

**Congresswoman Tammy Baldwin  
Statement for Health, Employment, Labor and Pensions Subcommittee  
Hearing on Gender Identity  
Tuesday, June 26, 2008**

Thank you Chairman Andrews, Ranking Member Kline, and members of the Committee for allowing me the opportunity to testify today at this historic hearing.

Many of my colleagues have asked about the phrase “gender identity” and why employment protections based on gender identity and expression ought to be included in any employment discrimination legislation Congress takes up. I’ll do my best to answer any lingering questions and clarify what drives many in the LGBT community to demand an inclusive approach to eliminating discrimination in the workplace – one that does not leave the smallest and most vulnerable part of our community behind.

As you may know, gender identity is a person's internal sense of his or her gender. In the vast majority of the population, an individual's gender identity and his or her birth sex "match." But for a small minority of people, gender identity and anatomical sex conflict. A common way for many transgender people to describe this feeling is to say something to the effect of being "trapped in the wrong body." Gender identity and sexual orientation are not the same and transgender people may be heterosexual, lesbian, gay or bisexual.

There are thousands of transgender Americans who lead incredibly successful, stable lives, are dedicated parents, contribute immeasurably to their communities, their country. I personally know transgender people who work in fields as diverse as defense contracting, broadcasting, community organizing, the legal profession – I could go on. They have transitioned successfully, many with the full support of their employers.

Despite these successes, because an individual was born one sex and presents themselves to the world as another—or in a way that other people may think is inconsistent with how a man or a woman should present themselves—he or she can face many forms of discrimination.

Hate crimes against transgender Americans are tragically common. Transgender people also face discrimination in the mundane tasks of the everyday – trying to find housing, apply for credit, or even see a doctor... and, of course, in the focus of today's hearing: trying to provide for themselves and their families.

Some of you know that I practiced law for a few years in a small general practice firm before I was elected to the Wisconsin Assembly. On occasion, I represented clients who were fired in violation of Wisconsin's 1982 non-discrimination law that added sexual orientation to our state's anti-discrimination statutes.

During that time, I met a transgender woman who left a lasting impression, though she was never a client. This woman had been fired from a management position at a large local employer when she announced to her boss that she intended to transition. And because Wisconsin law gave her no legal recourse, she faced an impossible situation – and ended up moving to a different state.

I remember a time in my own life, when I thought I had to choose between living my life with truth and integrity about who I am, as a lesbian, or pursuing the career of my dreams in public service.

Among the things that made me change my mind was Wisconsin's Non-Discrimination law that passed four years before I first ran for local office... as an out lesbian.

The importance of nondiscrimination laws cannot be overstated. Substantively, they provide real remedies and a chance to seek justice. Symbolically, they say to America, judge your fellow citizens by their integrity, character, and talents, not their sexual orientation, or gender identity, or their race or religion, for that matter. Symbolically, these laws also say that irrational hate or fear have no place in our work place.

Today, 39% of Americans live in areas explicitly banning discrimination based on gender identity and expression and at least 300 major U.S. businesses now ban discrimination based on gender identity and expression. Corporate America and the American people are way ahead of the Congress in acknowledging the basic truth we hold to be self-evident... that all of us are created equal... and the laws of the land should reflect that equality. It is high time that America declare discrimination based on gender identity and expression unlawful.

Mr. Chairman, I wholeheartedly support your Committee's efforts to do just this. For the record, I support an inclusive bill which ensures that hard-working Americans cannot be denied job opportunities, fired or otherwise be discriminated against just because of their sexual orientation, gender identity, and gender expression.

All of us who have had the honor of working in this institution know that one of the greatest things about America is that it is both a nation and an idea. Our American Dream promises that no matter where we start, no matter who we are, if we work hard, we will have the opportunity to advance. This Committee can help fulfill that promise.

Thank you.