

Assembly Joint Resolution No. 43

RESOLUTION CHAPTER 141

Assembly Joint Resolution No. 43—Relative to sexual orientation and gender identity.

[Filed with Secretary of State September 18, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AJR 43, Lara. Sexual orientation and gender identity.

This measure would make findings concerning discrimination against lesbian, gay, bisexual, transgender, and queer individuals, and would call upon Congress and the President of the United States to pass legislation that expressly includes sexual orientation and gender identity in all federal antidiscrimination laws.

WHEREAS, The United States was founded as a democratic nation, and our country's Declaration of Independence states that, "All men are created equal"; and

WHEREAS, A central tenet of the law of the United States is the principle of equal protection and nondiscrimination under the law; and

WHEREAS, This promise of equality can be fulfilled through actions by courageous individuals, organizations, and coalitions who choose to stand up for their rights and the rights of others; and

WHEREAS, Through successful movements and hard fought struggles, current federal statutes protect against discrimination based on race, color, sex, national origin, disability, age, and religion, among other characteristics, under the Civil Rights Act of 1964, the Equal Credit Opportunity Act, the Family and Medical Leave Act, and the Fair Housing Act, among other federal laws; and

WHEREAS, Sexual orientation and gender identity are not expressly listed in these federal antidiscrimination laws and, as a result, the lesbian, gay, bisexual, and transgender community faces difficulty in obtaining some of the most basic protections and benefits under the law; and

WHEREAS, The Civil Rights Act of 1964 protects against discrimination on the basis of race, color, national origin, sex, and religion, making it unlawful to terminate, refuse to hire, or otherwise discriminate with respect to the terms and conditions of employment, but does not expressly list sexual orientation or gender identity as protected characteristics; and

WHEREAS, The Equal Credit Opportunity Act protects against discrimination on the basis of race, color, religion, national origin, sex, marital status, and age when deciding whether to grant a loan or to impose different terms and conditions of a loan, including higher interest rates or

higher fees, but does not expressly list sexual orientation or gender identity among the protected characteristics; and

WHEREAS, The Family and Medical Leave Act entitles eligible employees to take job-protected leave to care for an ailing spouse but does not expressly include domestic partners or members of civil unions; and

WHEREAS, The Fair Housing Act prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status, and disability, but does not expressly list sexual orientation or gender identity among the protected characteristics; and

WHEREAS, While there have been recent gains in federal protections and temporary gains from executive orders, nothing can match the safeguards, symbolism, and promise of equality for all people like the inclusion of sexual orientation and gender identity alongside race, color, sex, national origin, religion, age, and disability in our country's landmark federal antidiscrimination acts; and

WHEREAS, As with any historical movement, it will take a broad coalition of individuals, allies, and organizations who believe in equality to advance this urgent call for justice; and

WHEREAS, Together, this coalition can strive to eliminate discrimination based on sexual orientation and gender identity with the full force of official United States government policy and the full enforcement power of the federal government; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature calls upon Congress and the President of the United States to pass legislation to expressly include sexual orientation and gender identity in all laws of the United States created to end discrimination in this country; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States, to each Senator and Representative in the Congress of the United States, and to the presiding officer of each house of each state legislature of the several states.