



February 15, 2018

Chair Williamson
House Judiciary Committee
Oregon Legislative Assembly
900 Court Street NE
Salem, OR 97301

Re: Support for HB 2589

Chair Williamson, Vice Chair Gorsek, Vice Chair Sprenger, and members of the committee:

OGALLA: the LGBT Bar Association of Oregon (“OGALLA”) urges you to support HB 2589, a bill to modernize and correct transphobic language in ORS Chapter 659A, Oregon’s employment anti-discrimination law.

As an organization supporting LGBT attorneys, our group has a profound interest in supporting transgender Oregonians, both within the Oregon State Bar and in the general community. We are also keenly invested in ensuring equal protection under the law for all Oregonians.

Our legislature has made great strides in recent years to support and affirm transgender people. Yet as progress has been made, old, outdated, and offensive provisions remain in our statutes that are at odds with modern enactments, and at odds with contemporary recognition of the dignity of transgender people.

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Terminology such as “transsexualism” and “transvestism” are demeaning to the transgender community, and having such terminology remain in our state law sends a signal to transgender people that the law does not afford them the same dignity that it affords to other Oregonians.

We have strong employment anti-discrimination provisions for LGBT people in the state of Oregon, including protection for transgender people with equal dignity and on equal terms as any other group protected under the law. Many of the provisions addressed by this bill are not only offensive, but obsolete, leading to vague and confusing provisions that are hard to administer and hard to interpret for employees, for employers, and for the general public.

This bill also clarifies a fundamental truth about transgender identity. A person’s gender identity is a personal characteristic, not a limitation. While individual transgender people may receive various diagnoses or healthcare, those tangible conditions or limitations are distinct from an individual’s gender identity. This bill draws a line between tangible conditions – which the disability law should protect on equal terms for all Oregonians – and inherent identity.

We encourage the Legislature to seize this opportunity to provide certainty in the law, and to affirm once again the dignity of transgender Oregonians.

Respectfully submitted,

Cierra Brown
Chair
OGALLA: the LGBT Bar Association of Oregon