



PFLAG *Southwest Washington Chapter*

April 2018 Newsletter



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Join us:

We meet the 2nd Tuesday of each month at 7 pm at the Children's Home Society, 1112 Columbia Street, Vancouver, WA 98660

Next Education and Support Meeting: April 10, 7pm

- Our speaker will be Susan Alone who will discuss the Northwest Gender Alliance.
- The education session will be followed by our caring and sharing support group

2018 dates to remember:

- May 8, 7pm
PFLAG SWWA meeting
- June 12, 7pm,
PFLAG SWWA meeting
- July 10, 7pm,
PFLAG SWWA meeting
- July 14, Saturday in the Park,
Vancouver's Pride Event,
11-6pm, Esther Short Park
- August 14, 7pm,
PFLAG SWWA meeting
- September 9, 9-4pm,
Peace and Justice Fair,
Esther Short Park

Dual Anniversaries Celebrated

On February 13th we celebrated the chapter's 22nd anniversary and on March 13 we celebrated the 45th anniversary of the first meeting of PFLAG national with cake and singing happy birthday.



PFLAG Presentation at Vancouver Hewlett-Packard

At the invitation of Anne Kauffman of Hewlett-Packard (HP), on March 26th PFLAG Southwest Washington chapter president De Stewart introduced HP employees to the PFLAG mission and explained how they can support LBGTQ, youth, families and allies. She also discussed issues and hardships facing LBGTQ and gender non-conforming youth, including family rejection. She then contrasted rejection to the positive outcome of family acceptance and encouragement. She also encourage HP employees to get involved in supporting LBGTQ youth. Chapter secretary/treasurer Dale Clukey manned an information table.



Debbie Epstein of HP, De Stewart, Anne Kauffman of HP, and Dale Clukey at the March 26th PFLAG HP presentation

National News

UNITED STATES COURT OF APPEALS RULING ON FIRING TRANSGENDER PERSONS FOR THE SIXTH CIRCUIT

III. CONCLUSION

Discrimination against employees, either because of their failure to conform to sex stereotypes or their transgender and transitioning status, is illegal under Title VII. The unrefuted facts show that the Funeral Home fired Stephens because she refused to abide by her employer's stereotypical conception of her sex, and therefore the EEOC is entitled to summary judgment as to its unlawful-termination claim. RFRA provides the Funeral Home with no relief because continuing to employ Stephens would not, as a matter of law, substantially burden Rost's religious exercise, and even if it did, the EEOC has shown that enforcing Title VII here is the least restrictive means of furthering its compelling interest in combating and eradicating sex discrimination. We therefore **REVERSE** the district court's grant of summary judgment in favor of the Funeral Home and **GRANT** summary judgment to the EEOC on its unlawful termination claim. We also **REVERSE** the district court's grant of summary judgment on the EEOC's discriminatory-clothing-allowance claim, as the district court erred in failing to consider the EEOC's claim on the merits. We **REMAND** this case to the district court for further proceedings consistent with this opinion.

U.S. Appeals Court: Businesses Cannot Arbitrarily Fire Trans People

"This article originally appeared in *The Advocate*." Reprinted with permission of the publisher.



Aimee Stephens

The court ruled in the case of a funeral director fired after she announced her transition.

BY [TRUDY RING](#)

MARCH 07 2018 5:35 PM EST

Discrimination against transgender people is sex discrimination under the Civil Rights Act of 1964, and an employer's religious beliefs do not automatically provide an exemption from the law, a federal appeals court ruled today in finding that a funeral home company discriminated against a trans employee.

R.G. & G.R. Harris Funeral Homes, which operates several funeral homes in Michigan, fired funeral director Aimee Stephens in 2013 after she announced she was transitioning and would begin presenting as a woman. Her boss, Thomas Rost, told her the concept of gender transition went against his religious beliefs. "A person's sex is an immutable God-given fit," he testified at one point in the case.

The Equal Employment Opportunity Commission sued on Stephens's behalf in 2014, but the U.S. District Court for the Eastern District of Michigan dismissed the case in 2016, "stating that the EEOC had proven sex

discrimination but the Religious Freedom Restoration Act provided the Funeral Home an exemption from Title VII,” according to the American Civil Liberties Union. The ACLU intervened in the case after the EEOC appealed the district court’s ruling, feeling that under the new president, Donald Trump, the EEOC might not be able to adequately represent Stephens.

In today’s decision, a three-judge panel of the U.S. Court of Appeals for the Sixth Circuit ruled that not only is discrimination against trans people sex discrimination, but the federal RFRA does not provide employers an exemption from the Civil Rights Act in this case. Title VII of the act bans sex discrimination. The EEOC and Stephens should have had a chance to prove discrimination, Judge Karen Nelson Moore wrote for the appeals court. The appellate judges found that the funeral home company had indeed discriminated against Stephens, and sent the case back to the district court “for further proceedings consistent with this opinion,” Moore wrote.

The court also held that employing Stephens would not “substantially burden” Rost’s practice of his religious faith. Under the federal RFRA, the government must not impose such a burden without demonstrating a compelling interest. “Simply permitting Stephens to wear attire that reflects a conception of gender that is at odds with Rost’s religious beliefs is not a substantial burden under RFRA,” Moore wrote, adding that “as a matter of law, tolerating Stephens’s understanding of her sex and gender identity is not tantamount to supporting it.”

Also, she said, Rost’s argument that Stephens’s female gender presentation would interfere with the funeral homes’ ability to serve grieving family members “is premised on presumed biases.”

ACLU senior staff attorney John Knight praised the ruling, issuing the following statement: “Today’s decision is an exciting and important victory for transgender people and allied communities across the country. In too many workplaces around the country, coming out as trans is a fireable offense, as our client Aimee Stephens personally experienced. But this ruling affirms that that is illegal, setting an important precedent confirming that transgender people are protected by Title VII of the Civil Rights Act. It also ensures that employers will not be able to use their religious beliefs against trans employees, ruling that there is no ‘right to discriminate’ in the workplace. We are thrilled for Aimee, and for all trans folks, to be able to announce this win today.”

Stephens also issued a statement through the ACLU, saying, “I pursued this case because no one should be fired from their job just for being who they are. I’m thrilled with the court’s decision.”

The ruling is the second in recent weeks to call for a broad interpretation of Title VII. The U.S. Court of Appeals for the Second Circuit did so in *Zarda v. Altitude Express*, involving a skydiving instructor who was fired after telling a customer he was gay. The Second Circuit held that Title VII applied to discrimination based on sexual orientation.

President Barack Obama’s administration held that Title VII covered sexual orientation when there is sex stereotyping involved and gender identity in general, but the Trump administration has reversed that position. The EEOC, a federal agency that has a degree of independence, still supports the more expansive interpretation, but it’s up to the courts to make the final call.

The funeral home company is represented by the Alliance Defending Freedom, a right-wing legal group that often argues in favor of anti-LGBT discrimination, including in the Masterpiece Cakeshop case being considered by the Supreme Court. Gary McCaleb, an attorney with the group, told the Associated Press the Sixth Circuit ruling “rewrites federal law and is directly contrary to decisions from other federal appellate courts,” and said it may be appealed.

State News

Senator Patty Murray's Statement about Trump's Latest Transgender Discriminating Order

(Washington, D.C.) – Today, U.S. Senator Patty Murray (D-WA), a senior member of the Senate Veterans' Affairs Committee, issued the following statement in response to President Trump's newly-released order banning transgender individuals from military service.

"Once again, President Trump has chosen to ignore the overwhelming concerns of his military advisors as well as LGBTQ Americans and their allies across the country, and instead double down on his hateful, ideological agenda that moves our nation in the wrong direction and hurts our military readiness. Nothing is more important than keeping our nation and families safe, and President Trump's reckless decision to ban transgender people from serving in the military needlessly undermines our national security and values.

"Anyone who is qualified should have the opportunity to serve our country, and anyone who wears our uniform to defend our freedoms deserves nothing but our country's unwavering support and respect. As the daughter of a World War II veteran and a senior member of the Senate Veterans' Affairs Committee, I will join my colleagues in fighting tooth and nail against this misguided attack on transgender Americans who are volunteering to serve our nation."

Equal Rights Washington Announces Legislative Wins



SB 5722 – Conversion Therapy Ban for Minors

After five years of work, Washington will become the tenth state to ban conversion therapy for minors. Nearly every major medical professional association has decried the practice as harmful and ineffective. Research shows that youth who are subjected to conversion therapy are more likely to attempt suicide, suffer from depression, and consume drugs or alcohol. SB 5722 is a critical step in helping to support and protect LGBTQ youth. Governor Inslee signed the bill on March 28th.

SB 6037 – Uniform Parentage Act

Washington State became the first in the nation to adopt the updated Uniform Parentage Act. The updated standards ensure equal treatment of children born to same-sex couples, provides pathways and independent legal protections for compensated surrogacy, and eliminates the need for second parent adoption for non-biological parents at birth. SB 6037 is a huge win for those in Washington State seeking to begin or grow their families.

Initiative 940 – De-Escalate Washington

I-940 will modernize Washington's use of force law by calling for more police training in de-escalation and mental health; requiring that first aid be provided at the scene; mandating completely independent investigations in use of force cases; and removing the de facto immunity by striking "malice" and requiring an objective "good faith" standard for use of deadly force.

Announcements!

Look!



Look!



Look!



The chapter has a new web site!

www.pflagswwa.org

Designed and created by Phaedra Baldwin



Also, Support our chapter by shopping with Amazon Smile
When you name PFLAG Vancouver-Sw Washington as your charity, Amazon Smile donates 0.5% of the price of eligible purchases to the chapter.