Lynch's words, and to show transgender Oregonians, clearly and unequivocally, that *their state sees them*. That their community respects them, and trusts them. That Oregon stands with them, and will do everything it can to keep them safe.

Respectfully,  
Nora Broker  
(off. Kyle Roush, *pending* grant of name change petition)  
OSB No. 164739  
Attorney, Creighton & Rose, PC.