

DOJ Pride Archives

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DEC 27 1993

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRANK BUTTINO,
and all others similarly
situated,

Plaintiffs,

v.

FEDERAL BUREAU OF
INVESTIGATION, et al.,

Defendants.

Civil Action No: C-90-1639 SBA

SETTLEMENT AGREEMENT

11 WHEREAS, plaintiffs have filed a lawsuit challenging alleged
12 actions taken by the United States Department of Justice and the
13 Federal Bureau of Investigation as violations of the Due Process
14 Clause of the Fifth Amendment to the Constitution of the United
15 States; and

16 WHEREAS, a class was certified on September 24, 1992,
17 consisting of all past and present employees and all applicants of
18 the FBI; who are gay, or who engage in homosexual conduct with
19 consenting adults in private; and

20 WHEREAS, the plaintiffs' counsel, on behalf of the class,
21 consider that, in light of the benefits derived from the settlement
22 agreement, it is desirable to compromise and settle the claims
23 alleged in this action upon the terms and conditions hereinafter
24 set forth; and

25 WHEREAS, the defendants maintain that the claims against them
26 are without merit, but consider it desirable to settle this action
27 in the manner and upon the terms and conditions hereinafter set

SETTLEMENT AGREEMENT

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1 forth to avoid further expense, inconvenience and the distraction
2 of burdensome litigation, and to finally put to rest the claims
3 asserted in this action;

4 WHEREAS, defendant Department of Justice has recently issued
5 a statement of policy that prohibits discrimination in employment
6 and the issuance, denial, or revocation of a security clearance on
7 the basis of sexual orientation;

8 NOW THEREFORE, the parties agree as follows:

9 1. The Federal Bureau of Investigation ("FBI") will formally
10 adopt guidelines consistent with the Attorney General's policy
11 statement of December 2, 1993, attached as Appendix A, and the
12 outline of implementing guidelines, attached as Appendix B,
13 prohibiting discrimination against applicants or employees on
14 grounds of sexual orientation or homosexual conduct among
15 consenting adults in private. For the purposes of this settlement
16 agreement, the term "formally adopt" will be defined as issuance of
17 the guidelines with the approval of the Director of the FBI and
18 does not imply any form of formal or informal administrative
19 rulemaking. A claim of material breach of this paragraph may only
20 be based upon a claim that the defendants have failed to formally
21 adopt the guidelines referenced in this paragraph.

22 2. The FBI will accept a renewed application for employment
23 from Dana Tillson and process that application and conduct an
24 updated background investigation within 90 days from the date that
25 Ms. Tillson completes her submission of the updated application
26 materials. If the updated background investigation does not reveal
27 any derogatory information and Ms. Tillson otherwise satisfies the
28 SETTLEMENT AGREEMENT

1 existing requirements to become a special agent, the FBI will offer
2 Ms. Tillson a place in the next incoming class of new FBI agents.
3 Based on Ms. Tillson's applicant file, which was produced in
4 discovery, neither the FBI nor any other defendant herein is
5 presently aware of any information that would render Ms. Tillson
6 unable to satisfy existing requirements for FBI employment
7 (including security clearances therefor) nor of any derogatory
8 information that might arise in a background investigation of Ms.
9 Tillson.

10 3. The defendants agree to pay Mr. Buttino the sum of
11 \$205,000 and further agree to allow Mr. Buttino to redeposit the
12 sum of \$67,797 to his pension account. The amount to be
13 redeposited to the pension account represents the \$53,637.52 that
14 Mr. Buttino withdrew upon his termination plus interest of
15 \$14,160.00. The defendants agree that the refund of civil service
16 retirement deductions totalling \$53,637.52 that was paid to Mr.
17 Buttino on December 12, 1990, shall be deemed an erroneous payment.
18 As a result of this return of withdrawn funds, Mr. Buttino will be
19 entitled to a monthly annuity payment of \$1,746, based on 20 years
20 and 10 months of service, beginning on his sixty-second birthday,
21 which is February 18, 2007. The lump sum payment of \$205,000 will
22 be subject to tax withholding in the following amounts: a flat 28%,
23 or \$57,400, for federal income tax; 6%, or \$12,300, for FICA; and
24 1.45%, or \$2972.50, for California state income tax. The amount to
25 be redeposited to Mr. Buttino's pension account pursuant to this
26 paragraph will be subtracted from the lump sum payment, after the
27 tax withholding described in this paragraph, and redeposited to Mr.
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Buttino's pension account within 60 days from the date that the lump sum payment is issued to Mr. Buttino.

4. The FBI will provide to Mr. Buttino a written statement to the following effect: "Former Special Agent Buttino, during the course of his twenty-year career with the FBI consistently received 'excellent' or 'outstanding' performance evaluations and that the FBI is not in possession of any information that Mr. Buttino has ever improperly disclosed any classified information or sensitive information from FBI investigative case files during his employment with the FBI."

5. The defendants agree to pay up to, but not more than, \$53,000 in attorney's fees and costs, subject to adequate documentation. This amount shall be divided as follows: up to, but not more than, \$40,000 in attorney's fees and costs shall be paid to Richard Gayer, subject to adequate documentation; and \$13,000 in costs shall be paid jointly to plaintiff Frank Buttino and Heller, Ehrman, White & McAuliffe, subject to adequate documentation. Plaintiffs and their attorneys hereby waive any and all further requests for attorney's fees and/or costs.

GENERAL PROVISIONS

6. The parties agree that the settlement agreement shall be implemented in the following manner:

a. Upon execution, the parties shall promptly file this settlement agreement with the United States District Court for the Northern District of California and request this Court to enter an order:

(1) Preliminarily approving the proposed settlement

1 agreement as presumptively fair, reasonable and
2 adequate;

3 (2) Requiring that notice of the terms of this
4 settlement agreement, and the right to object to
5 the proposed settlement be given to all members of
6 the class through a notice published in The New
7 York Times, The Los Angeles Times, The Washington
8 Blade (of Washington, D.C.), and the Bay Area
9 Reporter (of San Francisco).

10 (3) Scheduling a fairness hearing to determine the
11 fairness of the proposed settlement with respect to
12 the class.

13 b. Class members will have until ten (10) days before the
14 date of the fairness hearing within which to file written
15 objections to the proposed settlement. For the purposes of this
16 Agreement, the effective date of this settlement agreement is the
17 date that this Court enters an Order approving the settlement
18 agreement as fair, reasonable and binding on the class.

19 c. A fairness hearing shall be held at such time and
20 place as ordered by this court to consider whether the proposed
21 settlement should be finally approved as fair, reasonable, and
22 adequate. Any class member who has submitted a timely written
23 objection may appear at the hearing and show cause why the
24 settlement and compromise proposed in the settlement agreement
25 should not be approved. Objections raised at the hearing will be
26 limited to those matters addressed in timely written objections.

27 d. It is an express condition of this settlement
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1 agreement that the class described in this Agreement be bound by
2 this Agreement.

3 7. All parties agree to the dismissal of all of Mr. Buttino's
4 claims and the class claims contained in the Second Amended
5 Complaint in this case without prejudice at this time, upon the
6 entry of the Order approving this settlement. After guidelines
7 consistent with those outlined in Appendix B are formally adopted
8 by the FBI, plaintiffs' counsel, within 30 days or upon the
9 approval by this court of this settlement agreement after a
10 fairness hearing, whichever is later, will dismiss all of Mr.
11 Buttino's claims and the class claims contained in the Second
12 Amended Complaint with prejudice.

13 8. Any allegation of a failure to comply with the terms and
14 conditions of this settlement agreement by one or more of the
15 parties shall be by written notice to the undersigned counsel.
16 Said notice shall specify the facts supporting the allegation, and
17 shall precede the filing of any motion to enforce the terms of this
18 agreement. Upon receipt of said notice by counsel, the alleged
19 defaulting party shall either remedy the alleged failure and so
20 notice all other counsel in writing or provide written explanation
21 within thirty (30) days. At the end of such period, if the issue
22 is not resolved, any party may seek judicial enforcement of this
23 settlement agreement.

24 9. This settlement agreement is binding on all parties and
25 shall be null, void, and of no force or effect if this Court does
26 not approve this settlement, except that nothing in this settlement
27 agreement shall be construed to waive rights to assert claims for
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1 relief from future violations of laws and regulations.

2 10. Defendants shall not be obligated to carry out any term
3 of this settlement agreement if any otherwise applicable future
4 federal statute(s) or regulations, or Executive Order, precludes
5 the defendants from complying with, or withdraws defendants'
6 authority to perform, that term.

7 11. This settlement agreement does not represent an admission
8 of liability by any defendant.

9 12. The terms of this settlement agreement constitute the
10 entire understanding among the parties, and no statement, remark,
11 agreement or understanding, oral or written, which is not contained
12 herein, shall be recognized or enforced.

13

14 Agreed:

15 FOR THE PLAINTIFFS:

16 Dated: 25 Dec 1993

Richard Gayer
RICHARD GAYER
Five Lindsay Circie
San Francisco, CA 94124

17
18 Dated: Dec 23, 1993

Michael W. Fitzgerald
MICHAEL W. FITZGERALD
Heller, Ehrman, White &
McAuliffe
601 South Figueroa Street
40th Floor
Los Angeles, CA 90017-5758

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1 FOR THE DEFENDANTS:

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3 Dated: 12/22/93

FRANK W. HUNGER
Assistant Attorney General

John Regan

JOHN A. REGOVIN
Deputy Assistant Attorney General

6

7 Dated: 12/22/93

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Washington, D.C. 20535

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OUTLINE OF FBI GUIDELINES

INVESTIGATIVE GUIDELINES

1. An applicant generally should not be asked to state or discuss his/her sexual preference or orientation and will not be asked to discuss specific intimate sexual acts.

2. An investigation may inquire into conduct, including heterosexual or homosexual conduct, that is relevant to character, judgment, stability, responsibility, candor or discretion, or creates a susceptibility to coercion, duress, undue influence, pressure, or compromise.

3. During the application process, candidates will be advised that the FBI demands that its employees be free from undue influence, pressure, and susceptibility to coercion and compromise. An applicant will be asked whether he or she is concealing any activity or conduct (e.g. financial) responsibility, marital infidelity, chemical abuse, sexual conduct, or criminality) which reasonably may subject the person to influence, pressure, coercion, or compromise. Candidates will also be told that if any such conduct or activity exists, if hired, the person has an affirmative obligation to immediately notify the FBI in writing of any attempt by any person, organization, or entity to exert influence or pressure, directly or indirectly, because of the conduct and/or its concealment.

4. Persons interviewed during the course of a background investigation will be asked whether they are aware of anything in the applicant's background that might be the basis of attempted influence or coercion (e.g., financial responsibility, marital infidelity, chemical abuse, concealed sexual conduct, or criminality). Third parties will not, however, be directly asked if the candidate who is the subject of the background investigation is homosexual.

EMPLOYMENT DETERMINATION GUIDELINES

1. Sexual orientation or preference may not be considered as a basis for or negative factor in determining one's suitability for employment.

2. Sexual conduct, whether heterosexual or homosexual, will be equally considered in determining one's suitability for employment where such conduct reasonably raises a question as to character, judgment, stability, responsibility, candor, or discretion.

SECURITY CLEARANCE ADJUDICATION GUIDELINES

1. Sexual orientation or preference may not be used as a basis for or negative factor in determining a person's eligibility for a security clearance.
2. Sexual conduct may be considered if such conduct reasonably raises a question as to character, judgment, stability, candor, forthrightness, responsibility, or discretion or creates a direct or indirect susceptibility to coercion, duress, undue influence, pressure, or compromise. Heterosexual and homosexual conduct will be equally considered in this regard.
3. Lack or candor and forthrightness may be the basis for an adverse security adjudication even where the underlying conduct might not be.
4. Failure to immediately report any attempted influence presumptively raises questions about the person's retention of security clearances, which failure will be considered as a significant negative factor.
5. Security clearance adjudications are case-by-case determinations, based on an analysis of the totality of circumstances, that access to classified information is clearly consistent with the interests of the national security.

DOJ STATEMENT OF POLICY WITH RESPECT
TO NONDISCRIMINATION IN EMPLOYMENT

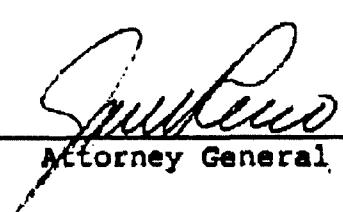
The Department of Justice does not discriminate on the basis of race, color, religion, sex, national origin, disability, or sexual orientation. Every person seeking or holding employment with the Department, its bureaus, and its divisions, is judged in hiring and in connection with any other employment action -- including, without limitation, disciplinary action; issuance, denial, or revocation of a security clearance; or dismissal -- on the basis of his or her abilities, demonstrated performance, experience, conduct, character, judgment, stability, discretion, integrity, responsibility, candor, and other appropriate qualifications.

The Department may inquire into and examine a person's performance, experience, conduct, character, judgment, stability, discretion, integrity, responsibility, and candor in determining suitability for employment and trustworthiness. In the context of determining eligibility for security clearances or access to sensitive information, the Department may investigate and consider any matter that would reasonably subject the applicant or employee to coercion; but no inference concerning susceptibility to coercion may be raised solely on the basis of the race, color, religion, sex, national origin, disability, or sexual orientation of the applicant or employee.

Each component of the Department is directed to issue any further rules or regulations necessary to implement fully this policy statement.

This statement of policy is not intended to create any enforceable legal rights in any person.

Date: December 2, 1993



Attorney General.

As Adopted June 7, 1994

DEPARTMENT OF JUSTICE PRIDE

"A Simple Matter of Justice"

CHARTER

There is hereby established, in accordance with the following provisions, an association of employees of the United States Department of Justice (the "Department") to be known as Department of Justice Pride ("DOJ Pride").

I. PURPOSE

DOJ Pride's general purposes shall be:

- A. To identify and address issues particularly affecting gay, lesbian and bisexual employees of the Department;
- B. To support the Department in the development and implementation of effective policies and practices for the elimination of discrimination on the basis of sexual orientation in all Departmental activities; and
- C. To serve as a resource and point of contact for its members, for those seeking or considering employment with the Department, and for other interested individuals or groups.

II. FUNCTIONS

DOJ Pride shall work on its own and, where possible, with the Department to:

- A. Eliminate prejudice and discrimination against gay men, lesbians, and bisexuals in the Department, and facilitate good work relationships among Department employees of all sexual orientations;
- B. Educate policymakers, managers and other employees about issues of concern to DOJ Pride members; and
- C. Serve as a source of information and advice for, and a means of communication between, DOJ Pride members, the Department (including policymakers, managers and other employees), and all other interested individuals or groups.

III. POLICIES

- A. DOJ Pride's interests and activities shall extend, to the extent practicable, to all Departmental offices (including the offices of the various United States Attorneys), boards, divisions, or other components or operations;
- B. DOJ Pride shall be nonpartisan and noncommercial, and shall be supported by contributions from its members and, to the extent available and appropriate, by contributions or other funding from the Department or from other individuals or groups;
- C. DOJ Pride shall not itself discriminate in any of its activities on the basis of sexual orientation, marital status, sex, gender, race, color, religion, national origin, disability, or political affiliation;
- D. DOJ Pride shall exist to conduct activities of interest to its members, as determined through the democratic processes outlined below.

IV. MEMBERSHIP

- A. Voting membership in DOJ Pride is open to any Department employee, former employee, individual contractor, or employee of a contractor who is interested in the association's activities and concerns.
- B. Associate (non-voting) membership may be accorded by the Board of Directors (or any association officer designated by the Board) to any individual not qualified for voting membership who shares the association's interests and goals.
- C. Sexual orientation is a personal and often private matter, and all decisions about sharing such information must be made by the individual involved. To that end:
 1. DOJ Pride's official membership list will be maintained by the Secretary in strict confidence, and will be used solely for internal organizational purposes. The Secretary may make aggregated or otherwise anonymous membership information available to the Board of Directors or to the general membership, but shall make information concerning individual members available only to the President and only when necessary for the discharge of his or her organizational duties.

2. The Secretary shall in addition maintain a list containing the names of and a means of contacting all current members of the Board of Directors, which shall be available to all members and to the public. Information concerning individual members shall not be made available in any other way or to any other person without the specific written consent of each individual involved.
3. It is the responsibility of all officers and members to maintain the confidentiality of other members, fellow employees, or other individuals who attend meetings or participate in other DOJ Pride activities.

V. BOARD OF DIRECTORS

- A. DOJ Pride will elect from among the voting membership a Board of Directors consisting of a President (elected as described below) and six (6) other members. The Board of Directors shall provide counsel and assistance to the President, and shall make important decisions and set general policies for the association in matters not coming before the general membership for consideration and decision. It shall be a goal of the association to achieve diversity of representation on the Board.
- B. The first Board will be nominated and elected by a simple majority vote of members attending the initial election meeting. Immediately after election of the first Board, one-half of the Directors (other than the President) then elected shall be selected by lot to serve for a term of one year. The remaining directors (other than the President) and all directors thereafter elected shall serve for a term of two years. The President shall serve for a term of one year. All terms of office shall expire upon the election of successors in accordance with Section VI.
- C. The Board shall organize itself and conduct its meetings as it shall see fit, except that:
 1. The Board may take any contested action only by the vote of a majority of all Board members (including the President) holding office at the time;
 2. The Board shall keep minutes or other appropriate records of its meetings and actions, which shall be made available to any voting member on request, and shall report at each meeting of the general membership on any actions taken by the Board since the last such meeting; and

3. A member of the Board (including the President or any other officer) may be removed from office at any time with the concurrence of a majority of the voting members of DOJ Pride attending a general membership meeting called for the purpose of considering such action.
- D. Vacancies occurring on the Board of Directors through resignation, removal or otherwise prior to the expiration of the former member's term of office must be filled for the remainder of that term by special election from among the voting membership, except that vacancies so occurring six months or less before the expiration of the member's regular term need not be filled until the next regularly scheduled election.

VI. ELECTIONS AND OFFICERS

- A. DOJ Pride shall hold a general meeting in June of each year for the purpose of electing a President and other members of the Board of Directors to replace those whose terms expire in that year. Candidates may be nominated by any voting member (including themselves). The election of the President shall take place before the election of other members of the Board, and the President shall be elected by a simple majority of members attending the election meeting. Unsuccessful candidates for President may thereafter run for election to the Board.
- B. Members shall be entitled to vote for a number of candidates for election to the Board equal to the number of positions to be filled, but no member may cast more than one vote for any one candidate. Candidates shall be elected to vacant positions in the order determined by the number of votes that they receive. In the event that more candidates receive an equal number of votes than there are remaining vacant positions, the outcome shall be decided by run-off among those candidates.
- C. Within two weeks after the election of new Board members, the Board shall select from among its members a Vice-President, a Secretary and a Treasurer. Each such officer shall serve until the selection of a successor after the following year's election.
- D. No officer may serve more than *two* consecutive terms in the same position. An officer may be removed from office with the concurrence of a majority of the members of the Board, but may not be removed as a Director other than by the membership in accordance with Section V(C)(3). When any office other than the Presidency becomes vacant before the end of a normal term through resignation, removal or otherwise, that office may be filled for the remainder of the term by the Board *four fm*

of Directors from among its remaining members (including a member elected to fill a vacant Director's position under Section V(D)).

VII. DUTIES

- A. The President, with the guidance of the Board and the help of the other officers and of such other members or committees as he or she may designate, shall:
 1. Develop or maintain a statement of organizational goals and strategies;
 2. Develop or maintain a statement of specific annual objectives and the methods to be used in pursuing them;
 3. Organize and direct all DOJ Pride activities to meet the goals and objectives so defined;
 4. Report annually to the Board and the membership on the continuing appropriateness of the organization's goals and objectives and the progress made in reaching them, and take or suggest to the Board and the membership actions necessary to redress identified problems or deficiencies;
 5. Develop the agenda and preside at all meetings of the officers or of the general membership;
 6. Serve as or designate the official representative and spokesperson for DOJ Pride, including for purposes of signing agreements, commitments, or obligations on behalf of the organization;
 7. Appoint such standing or ad hoc committees as he or she shall deem necessary, or as the Board of Directors or a majority of the voting members present at any general meeting shall direct; provide rules as necessary for their organization, operation and termination, including in his or her discretion appointing a committee Chair; and oversee their operations; and
 8. Perform such other duties as the Board of Directors may specify from time to time.

B. The Vice-President shall:

1. Advise and assist the President in the execution of his or her responsibilities, and perform such other duties as the President may specify from time to time; and
2. Perform the functions of the President in case of the latter's absence or incapacity, and assume the Presidency in case of the President's resignation or removal.

C. The Secretary shall:

1. Keep minutes of all general meetings;
2. Maintain all official organization records, including the membership records described in Section IV(C);
3. Notify members and, to the extent possible, other interested individuals of all meetings and activities, and circulate minutes, agendas, and other pertinent documents as appropriate and practicable; and
4. Perform such other duties as the President may specify from time to time.

D. The Treasurer shall:

1. Receive and disburse all funds payable to or by DOJ Pride, issuing or requiring a receipt for such funds when appropriate;
2. Keep clear and accurate records of all receipts and disbursements of funds;
3. Maintain such bank or other financial accounts as may be necessary or desirable for the orderly transaction of the organization's financial affairs; and
4. Report periodically and as otherwise requested to the President and the Board of Directors, and at least annually to the general membership, on the financial status of association or the financial results of any of its particular activities.

VIII. DEPARTMENTAL RECOGNITION AND LIAISON

DOJ Pride shall seek such official or de facto recognition by the Department as may be available and seem desirable in the view of the Board of Directors in consultation with the general membership. Such recognition might include the designation by the Department of an appropriate official of suitable rank and function to act as an official liaison between DOJ Pride and the Department. DOJ Pride shall in all events make itself available for such consultation regarding and participation in Department affairs as may prove useful to the Department in pursuing effective policies of non-discrimination and other common goals.

IX. MEETINGS

- A. Regular meetings shall be held monthly or as otherwise directed by the Board of Directors, and shall be open to any person eligible for membership (whether or not a member). Special meetings may be held as necessary at the call of the President or the Board of Directors, and shall be called by the Secretary at the written request of any 10 voting members. All meetings shall be conducted, when necessary, under Robert's Rules of order.
- B. Officers and committees may meet from time to time as necessary to conduct their business, but shall report at each general meeting on their proceedings or other actions taken since the last such meeting.

X. VOTING

- A. At any meeting of the membership, the presence of five voting members (other than members of the Board of Directors) shall constitute a quorum for the purpose of transacting any normal business, and action may be taken by a majority vote of those present (in person or by proxy) at the meeting.
- B. Any action involving significant change to the structure or ongoing operation of DOJ Pride, as determined by the Board of Directors (but in any event including all elections and any amendment of this Charter), may be taken only:
 1. After no less than 21 days' notice to all voting members listed on the official membership list maintained by the Secretary in accordance with Section IV(C)(1) of the general nature of the proposed action and the time and place of the meeting at which it is to be considered;

2. By a meeting at which at least sixty percent of the voting members listed on the official membership list referred to above are present in person or by proxy; and
3. In the case of amendments to this Charter, by a vote of two-thirds of the members present and voting (in person or by proxy).

C. At any meeting, a voting member may attend and vote either in person or by proxy. Any such proxy shall be in writing, shall be limited in time and purpose to a specific meeting of the membership (or any postponement, continuation or adjournment thereof), and shall specify in reasonable detail the particular matters on which the individual granted the proxy shall be entitled to cast the absent member's vote.

XI. CHAPTERS

- A. With the approval of the Board of Directors (or by vote of the general membership in accordance with Section X(B)), local groups of individuals eligible to membership may establish Chapters of DOJ Pride at locations other than Washington, D.C.
- B. Each Chapter may develop its own local rules of organization and operation, provided that any Chapter wishing or purporting to remain affiliated with DOJ Pride or to use that name in any of its activities must:
 1. Share the general interests and goals reflected herein and adopted from time to time by DOJ Pride itself;
 2. Submit any organizational documents, and amendments thereto, to the Board of Directors for review and acquiescence; and
 3. Maintain active communication and cooperation with DOJ Pride, through its officers and Board of Directors, to ensure a continuing community of interest and coherence of goals and actions in pursuing common aims.

Proposed amendment to IV.C.1. of the charter adopted June 7, 1994:

Current language:

DOJ Pride's official membership list will be maintained by the Secretary in strict confidence, and will be used solely for internal organizational purposes. The Secretary may make aggregated or otherwise anonymous membership information available to the Board of Directors or to the general membership, but shall make information concerning individual members available only to the President and only when necessary for the discharge or [sic] his or her organizational duties.

Proposed language:

DOJ Pride's official membership list will be maintained by the Secretary in strict confidence, and will be used solely for internal organizational purposes. The Secretary may make aggregated or otherwise anonymous membership information available to the Board of Directors or to the general membership, but shall make information concerning individual members available only to the President or other members of the Board of Directors, and only when necessary for the discharge or [sic] his or her organizational duties.

Are you a Department employee, former employee, individual contractor, or employee of a contractor?

Yes. Please vote for one:

In favor of proposed change

Against proposed change

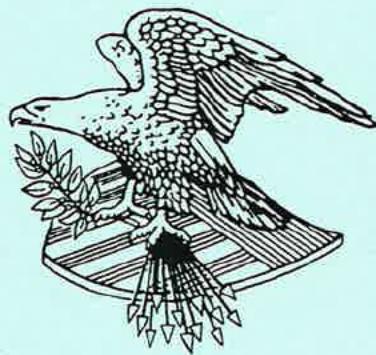
No. You may not vote.

Language change approved by membership.



Lesbian, Gay, and Bisexual Employees of the U.S. Department of Justice

All interested parties welcome!



Next Meeting: Tues., June 7, 6:00 PM to 8:00 PM,
Room 315, Martin Luther King Library

901 G Street, N.W.

Agenda: Charter, Elections, Name of Group

For further information call Rich, [REDACTED]

DOJ PRIDE

Gay, Lesbian and Bisexual Employees
of the
Department of Justice
and all affiliated Bureaus, Offices, and Agencies

General Business Meeting

Thursday, September 15th
6:00 pm

D.C. School of Law
719 13th Street, NW
Room 104

For more information, call

October 5, 1994

Dear DOJ Pride Member:

In the four short months of our existence, DOJ Pride has some terrific accomplishments:

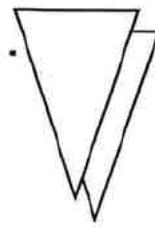
- ! We adopted a charter, which looks very official.
- ! We elected officers, who can look very official.
- ! We asked the Department for official recognition and are waiting for a response. (See enclosure.)
- ! We held 3 general meetings, at which no one fell asleep.
- ! We had 3 exciting social events - a picnic, a billiards event, and a happy hour. Surprisingly, friends of DOJ employees who came to these events thought we were so much fun they signed up to be non-voting members of our group and want to work for DOJ now.
- ! We will have a very exciting general meeting on October 20, 1994. (See enclosure.)

In order to keep this operation going and help us accomplish more, we need your help. Please do the following:

- \$ Pay dues of \$10.00 so that we can make flyers for events, mail you information, etc. (See enclosure.)
- X Come to the October 20, 1994, meeting to vote for a new board member to fill a vacancy and to vote on an amendment to the charter regarding DOJ Pride Board members' use of the official membership list.
- # Sign up for working groups. (See enclosure.)
- + Come to our general meetings the third Thursday of every month.
- * Come to our social events. Our next event is a Halloween party on October 27, 1994, at 7:30 pm, at Iris' place
- ! Tell your friends at DOJ, BOP, DEA, FBI, INS, USMS, USA offices, Tisoft, and any other DOJ-affiliated employee about DOJ-PRIDE!!!

Maria J. Demes

President of DOJ Pride



DOJ PRIDE BARBECUE

July 24th 1994

3:00 p.m. until 8:00 p.m.

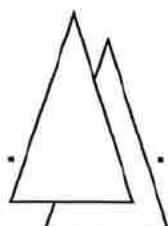
At [REDACTED]

Please bring a side dish or a dessert. Chicken & hamburgers will be provided.

RSVP to John Hill by July 21st

at [REDACTED]

From Washington: Take I395 South to Rte 236 West. After you pass the golf course on the right, you will make the next right onto Old Columbia Pike (approx. 2 miles). Take this to house [REDACTED] on the left (the only driveway). Look for the balloons on the mailbox. If you need additional directions, please call Bev Wright at [REDACTED].



DOJ PRIDE

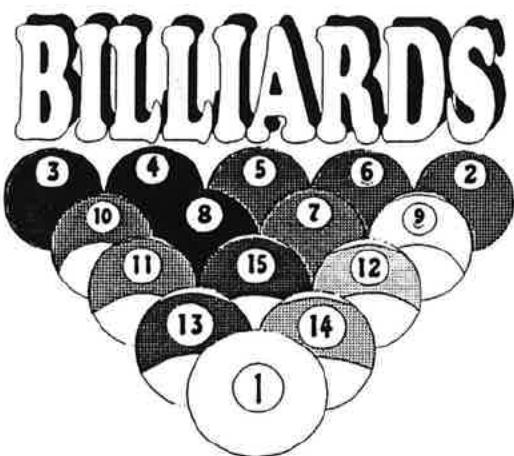
Get Together

**Thursday Aug 11th
6:30 pm
at**

Buffalo Billiards

1330 19th St. NW

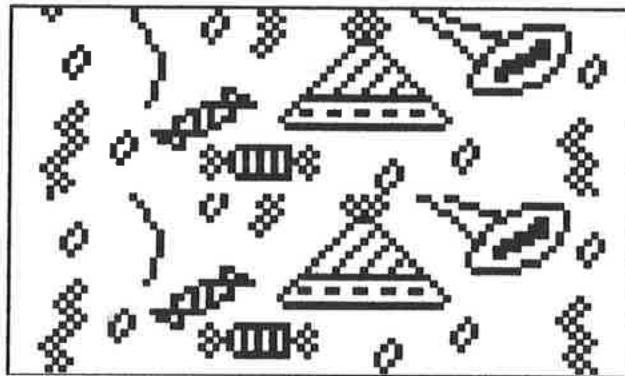
In basement under Front Page restaurant
Across from Dupont Circle Theater and Dupont Metro (South Exit)



Any Questions?
Contact Iris Goldschmidt

DOJ PRIDE - DECEMBER MEETING

DOJ PRIDE WILL
BE MEETING AT
6:30PM,
THURSDAY,
DECEMBER 15,
1994



AT: TRUMPETS
17TH & Q STREETS, NW
202/232-4141

COME, ENJOY FOOD, FUN, AND GOOD TIMES!!
WORKING GROUPS WILL BE SET-UP FOR:

WORKPLACE/JOB APPLICANTS/PRIDE PROGRAMS/DEFINING
ISSUES/PROGRAMS AND SPEAKERS/SOCIAL EVENTS

FUTURE MEETING DATES:

JANUARY 19, 1995
FEBRUARY 16
MARCH 16
APRIL 20
MAY 18
JUNE 15
JULY 20
AUGUST 17
SEPTEMBER 21
OCTOBER 19
NOVEMBER 16
DECEMBER 21

SOCIALS:

JANUARY 27, 1995

IF YOU HAVE ANY QUESTIONS, PLEASE CALL:
MARISA DEMEO [REDACTED] (HOME)
BEVERY WRIGHT [REDACTED] (HOME)

Attorney General Janet Reno
U.S. Department of Justice
10th & Constitution Ave., N.W.
Washington, D.C. 20530

Dear Attorney General Reno:

I am writing on my own behalf to request that the Justice Department take action against the Puerto Rico Police Department's discriminatory practices toward gay men and lesbians. As you may know, on February 5, 1995, Puerto Rico Police Department and Puerto Rico Justice Department officers allegedly murdered two gay men in Santurce, Puerto Rico. Afterward, the police allegedly engaged in a massive cover-up of the incident. More recently, Jose Martir Irizarry, the director of recruiting and human resources for the Puerto Rican police, and Police Superintendent Pedro Toledo both admitted to the press that the department maintains a policy of refusing to hire gay men or lesbians. On February 13, 1995, Mr. Irizarry is quoted in The San Juan Star as stating "we [the police department] don't want people on the force if they are violent, hostile, or if they're homosexuals or lesbians." On February 11, 1995, Superintendent Toledo stated on local television, "You can't enforce mano dura [the administration's "strong hand" against crime] with a limp wrist." Later that night, a squad of Puerto Rican police officers in full riot gear stormed a gay bar in Santurce for no reason other than to intimidate the bar's customers.

These activities by the Puerto Rican police evidence that department's arbitrary and discriminatory treatment of gay men and lesbians. While criminal authorities may prosecute the gay men's murderers, that route will still leave intact a policy that harms the gay and lesbian citizens of Puerto Rico. How can a police department that officially categorizes homosexuals with violent criminals protect gay and lesbian citizens?

Whether through economic incentive, legal action, or the involvement of the Community Relations Service, I ask that the Justice Department work to end police discrimination against homosexuals in Puerto Rico.

Thank you for your time and consideration of this issue.

Respectfully,

N BRIEF

Fajardo blasted for his remarks by union chief

To Association of Eligio Vélez Sunday that his organization will be the one to represent all public teachers should the bill to grant public employees the right to unionize be approved.

Vélez also blasted the education secretary for stating that a new organization should be created to represent public workers if unionization goes through.

"That's one of the most unfortunate statements that Fajardo has made since being selected education secretary and an attempt to butt in," he said.

Vélez said in a radio interview in Ponce that his organization is older and has more members than the other two teachers organizations, the Teachers Federation and Puerto Rican Educators in Action.

With these remarks, Vélez may be kicking off a power struggle among the three teachers groups which, traditionally, have kept to themselves except when they successfully came together to fight Law 18 that created the experimental program of community schools.

Lambasts P.R.'s conduct

Popular Democratic Party Rep. Aníbal Acevedo Vélez lambasted the role of Justice Secretary Pedro Pierluisi in the investigation of the escape of several drug traffickers from the State Penitentiary in 1991 in which one witness implicated New Progressive Senator Nicolás Noguera.

Acevedo Vélez said that the investigation rests on "the shoulders of the Secretary of Justice" but he questioned whether there is a will to go through with it.

The behavior of the Secretary during these last weeks raises serious questions as to whether there is

a will or there isn't a will and also that any person within the government can repress this Noguera scandal and nobody would know the truth," said the legislator.

Acevedo Vélez also questioned the fact that every time a prosecutor is assigned to investigate the Noguera case he is withdrawn from the case.

"I think the press and the people of Puerto Rico should be very concerned that there might be people in the government trying to cover up what has happened, if anything has happened, because the evidence is in the hands of the government," he said.

PREPA still trying to clean asbestos

Electric Power Authority Executive Director Miguel A. Cordero said that his agency continues the slow task of removing asbestos from thermoelectrical plants so as not to put workers at risk.

Cordero acknowledged that there is a great quantity of asbestos at the Costa Sur thermoelectrical plant in Guayanilla as well as well as the one in Aguadilla.

"We have removed material but there is a lot more," he said, adding that much of the asbestos is located in the insulation and boiler areas.

However, he said that up to now there have been no reports of workers being affected by the asbestos.

From STAR news services

CORRECTIONS & CLARIFICATIONS

The San Juan STAR tries to correct promptly any error in fact or clarify any misleading information appearing in our stories. To report any error or need for clarification, please call 782-4200, ext. 377 or 301.

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STAR NEWS DESK 781-3625

STAR BUSINESS HOTLINE 782-4200 ext. 259

CIRCULATION 782-0433

STAR FAX NUMBERS

782-0310, 783-7182 Advertising 783-5783

793-6885

LOCAL NEWS



STAR photo by Ingrid Torre

Gay Officers Action League officials, including League President Carroll Hunter, left, and Carolyn Wade, president of the Communications Workers of America, center, on Sunday said they plan to inform U.S. Attorney General Janet Reno about the situation in Puerto Rico where the police department has publicly admitted to discriminating against homosexuals.

Rejection of gay cops in P.R. may spark a tourist boycott

By LORRAINE BLASOR
Of the STAR Staff

The cold shoulder that members of the Gay Officers Action League got from their local police colleagues could turn off many gay tourists from visiting the island, organization members and supporters warned on Sunday.

GOAL officials also warned that they plan to appeal to U.S. Attorney General Janet Reno on behalf of discriminated local police officers.

"Maybe your advertising campaign should say don't come to Puerto Rico if you are gay or lesbian," suggested an indignant Carolyn Wade. As president of the Communications Workers of America, she came to San Juan to attend the GOAL's first convention ever in a show of solidarity.

"I can't begin to emphasize the impact this has on tourism," said New York Police Sergeant Edgar Rodriguez, pointing to the large number of homosexuals who travel to Puerto Rico but who might now have second thoughts about doing so.

Herminio Adorno of Puerto Rico CONCRA, a local organization that provides support services to AIDS patients, wondered whether other homosexual groups planning to hold activities on the island also will be made to feel unwanted.

He noted that on Feb. 15 the board of directors of the National Lesbian and Gay Health Association is scheduled to arrive in San Juan to plan the group's annual convention which will be held in Minneapolis, Minn. The

board has 42 members, he said.

Wade, Rodriguez and Adorno were reacting to the rejection GOAL members have encountered from local police leaders. Instead of a welcome mat, the visitors were met with scornful statements dismissing gays and lesbians as unfit for police work. Local police leaders also argued that constitutional protections against civil rights abuses don't apply to homosexual applicants.

Carroll Hunter, president of the 1,000-member New York chapter of GOAL, called on homosexual members of the local police to fight for their rights and offered his organization's support and legal resources.

"We came to Puerto Rico to enjoy the hospitality, the good food and the beautiful culture this island has to offer," said Hunter. "We are offended by the sophomore, homophobic, immature attitude."

The group also expressed dismay over an incident Saturday morning involving harassment at a lesbian bar in Santurce, Caguas, by local police.

Cups owner Rosalina Ramos, a retired anesthesiologist, said that sometime at 1:30 a.m., during a celebration in honor of the female members of GOAL, a squad of around 10 police officers in full riot gear suddenly crashed through the closed door and with a full display of riot sticks and a couple of automatic weapons proceeded to take positions around the crowded bar. Several GOAL members interviewed on Sunday confirmed Ramos' account and condemned the show of force.

When asked what they wanted, the sergeant in charge requested that

Ramos produce the bar's license.

"They came in here as if they were doing an operation in the worst possible area," said Ramos, still bristling from the experience. Ramos also noted that on Friday she was part of a panel on Pedro Zervigón's TV show with the leaders of two police organizations who have expressed their disapproval of gays. The program will be aired soon.

"It's obvious they (the police) wanted to intimidate me," said Ramos, later adding that the presence of GOAL members in San Juan provides boost to the morale of local homosexuals but also serves as a reminder of the continued discrimination faced by Puerto Rico's gay community.

Hunter said that he and nine other GOAL officials would be staying on a few more days to meet with homosexual members of the Puerto Rico Police Department in order to form a local GOAL chapter and discuss effective ways of securing equal treatment under the law.

Hunter also warned that he will inform Attorney General Janet Reno about the situation in Puerto Rico where the Police Department has publicly admitted to discriminating against gays. José Márquez Irizarry, director of recruiting and human resources, told the STAR on Jan. 13 that "we don't want people on the force if they are violent, hostile or if they're homosexuals or lesbians."

"I'm confident if Puerto Rican authorities do not live up to appropriate federal standards, Janet Reno will take appropriate steps to bring them into line," said Hunter.

**Department of Justice
Pride (Thu., Feb. 16; about
20 people attended) dis-
cussed objectives of the**

group and ideas for future speakers. One member spoke about tensions in Puerto Rico stemming from the alleged murder of two Gay men by several police officers. The member wanted to know if DOJ Pride could encourage DOJ to take a stance against the Puerto Rican policy which forbids Gays to serve on the police force or ask Attorney General Janet Reno to intervene in the murder investigation. After a long discussion, members concluded they were not ready to take stances on DOJ related matters because they had not formulated a policy for the group. Others said they felt especially wary of getting involved as a group because of a Nov. 7 DOJ ruling to restrict the activities of federal employee groups. Upcoming DOJ Pride social activities include roller skating, bowling, and informal meetings at a Dupont Circle coffee house. Next meeting is Thursday, March 16 at the D.C. School of Law, 719 13th St., NW, at 7 p.m. Working groups meet at 6 p.m. For more information, call (703) 941-8620.

Should you have a partnership agreement,
a living will, other legal documents to
protect you and your family?

DOJ PRIDE

invites YOU to hear
LINDA ROYSTER, Esq.

FAMILY LAW ISSUES
for Gay Men, Lesbians, and Bisexuals

JANUARY 19TH -- 6:30 PM

Department of Justice
10th and Constitution Ave., NW
Andretta Room (1101), Entrance on 10th Street

8 - THE WASHINGTON BLADE - February 3, 1995

Department of Justice
Pride (Thu., Jan. 19; around
20 people attended) hosted
speaker Linda Royster, who
addressed family law issues
of concern to Gay men and
Lesbians. Royster outlined
the types of legal arrange-
ments Gay families need to
make to ensure they have the
same legal protections that
straight families have. Care
and custody of children,

power of attorney, medical
power of attorney, financial
arrangements for death or ill-
ness, and wills were all cov-
ered in the discussion. Next
meeting is Thursday, Feb. 16,
time and location to be an-
nounced at a later date.

DOJ PRIDE

BUSINESS MEETING:

FEBRUARY 16, 1995, 6:30PM

AT THE D.C. SCHOOL OF LAW
917 13TH ST (METRO CENTER METRO) ROOM 104

COME EARLY, 6:00PM, MEET WITH THE WORKING GROUPS, TALK
WITH MEMBERS AND ENJOY REFRESHMENTS.

The next Social Event will be on February 24, at
Julio's Pizza, Adams Morgan, 1604 U Street, NW, at
7:00pm, 202/483-8500.

Upcoming Business meetings will be:
March 16 at the DC School of Law, 6:30pm
April 20 at 6:30pm, location to be determined

Upcoming Socials will be:

March 20 Wheel-a-While, family skating, 9915 Lanham
 Severen Road, Seabrook, Md, 301/577-8889,
 8:00 - 10:30pm.

April 26 SoHo Tea and Coffee Shop, 2150 P Street,
 NW, 202/463-7646, 6:30pm.

May Bowling in Annandale, date and time to be
 determined.

There is a DOJ Hotline available for the
latest information on meetings, events, and
for questions. The number is 703/941-8620.

DOJ PRIDE CALENDAR

FEBRUARY 1995

- 14 Federal Globe Meeting, 6:00pm, DC School of Law
- 16 DOJ Pride, Business Mtg, 6:00pm, DC School of Law
- 24 DOJ Pride, Social, 7:00pm Julio's Pizza, Adams Morgan, 1604 U Street, NW, 202/483-8500.

MARCH 1995

- 14 Federal Globe Meeting, 6:00pm, DC School of Law
- 16 DOJ Pride, Business Meeting, 6:00pm, DC School of Law
- 20 DOJ Pride, Social, 8:00 - 10:30pm, Wheel-A-While (Skating) 9915 Lanham Severen Road, Seabrook, Md, 310/577-8889.

APRIL 1995

- 11 Federal Globe Meeting, 6:00pm, DC School of Law
- 20 DOJ Pride, Business Meeting, 6:00pm, (location TBD) *DC School of Law*
- 26 DOJ Pride, Social, 6:30pm, SoHo Tea and Coffee Shop, 2150 P Street, NW, 202/463-7646.

MAY 1995

- 9 Federal Globe Meeting, 6:00pm, DC School of Law
- 18 DOJ Pride, Business Meeting, 6:00pm, (location TBD) *DC School of Law*
- DOJ Pride, Social, Bowling

JUNE 1995

- 13 Federal Globe Meeting, 6:00pm, DC School of Law
- 15 DOJ Pride, Business Meeting, 6:00pm, (location TBD)
- Pride Day/Week Activities

JULY 1995

- 11 Federal Globe Meeting
- 20 DOJ Pride, Business Meeting, 6:00pm, (location TBD)
- DOJ Pride, Social,

AUGUST 1995

- 8 Federal Globe Meeting
- 17 DOJ Pride, Business Meeting, 6:00pm, (location TBD)
- DOJ Pride, Social,

SEPTEMBER 1995

- 12 Federal Globe Meeting
- 21 DOJ Pride, Business Meeting, 6:00pm, (location TBD)
- DOJ Pride, Social,

OCTOBER 1995

- 10 Federal Globe Meeting
- 11 National Coming-Out Day
- 19 DOJ Pride, Business Meeting, 6:00pm, (location TBD)
- DOJ Pride, Social,



U.S. Department of Justice

Pride Update

First James R. Douglass Award Presented: Pride Honors AG at Justice Department Ceremony

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Mission of DOJ Pride

U.S. Department of Justice (DOJ) Pride is an organization for Gay, Lesbian, and Bisexual employees in all DOJ Offices, Boards, and Divisions; the FBI, DEA, USMS, INS, BOP, OJP, and U.S. Attorneys' Offices; and contractors in any of these components. The general purposes of DOJ Pride shall be: to identify and address issues particularly affecting Gay, Lesbian, and Bisexual employees of the Department; to support the Department in the development and implementation of effective policies and practices for the elimination of discrimination on the basis of sexual orientation in all Departmental activities; and to serve as a resource and point of contact for its members, for those seeking or considering employment with the Department, and for other interested individuals or groups. Anyone seeking more information should contact U.S. DOJ Pride President Robert Moossy at [redacted]

by Gregory King and Thom Metzger

On Monday, June 16, DOJ Pride welcomed Attorney General Janet Reno, other high-level Department officials, guests, and representatives of the media to a ceremony in the Great Hall of the Main Building of the U.S. Department of Justice. At this event, Pride celebrated its first Gay, Lesbian, and Bisexual Pride Month activity in the Great Hall and honored the Attorney General with the first James R. Douglass Award. DOJ Pride selected Reno as the first recipient of this honor recognizing individuals whose efforts have contributed positively to the work-life environment for Lesbian, Gay and Bisexual employees.

"DOJ Pride is presenting the James R. Douglass Award to Attorney General Janet Reno in recognition of her efforts to ensure that the Department's Lesbian, Bisexual, and Gay employees can perform to their fullest potential," said Robert Moossy, a trial attorney in the Civil Rights Division and the President of DOJ Pride. "Ms. Reno's efforts have been a great step forward on the road to equality for all of the employees

Continued on Page 2

Pride Founding Member Jerry Roemer Dies

by Thom Metzger

Gerald Brian [Jerry] Roemer, a former attorney in the Department's Office of Information and Privacy and one of the founding members of DOJ Pride, died on August 15, from AIDS-related complications. He was 32.

Jerry will long be remembered for addressing Department staff during the first DOJ observance of World AIDS Day in 1993. At this event, he became the first Department employee to speak publicly about living with AIDS. His struggle against HIV won him praise from Attorney General Janet Reno. In a release issued this week regarding Jerry's passing, Attorney General Reno said that she was "saddened by the death of our colleague." She added, "Jerry's spirit, intellect, and good humor will be missed. I am honored to have known him, and we all should be honored by his service to his country."

Continued on Page 3

Attorney General Honored

Continued From Page 1

at the Justice Department, regardless of their sexual orientation."

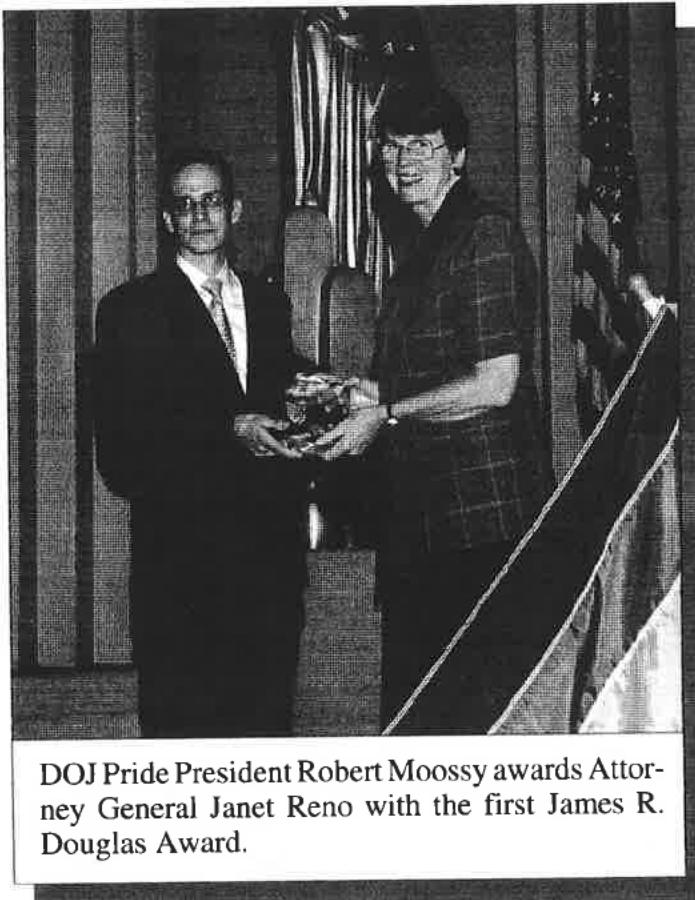
The award is named in honor of Jim Douglass, a founding member of DOJ Pride, who died on March 11, 1996. Douglas was an openly gay, HIV-positive employee of the Justice Management Division for many years of his career in the Federal government.

The Board of Directors of DOJ Pride unanimously voted to present the Douglass award to Reno. She is credited with signing a nondiscrimination policy that protects employees from discrimination based on sexual orientation and with eliminating the long-standing Justice Department policy of denying security clearances to Lesbian, Gay and Bisexual employees. During Reno's tenure, the Department has provided procedures for investigating and remedying complaints of sexual orientation discrimination when and if it has occurred.

In addition, Reno has vigorously supported the Justice Department's workplace-based AIDS education effort. During her tenure she has spoken at every World AIDS Day event held each December at the Department, and has distributed AIDS education materials to every Justice Department employee. "The Department has also established and implemented excellent leave and return-to-work policies to accommodate persons with HIV and AIDS," Moossy noted.

After a long round of applause, the Attorney General thanked DOJ Pride members for welcoming her to this event and honoring her with this award. In talking about her efforts to support the interests of Department of Justice Lesbian, Gay and Bisexual employees, Reno stated, "I think we're beginning to make a difference. But, we have so much more to do."

During her remarks, the Attorney General offered, "We need to work with the President to get the



DOJ Pride President Robert Moossy awards Attorney General Janet Reno with the first James R. Douglas Award.

Employment Non-Discrimination Act (ENDA) passed...We've got to put [our arguments supporting ENDA] into terms people can understand and let people know that every single person is very special. In fact, Reno is the first U.S. Attorney General to endorse a civil rights bill to protect Lesbian and Gay Americans from discrimination.

Under her leadership, the Department has vigorously prosecuted AIDS discrimination cases under the Americans With Disabilities Act. Additionally, Reno has spoken repeatedly against the rise of hate crimes in America, and has met with lesbian and gay organizations to discuss an increased federal role in combating anti-gay violence. In 1994, she issued waivers allowing HIV positive individuals from other countries to enter the U.S. to participate in the Stonewall 25 march and the Gay Games held in New York City.

Those in attendance enthusiastically suggested their approval when the Attorney General concluded her remarks by stating, "Four years from now, maybe we can stand here and see a Gay, Lesbian, or Bisexual person as Attorney General."

This event concluded with a reception for those in attendance. The Attorney General remained in the Great Hall for longer than hour after the conclusion of the program meeting and talking with staff and guests. Reno also had her photograph taken with anyone wishing such a photo.

Media representatives covering this event wrote stories that appeared in the *Washington Blade* and *The Washington Times*. The Department of Justice reported this event in the *Justice for All* newsletter that accompanies all DOJ employees pay stubs.

Gregory King is the member of the Board of Directors of DOJ Pride and the Director of Special Projects the Department of Justice Office, Public Affairs.

Thom Metzger is a DOJ Pride Board of Directors member and an employee in the BOP Office of Public Affairs.

Pride Founding Member Dies

Continued From Page 1

Jerry retired from the Department in late 1994. After trying one of the new protease inhibitors, he was temporarily able to return to work at the Department. At the Department's 1996 World AIDS Day event, Miss Reno commented about his decision to return to work; she said that Jerry "humanized the experience of living with AIDS, demonstrating courage and hope to all." He worked for several months until his health once again began to deteriorate.

In addition to his work in the Department and with DOJ Pride, Jerry was involved in many different community organizations. While he attended George Mason University Law School, he served as president of the Association of Public Interest Law and founded the Gay and Lesbian Student Association. After graduating

from law school, he became active in Gay and Lesbian Attorneys of Washington and helping launch Northern Virginia Pride Day. He served on the board of Among Friends. After working on various committees, he was named to the board of directors of Whitman-Walker Clinic. He also was appointed to D.C.'s HIV Prevention Community Planning Committee. In 1994, he helped to found D.C.'s HIV Community Coalition—a group, made up entirely of people with HIV—intended to provide AIDS services not offered by other organizations.

In 1996, Jerry was honored with the Whitman-Walker Clinic's Courage Award for his many extraordinary contributions as a person living with HIV in the fight against AIDS.

Jerry is survived by his life partner Michael Mancilla of Washington, D.C., and his mother Jean Roemer, father Gerald Roemer, his brother Matthew Roemer, and grandmothers Gertrude Roemer and Genevieve Golder of Hooper, Nebraska. Funeral services were held on August 20 in Nebraska. A memorial service is planned to be held in Washington, D.C., on Sept. 13. [Editor's Note: Please see the Calendar on Page 7 for information about this service.]

Jerry's family requests that donations in his name be sent to the Whitman-Walker Clinic, HIV Community Coalition, or the Nebraska AIDS Project.

Thom Metzger is a DOJ Pride Board of Directors member and an employee in the BOP Office of Public Affairs.



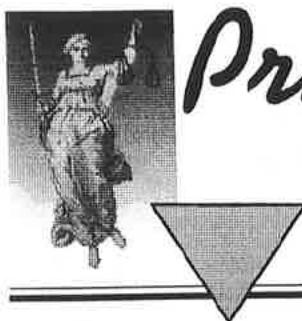
Jerry B. Roemer



Jerry Roemer addresses Department of Justice Employees in the Great Hall during the 1996 World AIDS Day Event.



Attorney General Janet Reno greets Jerry Roemer and his life partner Mike Mancilla during the 1996 DOJ observance of World AIDS Day.



Pride President's Address

DOJ Pride's three primary goals are to end sexual orientation discrimination in our workplace, to educate the DOJ and our members about sexual orientation issues, and to serve as a point of contact. This summer we've been building on our past successes and this fall finds us proceeding on all three fronts. The stories in this issue of *Update* demonstrate that we've made ourselves known throughout the Department; we've begun working within DOJ to secure equal benefits for all Lesbian and Gay employees; we've provided the first-ever Sexual Orientation in the Workplace Seminar at DOJ; and we're identifying our next steps to eradicate sexual orientation discrimination at DOJ, increase education, and increase outreach and visibility.

Discrimination/Benefits: DOJ Pride has been contacted by several Lesbian and Gay DOJ employees from across the Nation regarding obtaining equal employment benefits. This is an area where we can turn the promise of the DOJ's Sexual Orientation Non-Discrimination Policy into reality. The Policy might not reach all benefits, but it may reach a significant number of them. For example, two Lesbian FBI Special Agent Domestic Partners have contacted us regarding their efforts to be transferred to the same duty station at no cost to the FBI—a transfer regularly given to heterosexual married and unmarried FBI Special Agent couples. We have notified FBI and DOJ policy-makers of this matter, and offered our assistance in its

resolution. Likewise, other DOJ gay and Lesbian employees are seeking benefits for themselves and their families that are available to heterosexual employees and their families. We want to aggressively pursue these matters and, wherever possible, work with the DOJ to secure equal benefits for Gay and Lesbian DOJ employees.

Education: In many cases, sexual orientation discrimination stems from ignorance. Over the last few months, DOJ Pride has been educating DOJ policymakers and employment counselors. In addition to our regular bi-monthly programs, we've provided a Sexual Orientation in the Workplace Seminar to employment counselors, installed educational materials in the DOJ Main Building (they're STILL up) and sponsored a major event that required briefing (educating) the Attorney General and her staff about DOJ Pride and its members. We want to provide more seminars to counselors and policy makers, continue our programs, and work to eliminate sexual orientation discrimination rooted in ignorance.

Point of Contact/Outreach: DOJ Pride has been contacted by Lesbian and Gay employees about setting up DOJ Pride organizations in Florida and Kentucky. At the same time, many Gay and Lesbian DOJ employees here in the Washington area still don't know about DOJ Pride. We need to increase our visibility so employees know we're here and establish mechanisms to set up Pride chapters across the country.

DOJ Pride has a much to do! We need our members' help to do it! We're an informal organization, and members can participate at many levels—you can just provide ideas or spearhead an entire project. At the very least, we need your dues for this year. Dues are due every June for the forthcoming year. We use the dues to pay for mailings, pay some expenses associated with our annual picnic and winter holiday party, and to pay incidental expenses. It's not much, but without your dues the organization cannot function. Please take a few minutes to fill out the form attached to this newsletter and send it back with your dues.

The DOJ Pride Board of Directors will be conducting a strategic planning meeting on Saturday, October 4, to plan the group's priorities for the coming year. This meeting is open to DOJ Pride members. If you're interested in attending, please send me an e-mail or call me and I'll give you more information.

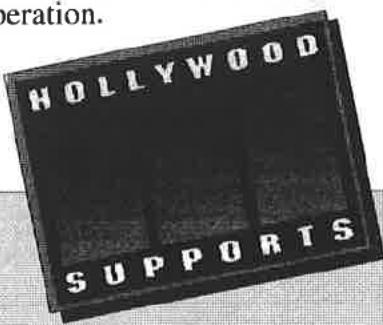
Please e-mail me! I'm trying to compile a DOJ Pride e-mail listing to disseminate information quickly and to reduce our mailing expenses. If you e-mail me, I can add you to the list! (Please be aware that your e-mail address may appear to all users who receive the group e-mail.)

Robert Moossey is the President of DOJ Pride and an attorney in the Civil Rights Division. He may be reached at [REDACTED] or [REDACTED]

DOJ Pride Provides First Department of Justice "Sexual Orientation in the Workplace" Seminar

by Beverly Wright

On July 24, 1997, DOJ Pride provided the first Sexual Orientation in the Workplace seminar for employees of the Department of Justice. The purpose of this seminar is to help organizations establish a more productive work environment by ensuring greater inclusion and by eliminating stigma, fear and bigotry. The intent is to help the Department of Justice foster a workplace climate of openness, teamwork and cooperation.



Hollywood Supports was launched in the fall of 1991 by leading entertainment industry figures to counter workplace fear and discrimination based on HIV status and sexual orientation. The prime objective is to ensure a safe working environment free of stigma, fear, and bigotry. Hollywood Supports' "AIDS in the Workplace" seminar provides vital information about HIV and AIDS in a format specially designed for workplaces. Hundreds of the seminars have been delivered at workplaces nationwide. Hollywood Supports' "Sexual Orientation in the Workplace" seminar is a unique 90-minute, interactive session that leads employees through a discussion on why sexual orientation is a workplace diversity issue and ways companies can foster a more inclusive and productive workplace environment through a greater awareness of sexual orientation.

A Hollywood Supports task force created a model policy for extension of group health benefits to employees' same-sex partners, which has now been adopted by entertainment industry leaders. Hollywood Supports sponsors the annual television event—Day of Compassion—June 20th, in which most cable networks, national talk shows, and daytime soaps currently participate, with AIDS themed programming and PSA's aimed at increasing AIDS awareness and modeling compassion for people affected by HIV and AIDS. Hollywood Supports also serves as an industry voice to respond to inquiries about the industry's commitment to combatting AIDS and AIDS-phobia. Hollywood Supports has a commitment of \$1 million over 10 years for AIDS education efforts from the Permanent Charities Committee of the Entertainment Industries.

To obtain more information on Hollywood Supports' seminars or other services contact Mark Abelsson at [redacted] or via e-mail at [redacted]

DOJ Pride President, Robert Moossy, and DOJ Pride Secretary, Beverly Wright, facilitated this training. Ted McBurrows, Director of the Department's EEO Office, and Dori Freudiger, Deputy Director of the EEO Office, provided necessary equipment and extended an invitation to all the Department's EEO Officers and staff. More than forty Department employees attended this seminar; these individuals represented the FBI, BOP, INS, DEA, and the USMS.

The base for this training course and materials were developed by Hollywood Supports. These resources were augmented by Federal GLOBE and DOJ Pride for this specific session. The seminar is available as a stand-alone program or as a component of a workplace diversity series. It has been delivered to a variety of organizations including AT&T, CBS, Disney, Paramount Pictures, Sony Pictures, Warner Bros., the District Attorney's Office for Los Angeles County, and the Los Angeles City Attorney's Office.

The session educates employees in a non-confrontational and interactive setting, focusing on how sexual orientation is a workplace issue and how to address it in the workplace. Moossy and Wright started by discussing definitions of sexual orientation and current laws and policies regarding sexual orientation in the workplace. They progressed to personal interactions at work, the work environment, stereotypes, and resources available to managers and staff. The facilitators of this seminar had positive interaction with the participants during the training. At the end of the session, participants provided constructive comments concerning the training session; several participants stated their desire to bring the training to their respective agencies.

DOJ Pride plans to offer this training several more times in the coming year.

Beverly Wright is the Secretary of DOJ Pride and an employee in the Administration Division of the BOP.



U.S. Department of Justice Pride Calendar

Memorial Service to Honor Jerry Roemer

MCC, Washington, D.C. • 474 Ridge St. (Near 5th St.), NW
Saturday, September 13 • 7 p.m.

Join the friends and family of former Department of Justice employee and Pride founding member Jerry Roemer as they honor his memory with a service at MCC Washington, D.C.

Asylum and Other Immigration Benefits

Main Department of Justice Building • Andretta Room (Room 1101)
Thursday, September 18 • 6 to 7 p.m.

A Discussion of the laws and policies impacting Lesbians and Gay Men in the Immigration and Naturalization Process. Pride will welcome presentations by INS Asylum Specialist Christine Hamilton and a representative of the Lesbian and Gay Immigration Rights Task Force. A question and answers session will follow.

National Coming Out Day Event

Thursday, October 9 • Time to Be Announced

Join Pride members in celebrating National Coming Out Day. Details about this event will be announced at a later date.

Legal Issues Impacting the Daily Life of Lesbians, Gay Men, Bisexuals, and Transgendered Persons

Main Department of Justice Building • Andretta Room (Room 1101)
Thursday, November 20 • 6 to 7 p.m.

A presentation about legal issues impacting the daily life of Lesbians, Gay Men, Bisexuals, and Transgendered persons. Join Pride in welcoming attorneys Linda Royster and R. Bradley Runyon to discuss a variety of health, employment, relationship, parenting, and other issues impacting our daily lives. An opportunity for questions and answers will follow.

FYI Community Notes

AIDS Fund-raiser

Benefiting the AIDS-related Services of the Whitman-Walker Clinic
Thursday, September 18, and Sunday, September 21

Shop at any Fresh Fields Market on September 18, and Fresh Fields will donate 5 percent of the net sale to AIDS Walk. The Washington, D.C., 11th annual AIDS Walk steps off on September 21, at the Ellipse. Telephone (202) 332-WALK for more information.

Reception and Dinner

Benefiting Service Members Legal Defense Network
B. Smith's Restaurant • Union Station • Washington, D.C.
Monday, October 27 • 6:30 p.m.
202-328-3244 or sldn@sldn.org



U.S. Department of Justice *Pride*

Update

Board of Directors

Robert Moossy, President
Vincent Micone, Vice-President
Jannette Williams, Treasurer
Beverly Wright, Secretary
Bobbi Bernstein
Gregory King
Thomas Metzger

Update is published quarterly for members of DOJ Pride. Submissions are gladly accepted; although, they may be edited to meet space requirements. Direct questions or concerns about this newsletter to *Update's* Editor. Neither DOJ Pride nor its Board of Directors are responsible for opinions expressed by authors of articles presented in this publication.



Printed on recycled paper.

The Lesbian and Gay Immigration Rights Taskforce: Challenging Discrimination Against Gays and Lesbians in U.S. Immigration Law

by Lavi S. Soloway

Until 1991, homosexuality was a grounds for exclusion from admission to the United States under section 212(a)(4) of the Immigration and Nationality Act of 1965. Before the implementation of the Immigration Act of 1990, this law provided for the exclusion of gays and lesbians as sexual deviants. The Immigration Act of 1990 eliminated sexual deviancy as a ground of exclusion; therefore, gays and lesbians may no longer be barred from admission to the United States on this basis.

Winning the battle for the repeal of the "homosexual exclusion" presented a unique opportunity for activists in the migration and gay and lesbian communities. In 1992, the International Gay and Lesbian Association (ILGA) and Lambda Legal Defense and Education Fund (Lambda) joined together to create the Lesbian and Gay Immigration Rights Task Force (LGIRTF) to address the discriminatory impact of U.S. immigration law on gays and lesbians and challenge the discrimination against gay and lesbian immigrants, recognizing that these issues were rarely discussed within the gay and lesbian or immigration communities. Lambda had fielded hundreds of calls over the years from gay and lesbian citizens whose partners were foreign nationals. Over and over, couples explained their difficulties, trying to remain together, despite the immigration laws which refused to recognize their relationships.

One of the purported humanitarian purposes of immigration policy is the unification of families. Accordingly, U.S. immigration law facilitates the immigration of spouses of U.S. citizens and permanent residents. However, nowhere in immigration law are there any provisions for gay and lesbian couples in "binational" relationships. Since they cannot legally marry and since the law provides no avenue for a U.S. citizen or permanent resident to petition for his/her same-sex partner, binational gay and les-



bian couples are torn apart, their lives routinely disrupted, and their relationships destroyed. Often, a partner residing abroad cannot even obtain a visa to travel to the United States for a temporary visit.

LGIRTF began meeting in 1993 in New York City. By 1994, hundreds of couples had contacted LGIRTF and got involved in its many levels of outreach. LGIRTF established a free walk-in legal clinic and published regular reports of the activities of its committees.

From its inception, LGIRTF looked at the experiences of its members as its richest resource. It encouraged members to document the effect that immigration discrimination had on their lives by launching a "National Story Collection Drive." By collecting the personal stories of its members, LGIRTF continued to learn about other ways in which immigration law discriminates against gays and lesbians.

The immigration ban on persons with HIV was another area of invidious discrimination. The purported public health justifications for the HIV ban were seen by many as a transparent cover for a policy motivated by both racism and homophobia. The policy was denounced by leading public health officials, immigration and human rights activists. A small victory has been achieved in the extension of a waiver for some would-be-immigrants. This waiver allows persons with HIV to immigrate to the U.S. if they had a qualifying relationship (i.e., a U.S. citizen or permanent resident spouse, parent or child, and if the applicant can prove they are not likely to become a public charge.^[1]) Once again, gay and lesbian immigrants—least likely to have such qualifying relationships—were excluded from this waiver provision.

Perhaps the most pervasive of all issues to arise through LGIRTF documentation of personal stories was that of persecution. Many gay and lesbian immigrants are really refugees, fleeing perse-

cution on the basis of sexual orientation in their country of origin. In many countries, men and women are routinely subjected to brutalizing physical and psychological abuse simply for being gay or lesbian. In some countries, the death penalty is imposed on those whose sexual orientation is discovered. Upon reaching the United States, gays and lesbians report that they have been thrown out of their jobs and their homes, victimized, harassed, blackmailed, beaten or raped, often by law enforcement personnel charged with their protection.

In 1994, Attorney General Janet Reno decreed that gays and lesbians qualified as a particular social group for the purposes of U.S. asylum law. Since that announcement, about two dozen gay men and lesbians have filed for asylum and won based on a well-founded fear of persecution based on sexual orientation.

With the formation of LGIRTF, feelings of frustration and helplessness have been channeled into a productive vein. Since the independent incorporation of LGIRTF as a nonprofit late in 1994, its members have established chapters in eight cities outside of New York (Chicago, Cincinnati, Columbus, Los Angeles, San Francisco, St. Louis, Seattle, and Washington, DC). Over two thousand households receive the LGIRTF bi-monthly newsletter, which tracks developments in immigration law as it affects gays and lesbians around the world. Chapters around the country sponsor legal clinics, conduct outreach efforts, broaden coalitions working on these and other issues and above all, raise awareness of gay and lesbian immigration issues.

[1] Immigration and Nationality Act SS212(g).

Lavi Soloway is the National Coordinator of the Lesbian and Gay Immigration Rights Task Force, Inc. LGIRTF is a non-profit volunteer organization which challenges the widespread discriminatory impact of immigration law on gays and lesbians. For more information about LGIRTF, or to receive their free newsletter or any of their materials, please write to the following address: LGIRTF; P.O. Box 7741; New York, New York 10116-7741. You may also call (212) 802-7264 or e-mail at info@LGIRTF.org.

Please complete the following and return it to the following address:



U.S. Department of Justice

Pride

Please check the appropriate box.

Yes, I want to support U.S. Department of Justice Pride! I want to join in the fight to eliminate prejudice and discrimination against gay men, lesbians, and bisexuals in the Department. I have enclosed my annual membership dues of \$12.00.

No, I am not interested in supporting the education of Department of Justice policymakers, managers, and other employees about issues of concern to lesbian, gay, and bisexual DOJ employees.

Allow us to verify the accuracy of our data base. *This information is maintained in strict confidence and only will be used for internal organizational purposes!*

Name: _____
Last _____ First _____ M.I. _____

Mailing Address: _____
Street/Apartment Numbers

_____ City, State _____ Zip Code _____

Telephone: (work/home/other) _____ May we leave a message? Yes/No
Circle one. Circle one.

Telephone: (work/home/other) _____ May we leave a message? Yes/No
Circle one. Circle one.

E-Mail Address: _____



U.S. Department of Justice

Pride

Calendar

Legal Issues Impacting the Daily Life of Lesbians, Gay Men, Bisexuals, and Transgendered Persons

Main Department of Justice Building • Andretta Room (Room 1101)
Thursday, November 20 • 6 to 7 p.m.

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DOJ World AIDS Day Commemoration Event

Main Department of Justice Building • Great Hall
Monday, December 1 • 11 a.m.

The Department of Justice will once again host a World AIDS Day commemoration event. *Attorney General Janet Reno* will participate in the Great Hall commemoration, and the theme of the 1997 event is related to the impact of HIV and AIDS on children. This commemoration will once again include a volunteer/informational fair. A very special part of the program will be the dedication of a Names Project Quilt Panel in honor of *Jerry Roemer*—an Attorney-Advisor in the Office of Information and Privacy and founding member of DOJ Pride—who passed away earlier this year. DOJ Pride will assist with the preparation of the display cases in the 1400 corridor of the Main Department of Justice Building for World AIDS Day.

DOJ Pride Holiday Party

Thursday, December 11 • 7 p.m.

Join other members of DOJ Pride and their families and friends at our annual holiday celebration. For more information (including location), please telephone DOJ Pride President *Robert Moosy* at [REDACTED]

Women Making a Difference: Lesbians Leaders of Civil Rights Organizations

Main Department of Justice Building • Andretta Room (Room 1101)
Thursday, February 19 • 6 to 7 p.m.

Pride welcomes *Kerry Lobel* and *Mandy Carter* to address members about the state of the lesbian and gay civil rights movement from the perspective of two of its most influential lesbian leaders. Ms. Lobel is the Executive Director of the National Gay and Lesbian Task Force—a leading progressive civil rights organization that has supported grassroots organizing and advocacy since 1973. Ms. Carter, the Field Director of the National Black Lesbian and Gay Leadership Forum—the only organization advocating for the specific concerns of the nation's two and a half million African American gay men and lesbians.

DOJ CARES



WORLD AIDS DAY
COMMEMORATION



U.S. Department of Justice (DOJ) Pride is an organization for Gay, Lesbian, and Bisexual employees in all DOJ Offices, Boards, and Divisions; FBI, DEA, USMS, INS, BOP, OJP, and U.S. Attorneys' Offices; and contractors in any of these components. The general purposes of DOJ Pride shall be: to identify and address issues particularly affecting Gay, Lesbian, and Bisexual employees of the Department; to support the Department in the development and implementation of effective policies and practices for the elimination of discrimination on the basis of sexual orientation in all Departmental activities; and to serve as a resource and point of contact. Anyone seeking more information should contact U.S. DOJ Pride President Robert Moosy at [REDACTED]



U.S. Department of Justice

Pride Update

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Mission of DOJ Pride

U.S. Department of Justice (DOJ) Pride is an organization for Gay, Lesbian, and Bisexual employees in all DOJ Offices, Boards, and Divisions; the FBI, DEA, USMS, INS, BOP, OJP, and U.S. Attorneys' Offices; and contractors in any of these components. The general purposes of DOJ Pride shall be: to identify and address issues particularly affecting Gay, Lesbian, and Bisexual employees of the Department; to support the Department in the development and implementation of effective policies and practices for the elimination of discrimination on the basis of sexual orientation in all Departmental activities; and to serve as a resource and point of contact for its members, for those seeking or considering employment with the Department, and for other interested individuals or groups. Anyone seeking more information should contact U.S. DOJ Pride President Robert Moossy at [REDACTED]

DOJ Sexual Orientation in the Workplace Seminar Held Program Commemorates National Coming Out Day

OCTOBER 28, 1997—DOJ Pride and Federal Globe presented a seminar on sexual orientation in the workplace at the U.S. Justice Department on Thursday, October 23, 1997. The event was held to commemorate National Coming Out Day, which is held each year in October.

The Seminar focused on how and why sexual orientation is a workplace issue, the Federal policies in place to address sexual orientation issues in the workplace, and ways to eliminate sexual orientation discrimination in the workplace. It was the second seminar of its kind held at the Justice Department. The seminar was attended by 25 employees.

"The Justice Department's Equal Employment Opportunity Office paid for the equipment and sign language interpreter and coordinated sending out an e-mail message to Department employees describing the seminar and National Coming Out Day," said Robert Moossy, President of DOJ Pride. "They are committed to fostering a climate of openness and cooperation in the workplace and we appreciated all their help and support."

National Coming Out Day was created to promote honesty and to help raise public awareness about lesbian, gay, and bisexual people. The Day is marked by events and activities in all 50 states designed to encourage dialogue among lesbian, gay, and non-gay people and to promote an end to discrimination on the basis of sexual orientation.

DOJ Pride is the DOJ recognized group for lesbian, gay, and bisexual employees and their supporters, in all DOJ divisions, offices, bureaus, and components. Federal GLOBE is the umbrella organization for gay, lesbian and bisexual employee groups in the Federal workplace.

In June of this year, Attorney General Janet Reno attended a reception and ceremony in the Department of Justice's Great Hall commemorating Gay and Lesbian Pride Month. Reno was presented with the DOJ Pride James R. Douglass Award in recognition of her efforts to create a positive work-life environment for lesbian, gay, and bisexual employees.



Pride President's Address

The Board of Directors of DOJ Pride met on October 4, 1997, to discuss the group's goals and projects for the coming year. After several hours of thoughtful discussion, we decided the group should focus on: emphasizing our commitment to our group's diversity, organizing special group projects in addition to our regular meetings, continuing outreach to all DOJ employees and to the full-breadth of the gay, lesbian, and bisexual community. Please take the time to review these goals and provide us with your feedback.

Diversity: DOJ Pride welcomes all DOJ employees and contractors—including secretaries, clerks, attorneys, paralegals, law enforcement personnel, and correctional officers of all races, sexual orientations, genders, religions, and national origins.

The group will emphasize its commitment to reflecting the full diversity of the gay, lesbian, and bisexual DOJ employee community by: 1) planning diverse events and functions, such as finding a project with which the membership can volunteer (e.g., habitat for humanity) and organizing a volunteer project; 2) holding meetings off-site at a variety of places (e.g., the Martin Luther King Library, homes of members, and different restaurants); 3) conducting programs of interest to legal and nonlegal employees; 4) emphasizing on fliers and in this newsletter that persons of all races, religions, job descriptions, and sexual orientations are welcome at our meetings; 5) and continuing outreach through Department-wide e-mails to all DOJ employ-

ees, and working with and supporting our diverse membership to spread the word about DOJ Pride.

Projects: DOJ Pride Can Work to Eliminate Sexual Orientation Discrimination and Improve Our Work Environment.

In addition to our regular programs and socials, DOJ Pride will work to improve the work environment at the Department by: 1) working to get sexual orientation protections included in the collective bargaining agreements; 2) continuing to offer the sexual orientation in the workplace seminars to DOJ employees, managers, and Equal Employment Opportunity officers; 3) and continuing to respond to and pursue issues which will guarantee equal access to benefits.

Outreach: We have room to grow!

We will continue outreach to the full breadth of the Department by: 1) working to get DOJ Pride included in DOJ mass communications such as asking the EEO office to send out Department-wide e-mails, starting with the one for National Coming Out Day, and continuing as we offer training and other programs; 2) chartering groups outside the Washington area; 3) continuing the quarterly newsletters and distributing them to EEO offices; 4) furthering the DOJ Pride presence on the Internet and having the Pride website linked to the sites of other

lesbian and gay organizations and having it recognized by search engines such as Yahoo, Lycos, or Infoseek; 5) and holding an annual June, Pride month event and publicizing it. Also, we will continue outreach to non-DOJ community groups by sending them copies of our newsletter and inviting a variety of speakers to address our membership; however, *we will not place them on our e-mail list or otherwise treat them as members of DOJ Pride.*



DOJ Pride President Robert Moossy

These goals will keep DOJ Pride working to better the workplace for all DOJ employees, regardless of their sexual orientation. And, we want to have a little fun, too! The calendar in this issue of Pride Update lists several interesting opportunities for all DOJ Pride members. I look forward to seeing you at as many of our programs and socials as your schedule will allow.

U.S. Department of Justice

Pride

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U.S. Department of Justice *Pride*

Update

Board of Directors

Robert Moossy, President
Vincent Micone, Vice-President
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Update is published quarterly for members of DOJ Pride. Submissions are gladly accepted; although, they may be edited to meet space requirements. Direct questions or concerns about this newsletter to *Update's* Editor. Neither DOJ Pride nor its Board of Directors are responsible for opinions expressed by authors of articles presented in this publication.



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National Gay and Lesbian Task Force: An Overview

Editor's Note: Kerry Lobel—Executive Director of NGLTF—will address members of DOJ Pride at its February meeting. See the Pride Calendar (p. 5) for more information.

The National Gay and Lesbian Task Force (NGLTF) is a leading progressive civil rights organization that has supported grassroots organizing and advocacy since 1973. Since its inception, NGLTF has been at the forefront of every major initiative for lesbian, gay, bisexual and transgender rights. In all its efforts, NGLTF helps to strengthen the gay and lesbian movement at the State and local level while connecting these activities to a national vision of change.

NGLTF is the front line activist organization in the national gay and lesbian movement. As such, it serves as the national resource center for grassroots lesbian, gay, bisexual, and transgender organizations that are facing a variety of battles at the State and local level—such as combating anti-gay violence, battling Radical Right anti-gay legislative and ballot measures, advocating an end to job discrimination, working to repeal sodomy laws, demanding an effective governmental response to HIV and reform of the health care system, and much, much more.

Through its three program departments, NGLTF seeks to build the political strength of the lesbian and gay rights movement at the grassroots level.

NGLTF is a progressive organization, committed to building coalition



with other communities working for social change. NGLTF's goal is to represent, and work on issues of concern to, the full depth and breadth of diversity in the gay and lesbian communities.

In the midst of the growing power of the Radical Right, NGLTF is committing more resources than ever to support grassroots organizing and advocacy throughout the country. NGLTF leaders urge you to be a part of the exciting plan of action that will bring lesbian and gay rights organizing into the next century.

Kerry Lobel currently serves as Executive Director of NGLTF. Lobel is the former lead organizer of the Women's Project in Little Rock, Arkansas. While at the Women's

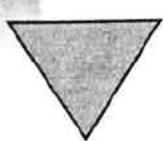
Project, Lobel's programmatic work focused on bias violence, women and AIDS, women in prison and domestic violence. Lobel was also responsible for fundraising and financial planning for the organization. Lobel has served as an organizational consultant to 200 groups around the country to help them clarify purposes and goals and strengthen internal structures. Prior to moving to Arkansas, Lobel served as executive director of the Southern California Coalition on Battered Women from 1979 to 1984. She was the founding chair of the Commission on the Status of Women in Santa Monica and the chair of the Ocean Park Community Organization.

For more information about the National Gay and Lesbian Task Force, please write to 2320 Seventeenth Street NW, Washington, DC 20009, or send facsimile to (202) 332-0207. You may also visit the NGLTF Internet website at <http://www.ngltf.org>. The telephone numbers for NGLTF are (202) 332-6483 and [TTY] (202) 332-6219.



U.S. Department of Justice

Pride



On-Line

There is great news! DOJ Pride has entered the cyber-age. Interested parties may visit the DOJ Pride webpage at <http://www.geocities.com/westhollywood/7095>. At this site you will find the Pride Charter and Bylaws, contact information for members of the Pride Board of Directors, and DOJ policies regarding sexual orientation. In addition a variety of helpful links may be accessed. This site promises to become an important resource as DOJ Pride continues to grow.

National Black Lesbian and Gay Leadership Forum: An Overview

Editor's Note: Mandy Carter—Field Director for the National Black Lesbian and Gay Leadership Forum—will address members of DOJ Pride at its February meeting. See the Pride Calendar (p. 5) for more information.

The National Black Lesbian and Gay Leadership Forum was established in 1988 by activists Phill Wilson and Ruth Waters in Los Angeles, California. The organization was formed as an alternative to existing organizations that did not address specific issues facing the Black lesbian and gay community. The Forum remains the only national organization dedicated to the nation's 2.5 million Black lesbians, gays, bisexuals and transgendered people. It has thousands of members, who come from all states and several foreign countries, from urban, suburban, and rural communities, and from diverse backgrounds and experiences.

Across the country, Black lesbians and gays are under assault—attacked by racists for being Black and by homophobes for being gay. Although researchers estimate about 2.5 million Black lesbians, gays, and bisexuals in America, most of the images of gays are still primarily white, and the images of Blacks are still primarily heterosexual. From the legislature to the workplace to the church, the leadership of the Forum argues a need for strong, consistent voices to stand up, speak up, and be counted. The Forum provides a voice to facilitate this process.

In September 1995, the Forum seated its first National Board of Directors and hired its first Executive Director. A year later, the Forum opened the doors of a new office in Washington, D.C., its first office outside of California. In the spring of 1997, the Forum hired



new national staff and inaugurated new national programs. The Forum works to empower Black lesbians, gays, bisexuals, and transgendered people through visibility, advocacy, and leadership training.

The most successful example of NBLGLF's leadership training efforts still takes place during its annual conference. For the past ten years, thousands of Black lesbians and gay men have come together each February for this life-changing 4-day skills-building weekend. Previous participants have included Cornel West, Alice Walker, former Surgeon General Joycelyn Elders, Rev. Jesse Jackson, Bell Hooks, Angela Davis, and Congressional Black Caucus Chair Maxine Waters. In February 1997, the Forum celebrated its tenth anniversary conference in Long Beach, California.

The NBLGLF AIDS Prevention Team, established in 1991, is empowering African Americans in South Central Los Angeles by providing unique services such as treatment advocacy, HIV support groups, peer counseling, acupuncture, massage therapy, and mental health counseling. Next, our Brother-2-Brother Men's Program empowers Black men by providing a safe space to explore issues of identity, sexuality, health, and masculinity. Each fall this program brings together 150 men of all sexual orientations from across the Nation to learn from one another, and also includes a Washington-based biweekly men's rap group. Also, the innovative NBLGLF Women's Health Program empowers Black women with education and awareness presentations everywhere from the church to substance abuse facilities, and provides safer sex socials.

The Forum just converted part of its office in Washington into one of the first Black lesbian and gay community centers, featuring free Community Space and an Archives, which contains books, manuscripts, videotapes, photographs, posters, and other records of Black lesbian and gay history open to all

For the hundreds of thousands of Black lesbians and gays who cannot be out and open about their sexual orientation, the Forum provides a voice and a face to represent them. Its leaders have introduced the public to the real lives of Black lesbians, gays, and bisexuals in America and have successfully placed Black gay-positive pieces in dozens of media outlets, including *The New York Times*, BET-TV, *Venus Magazine*, CNN, C-SPAN, and National Public Radio. The Forum acts as an advocate for the Black lesbian, gay, and bisexual community not only in the media, but also with policy makers and influential leaders.

The new NBLGLF National Field Program empowers Black activists and will soon provide resources, skills, and technical assistance for local organizations. Mandy Carter currently serves as the Field Director for the NBLGLF. Carter is one of the Nation's leading African American lesbian activists. She has worked in grassroots organizing for the last 30 years. Carter recently organized a response to the October 4 Washington, D.C., Promise Keeper's event. Prior to her appointment as NBLGLF Field Director, Carter was Director of North Carolina Mobilization '96, a political action committee that worked to encourage gay, lesbian, and bisexual voters to participate in the U.S. Senate race in North Carolina.

For more information about the National Black Lesbian and Gay Leadership Forum, write to 1436 U Street, NW, Suite 200, Washington, D.C. 20009; telephone (202) 483-6786; or visit its internet website at <http://www.nblglf.org>.

Please complete the following and return it to the following address:



U.S. Department of Justice
Pride

Please check the appropriate box.

Yes, I want to support U.S. Department of Justice Pride! I want to join in the fight to eliminate prejudice and discrimination against gay men, lesbians, and bisexuals in the Department. I have enclosed my annual membership dues of \$12.00.

No, I am not interested in supporting the education of Department of Justice policymakers, managers, and other employees about issues of concern to lesbian, gay, and bisexual DOJ employees.

Allow us to verify the accuracy of our data base. *This information is maintained in strict confidence and only will be used for internal organizational purposes!*

Name: _____
Last _____ First _____ M.I. _____

Mailing Address: _____
Street/Apartment Numbers _____

City, State _____ Zip Code _____

Telephone: (work/home/other) _____ May we leave a message? Yes/No
Circle one.

Telephone: (work/home/other) _____ May we leave a message? Yes/No
Circle one.

E-Mail Address: _____



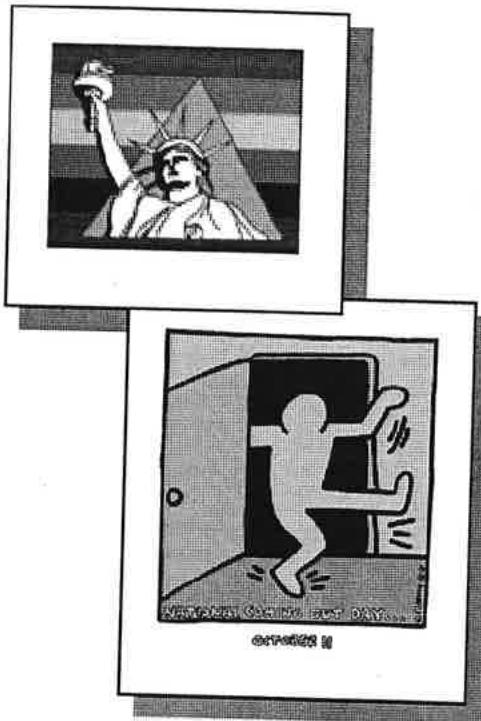
U.S. Department of Justice

Pride Calendar

Saturday, September 13

Memorial Service to Honor Jerry Roemer
MCC, Washington, D.C. • 7 p.m.
474 Ridge St. (Near 5th St.), NW

Join the friends and family of former Department of Justice employee and DOJ Pride founding member Jerry Roemer as they honor his memory with a service at MCC Washington, D.C.



Thursday, September 18

Asylum and Other Immigration Benefits
Main Department of Justice Building
Andretta Room (Room 1101) • 6 to 7 p.m.

Discussion of the laws and policies impacting Lesbians and Gay Men in the Immigration and Naturalization Process. Pride will welcome presentations by INS Asylum Specialist Marta Rothwarf and a representative of the Lesbian and Gay Immigration Rights Task Force. A question and answers session will follow.

Thursday, October 9
National Coming Out Day Event

Join Pride members in celebrating National Coming Out Day. Details about this event will be announced at a later date.

Thursday, November 20
Legal Issues Impacting the Daily Life of Lesbians,
Gay Men, Bisexuals, and Transgendered Persons
Main Department of Justice Building
Andretta Room (Room 1101) • 6 to 7 p.m.

A presentation about legal issues impacting the daily life of Lesbians, Gay Men, Bisexuals, and Transgendered persons. Join Pride in welcoming attorneys Linda Royster and R. Bradley Runyon to discuss a variety of health, employment, relationship, parenting, and other issues impacting our daily lives. An opportunity for questions and answers will follow.

Mission of DOJ Pride

U.S. Department of Justice (DOJ) Pride is an organization for Gay, Lesbian, and Bisexual employees in all DOJ Offices, Boards, and Divisions; the FBI, DEA, USMS, INS, BOP, OJP, and U.S. Attorneys' Offices; and contractors in any of these components. The general purposes of DOJ Pride shall be: to identify and address issues particularly affecting Gay, Lesbian, and Bisexual employees of the Department; to support the Department in the development and implementation of effective policies and practices for the elimination of discrimination on the basis of sexual orientation in all Departmental activities; and to serve as a resource and point of contact for its members, for those seeking or considering employment with the Department, and for other interested individuals or groups. Anyone seeking more information should contact U.S. DOJ Pride President Robert Moosy at [REDACTED]

DOJ PRIDE & FEDERAL GLOBE

SEMINAR ON FEDERAL WORKPLACE ISSUES INVOLVING SEXUAL ORIENTATION

Offered by DOJ Pride

PURPOSE:

To assist the Department of Justice establish a more productive work environment by fostering a climate of openness, teamwork, cooperation, and inclusion.

OBJECTIVES:

- To convey an understanding of how and why sexual orientation is an issue in the Federal workplace;
- To recognize the business advantages of including employees of all sexual orientations in the Federal workplace;
- To recognize the workplace pressures on gay, lesbian and bisexual employees;
- To increase the effectiveness of agency efforts in creating a workplace free from harassment and discrimination.

CONTACT:

Robert Moossy, President, DOJ Pride at [REDACTED], or

DOJ PRIDE is the official organization for gay, lesbian, and bisexual employees in all DOJ Offices, Boards, and Divisions; the FBI, DEA, USMS, INS, BOP, OJP, and U.S. Attorney's Offices; and contractors in any of these components. Its purpose is to (1) eliminate sexual orientation discrimination in the DOJ workplace; (2) educate DOJ employees about issues of concern to DOJ Pride members; and (3) serve as a point of contact.

Federal GLOBE is the umbrella organization for gay, lesbian and bisexual employee support groups in Federal Workplaces. Its purpose is to eliminate prejudice and discrimination in Federal workplaces based on sexual orientation by (1) developing and providing educational programs and materials which address the distinctive concerns and problems of lesbians, gay men and bisexuals in the Federal Government; and (2) educating all members of the Federal workforce about issues of particular concern to lesbian, gay and bisexual employees. Federal GLOBE is a 501 (C3) non-profit organization.

DOJ PRIDE
&
FEDERAL GLOBE

**SEMINAR ON FEDERAL WORKPLACE ISSUES INVOLVING
SEXUAL ORIENTATION**

CURRICULA OUTLINE

I. Introduction

- Facilitators
- DOJ Pride
- Federal GLOBE

II. Objectives

- To demonstrate how one's sexual orientation (gay, lesbian, bisexual, or heterosexual) can create barriers in a non-inclusive workplace setting;
- To increase knowledge and understanding of sexual orientation issues in the Federal workforce;
- To be mindful of unfair stereotypes;
- To help create an inclusive environment where everyone is treated with dignity and respect;
- To identify the laws, regulations, policies, and directives designed to eliminate discrimination and harassment in the Federal workforce;
- To explore the steps currently available to the Agency to ensure a Federal Workplace free from harassment and discrimination for all employees.

III. What the Seminar is not about

- Sex- rather, it addresses workplace communications, roles, expectations, teamwork, job performance;
- Assumptions concerning a persons sexual orientation;
- Changing moral or religious beliefs.

IV. Definitions

- ***Sexual Orientation***- a person's primary emotional and physical attraction to another human being.
 - 1 **homosexual**- attraction to members of the same gender
 - 2 **heterosexual**- attraction to persons of the opposite gender
 - 3 **bisexual**- attraction to persons of either gender
- ***Heterosexism***- bias stemming from the assumption, belief, or societal training that all people are heterosexual, and that being heterosexual is "normal" and should be encouraged and maintained by society.
- ***Homophobia***- fear of gays, lesbians or bisexuals based on lack of information and biased information.

V. How/why is sexual orientation a Federal Workplace Issue?

- Introduction of personal lives into the workplace*
 - 1 Pictures of family members;
 - 2 Talk about spouse, children;
 - 3 Engagements/weddings;
 - 4 Resumes and Security clearances;
 - 5 Invitations including spouses to agency events and office parties.

- "Coming Out"

*Time permitting, this will be an interactive exercise.

- Personal and professional boundaries exercise- this exercise will demonstrate that being open about one's sexual orientation does not mean talking about sexual behavior, and that sexual orientation is more about who you are and your essence as a human being rather than about what you do "behind closed doors." Participants should gain an understanding of why personal relationships are important in the work setting, how much personal information gets shared in a typical workplace, the difficulties that gays and lesbians face in staying closeted and the many ways that heterosexuals identify as heterosexuals every day in the work place.
- News articles and public debate
 - Employment Non-discrimination Act (ENDA);
 - Defense of Marriage Act (DOMA);
 - State Marriage Acts;
 - Supreme Court Decisions (Romer vs. Evans).
- Formation of Agency Gay and Lesbian Groups
- Gossip

Video clip- Example of how misinformation and stereotypes impact a workgroup

VI. Myths as obstacles to effective workplace communication*

- Gays and lesbians are found only in certain stereotypical professions;
- Gay men are not aggressive. Rather, they are weak, wishy-washy;
- Lesbians are aggressive and demanding;
- Gay men have AIDS.

*Time permitting, this will be an interactive exercise.

VII. Stereotypes

Are generated from myths, misinformation and ignorance

Tell us what to expect

Are damaging

Result from limited exposure

Cause us to ignore, avoid or act aggressively toward others

Lead to prejudice and discrimination

Divide the workforce thus reducing productivity and efficiency

VIII. Existing Federal laws, regulations, policies/resources

1. Laws, regulations and policies

- Civil Service Reform Act of 1978- Prohibited Personnel Practices;
- Executive Order, Security Clearances;
- Office of Personnel Management (OPM) Policy Guidance;
- Agency Policy Statements, DOJ Regulation 28 CFR 42.1;
- Family and Medical Leave Act (FMLA);
- Family Friendly Leave Act (FFLA).

2. Options if an employee feels discriminated against due to sexual orientation

- Administrative/Negotiated Grievance Procedures;
- Merit Systems Protection Board (MSPB);
- Office of Special Counsel (OSC);
- DOJ EEO Avenues of Redress.

3. Available resources

- Human Resources;
- Equal Employment Opportunity Specialists;
- Diversity Managers;
- Employee Assistance Program;
- DOJ Pride;
- Federal GLOBE.

IX. Organizationally- what still needs to be done

- Avenues of redress- all agencies, see DOJ EEO Policy;
- Sensitize EEO and Human Resources personnel to existing Federal policies in addressing sexual orientation, and their corresponding responsibilities in carrying them out;
- Communicate policies to the workforce;
- Include sexual orientation on vacancy announcements and in merit promotion plans;
- Implement a "zero tolerance" policy toward discrimination and harassment for all employees in the Federal workplace.

X. What can you do as individuals

- Use more inclusive language wherever possible;
- Include partners or significant others in addition to spouses when planning office functions, parties, etc;
- Don't make assumptions concerning another persons sexual orientation;
- Don't tell or tolerate jokes at the expense of gay, lesbian or bisexual employees.

XI. Conclusion

- Awareness of sexual orientation as a diversity issue is empowering and has positive impact on workforce productivity and efficiency;
- DOJ Pride / Federal GLOBE are available to provide further assistance.

XII. Evaluation Forms

Enclosures: (1) Handouts
(2) Overheads
(3) Bibliography
(4) Acknowledgments

STATES AND COUNTIES WITH SEXUAL ORIENTATION EMPLOYMENT NON-DISCRIMINATION LAWS AND ORDINANCES

I. States:

California
Connecticut
Hawaii
Massachusetts
Minnesota
New Jersey
Rhode Island
Vermont
Wisconsin
and the District of Columbia

II. Over 200 Cities and Counties, including:

Tucson, AZ
Berkeley, Los Angeles, Oakland, Sacramento, San Diego,
San Francisco, Santa Barbara and Santa Cruz, CA
Atlanta, GA
Champaign, Chicago, Cook Co., and Urbana, IL
Iowa City and Ames, IA
Bloomington and Lafayette, IN
New Orleans, LA
Baltimore, Gaithersburg and Rockville, MD
Portland, ME
Ann Arbor, Detroit, East Lansing, Flint and Saginaw, MI
Kansas City and St. Louis, MO
Albany, New York City, Rochester and Syracuse, NY
Carrboro, Chapel Hill and Raleigh, NC
Cincinnati and Columbus, OH
Harrisburg, Lancaster, Philadelphia and Pittsburgh, PA
Austin, TX
King Co., Olympia, Seattle and Tacoma, WA

COMPANIES WITH SEXUAL ORIENTATION NON-DISCRIMINATION POLICIES (Partial Listing)

AT&T
Apple
ABC
Adolph Coors Co.
American Express
Bank of America
Bell and Howell
Bendix
CBS
Carnation
Chase Manhattan Bank
Chrysler
Chubb and Son, Inc.
Citicorp
Control Data
Eli Lilly and Company
Fox, Inc.
Gannett
General Electric
Harley-Davidson
Honeywell
IBM
Kellogg
Knight-Ridder
MCA INC.
McGraw-Hill
Merrill Lynch & Co.

Metropolitan Life Insurance
Microsoft
NBC
Oscar Meyer and Co.
Pacific Gas and Electric
Paramount Pictures
Penn Mutual Life Insurance
JC Penney Co.
Pitney Bowes
Proctor & Gamble
Quaker State Motor Oil
RJ Reynolds Industries
Rockwell
Scott Paper
Sears, Roebuck and Co.
Sony Pictures
Sprint
Standard Oil of California
Time Warner
The Walt Disney Company
TRW, Inc.
Union Carbide
United Airlines
USA Today
Viacom, Inc.
Wells Fargo Bank
Weyerhaeuser Co., and hundreds of others

DOJ STATEMENT OF POLICY WITH RESPECT
TO NONDISCRIMINATION IN EMPLOYMENT

The Department of Justice does not discriminate on the basis of race, color, religion, sex, national origin, disability, or sexual orientation. Every person seeking or holding employment with the Department, its bureaus, and its divisions, is judged in hiring and in connection with any other employment action -- including, without limitation, disciplinary action; issuance, denial, or revocation of a security clearance; or dismissal -- on the basis of his or her abilities, demonstrated performance, experience, conduct, character, judgment, stability, discretion, integrity, responsibility, candor, and other appropriate qualifications.

The Department may inquire into and examine a person's performance, experience, conduct, character, judgment, stability, discretion, integrity, responsibility, and candor in determining suitability for employment and trustworthiness. In the context of determining eligibility for security clearances or access to sensitive information, the Department may investigate and consider any matter that would reasonably subject the applicant or employee to coercion; but no inference concerning susceptibility to coercion may be raised solely on the basis of the race, color, religion, sex, national origin, disability, or sexual orientation of the applicant or employee.

Each component of the Department is directed to issue any further rules or regulations necessary to implement fully this policy statement.

This statement of policy is not intended to create any enforceable legal rights in any person.

Date: December 2, 1993



Attorney General

CODE OF FEDERAL REGULATIONS
TITLE 28-JUDICIAL ADMINISTRATION
CHAPTER I-DEPARTMENT OF JUSTICE
PART 42-NONDISCRIMINATION; EQUAL EMPLOYMENT OPPORTUNITY; POLICIES AND
PROCEDURES
SUBPART A-EQUAL EMPLOYMENT OPPORTUNITY WITHIN THE DEPARTMENT OF JUSTICE
Current through January 1, 1997; 61 FR 69366

s 42.1 Policy.

(a) It is the policy of the Department of Justice to seek to eliminate discrimination on the basis of race, color, religion, sex, sexual orientation, national origin, marital status, political affiliation, age, or physical or mental handicap in employment within the Department and to assure equal employment opportunity for all employees and applicants for employment.

(b) No person shall be subject to retaliation for opposing any practice prohibited by the above policy or for participating in any stage of administrative or judicial proceedings related to this policy.

[Order No. 960-81, 46 FR 52357, Oct. 27, 1981; Order No. 2037-96, 61 FR 34729, July 3, 1996; 61 FR 43119, Aug. 20, 1996]

<<PART 42--NONDISCRIMINATION; EQUAL EMPLOYMENT OPPORTUNITY; POLICIES AND
PROCEDURES>>

Source: 53 FR 5521, Feb. 24, 1988, unless otherwise noted.

<<SUBPART A--EQUAL EMPLOYMENT OPPORTUNITY WITHIN THE DEPARTMENT OF
JUSTICE>>

Authority: 5 U.S.C. 301, 28 U.S.C. 509, 510; E.O. 11246, 3 CFR 1964-1965 Comp., p. 339; E.O. 11478, 3 CFR 1966-1970 Comp., p. 803.

Source: 61 FR 34729, July 3, 1996, unless otherwise noted.

28 C. F. R. s 42.1

28 CFR s 42.1

END OF DOCUMENT

Policy Statement On Discrimination On The Basis Of
Conduct Which Does Not Adversely Affect The
Performance of Employees or Applicants for Employment

In accordance with the policy of the Federal Government to recruit from all segments of society, and to select and promote individuals on the basis of ability, knowledge, and skills, under fair and open competition, the Civil Service Reform Act specifically prohibits employees who are authorized to take personnel actions from discriminating on the basis of conduct which does not adversely affect the performance of employees or applicants for employment.

5 U.S.C. §2302(b) states that "[any] employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority -

(10) discriminate for or against any employee or applicant for employment on the basis of conduct which does not adversely affect the performance of the employee or applicant or the performance of others; except that nothing in this paragraph shall prohibit an agency from taking into account in determining the suitability or fitness any conviction of the employee or applicant for any crime under the laws of any State, or the District of Columbia, or of the United States;

Furthermore, subsection (c) of 5 U.S.C. §2302 goes on to give agency heads specific notice that they will be held responsible for the prevention of prohibited personnel practices, as well as for compliance with, and enforcement of, all applicable civil service laws, rules, and regulations.

The privacy and constitutional rights of applicants and employees are to be protected. Thus applicants and employees are to be protected against inquiries into, or actions based upon, non-job-related conduct, such as religious, community or social affiliations, or sexual orientation. An applicant or employee is also to be protected against any infringement of due process, self-incrimination or other constitutional rights. (See page 19 of the Senate Report of the Committee on Governmental Affairs, No. 95-969). However, applicants may receive credit for pertinent religious, civic, welfare, service and organizational work performed with or without compensation in connection with an examination for civil service positions.

Federal employees are expected to maintain high standards of honesty, integrity, and impartiality, and to conduct themselves while at their workplace in a manner which will foster public confidence in the Federal Government. While neither OPM nor agencies may regulate the lawful social interactions or relationships freely entered into by Federal employees outside of the workplace, employees and applicants also have a responsibility to conduct themselves in such a manner so as not to impair their agencies' ability to discharge their responsibilities or to carry out their missions.

CREATING A SUPPORTIVE WORK ENVIRONMENT WHAT CAN I/WE DO?

At the individual level...

Do not make presumptions about anyone's sexual orientation, heterosexual or homosexual;

use inclusive language in talking about co-workers relationships and personal lives (i.e., "partner" or "significant other" instead of "husband/wife" or "spouse");

don't tell or tolerate jokes at the expense of gays and lesbians, just as you wouldn't tolerate jokes about women, people of color, or other ethnic groups; and

respect the privacy of gay and lesbian employees; allow gays and lesbians control over sharing information about themselves at work.

At the group and organizational level ...

Adopt clear policies regarding non-discrimination based on sexual orientation, notify employees and enforce;

extend to gays, lesbians and bisexuals the privileges that heterosexuals often take for granted, such as support and acknowledgment of important events outside of work, long-term relationships, work-family issues, anniversaries and funerals;

develop policies which recognize the existence of gay and lesbian families: department/agency events, leave, relocation expenses, use of facilities and resources;

support gay and lesbian employees in confronting homophobia; focus on the problem of homophobia, and not the "problem" of visible gay and lesbian employees;

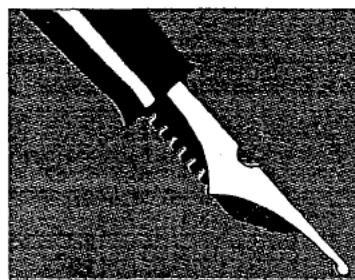
reduce invisibility by using inclusive language, i.e., "partner" or "significant other," and do not shy away from words like "gay," "lesbian" or "heterosexual";

train all personnel on sexual orientation as a diversity issue;

use nondiscrimination language in job announcements and recruitment

support creating and maintaining a GLOBE organization; and

support networking with other employee groups



The Washington Blade

THE GAY WEEKLY OF THE NATION'S CAPITAL

Reno to 'redouble' efforts to end anti-Gay bias

Attorney General lauded by Justice Department group

by Kai Wright

Attorney General Janet Reno on June 16 pledged to drive the Department of Justice to "redouble" its efforts to end discrimination and anti-Gay violence in America.

"I think we are beginning to make a difference," Reno told a crowd of approximately 75 people gathered in the Justice Department's Great Hall.

"But we have so much more to do," she said. "We need to work with the president to get ENDA [the Employment Non-Discrimination Act] passed."

She said one way to achieve this goal is to simplify the language surrounding the bill, the 1997 version of which was introduced by its congressional co-sponsors on June 10.

"We've got to put it in terms that people understand," explained Reno. "If we can let people know that every single person is very special ... four

years from now maybe we can stand here and see a Gay, Lesbian, or bisexual person as attorney general."

Statements of this nature brought repeated applause from the crowd, which anxiously waited 30 minutes for the event to begin and still greeted the attorney general with a lengthy standing ovation.

The speech was part of a ceremony in which DOJ Pride, the department's Gay male, Lesbian, and bisexual employees group, presented Reno with its first annual James R. Douglas Award. The award, named after an HIV antibody positive founding member of the organization who died in March 1996, honors "individuals whose efforts have contributed positively to the work-life environment for lesbian, gay and bisexual employees."

DOJ Pride was formally chartered in June 1994, recognized

by the department in January 1995, and currently has approximately 80 members.

Members voted unanimously to honor Reno with the first Douglas Award because of what they consider to be her outspoken personal support of Gay civil rights, including her 1993 order lifting the Justice Department's policy of denying security clearance to Gay and bisexual employees.

Robert Moossy, DOJ Pride president and an attorney in the department's civil rights division, said the group was encouraged by Reno's pledge to continue working with employees to end job discrimination based on sexual orientation.

He also pointed out the symbolic importance of an U.S. attorney general not only showing up to speak to a group of openly Gay and bisexual people, but staying after her speech to meet and take pictures with them.



"I think we are beginning to make a difference," Attorney General Janet Reno told a crowd of approximately 75 people.

Moossy said that for many people attending the ceremony, hearing and later meeting Reno was like "coming out" to her.

"It was an historic event," said Moossy. "Maybe not in the world of Gaypolitics, but here in the Department of Justice."

Reno recounted her experience of being denied a law clerk position while in law school because

of her gender. She said that experience is the sort of memory that has offered her "a little understanding" of the types of hurdles discrimination can present.

"Personally, she is someone who has always wanted to do the right thing," noted Moossy, "so [the award] has a personal as well as an institutional relevance." ▼

DOJ PRIDE

&

FEDERAL GL^EBE

**SEXUAL ORIENTATION ISSUES IN
THE FEDERAL WORKPLACE**

**OFFERED BY DOJ PRIDE: GAY, LESBIAN, AND BISEXUAL EMPLOYEES OF THE
DEPARTMENT OF JUSTICE, ITS BOARDS AND DIVISIONS, THE FBI, DEA, USMS, INS, BOP,
OJP, U.S. ATTORNEYS OFFICES, AND CONTRACTORS IN ANY OF THESE COMPONENTS**

DOJ PRIDE & FEDERAL GLOBE

SEMINAR ON FEDERAL WORKPLACE ISSUES INVOLVING SEXUAL ORIENTATION

Offered by DOJ Pride

PURPOSE:

To assist the Department of Justice and other Federal agencies establish a more productive work environment by fostering a climate of openness, teamwork, cooperation, and inclusion.

OBJECTIVES:

- To convey an understanding of how and why sexual orientation is an issue in the Federal workplace;
- To recognize the business advantages of including employees of all sexual orientations in the Federal workplace;
- To recognize the workplace pressures on gay, lesbian and bisexual employees;
- To increase the effectiveness of agency efforts in creating a workplace free from harassment and discrimination.

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Federal GLOBE is the umbrella organization for gay, lesbian and bisexual employee support groups in Federal Workplaces. Its purpose is to eliminate prejudice and discrimination in Federal workplaces based on sexual orientation by (1) developing and providing educational programs and materials which address the distinctive concerns and problems of lesbians, gay men and bisexuals in the Federal Government; and (2) educating all members of the Federal workforce about issues of particular concern to lesbian, gay and bisexual employees. Federal GLOBE is a 501 (C3) Non-profit organization.

DOJ PRIDE & FEDERAL GLOBE

SEMINAR ON FEDERAL WORKPLACE ISSUES INVOLVING SEXUAL ORIENTATION

CURRICULA OUTLINE

I. Introduction

- Facilitators
- Federal GLOBE

II. Objectives

- To demonstrate how one's non-majoritarian sexual orientation (gay, lesbian, bisexual, or heterosexual) can create barriers in a non-inclusive workplace setting;
- To increase knowledge and understanding of sexual orientation issues in the Federal workforce;
- To be mindful of unfair stereotypes;
- To help create an inclusive environment where everyone is treated with dignity and respect;
- To identify the laws, regulations, policies, and directives designed to eliminate discrimination and harassment in the Federal workforce;
- To explore the steps currently available to the Agency to ensure a Federal Workplace free from harassment and discrimination for all employees.

III. What the Seminar is not about

- Sex- rather, it addresses workplace communications, roles, expectations, teamwork, job performance;
- Assumptions concerning a persons sexual orientation;
- Changing moral or religious beliefs;
- "Don't Ask, Don't Tell."

IV. Definitions

- ***Sexual Orientation***- a person's primary emotional and physical attraction to another human being.
 - 1 **homosexual**- attraction to members of the same gender
 - 2 **heterosexual**- attraction to persons of the opposite gender
 - 3 **bisexual**- attraction to persons of either gender
- ***Heterosexism***- bias stemming from the assumption, belief, or societal training that all people are heterosexual, and that being heterosexual is "normal" and should be encouraged and maintained by society.
- ***Homophobia***- fear of gays, lesbians or bisexuals based on lack of information and biased information.
- ***Homohatred***- irrational and visceral reaction to gays, lesbians or bisexuals.

V. How/why is sexual orientation a Federal Workplace Issue?

- **Introduction of personal lives into the workplace***
 - 1 Pictures of family members;
 - 2 Talk about spouse, children;
 - 3 Engagements/weddings;
 - 4 Pregnancy
 - 5 Invitations including spouses to agency events and office parties.
- **"Coming Out"**

*Time permitting, this will be an interactive exercise.

- Personal and professional boundaries exercise- this exercise will demonstrate that being open about one's sexual orientation does not mean talking about sexual behavior, and that sexual orientation is more about who you are and your essence as a human being rather than about what you do "behind closed doors." Participants should gain an understanding of why personal relationships are important in the work setting, how much personal information gets shared in a typical workplace, the difficulties that gays and lesbians face in staying closeted and the many ways that heterosexuals identify as heterosexuals every day in the work place.
- News articles and public debate
 - Employment Non-discrimination Act (ENDA);
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 - State Marriage Acts;
 - Supreme Court Decisions (Romer vs. Evans).
- Formation of Agency Gay and Lesbian Groups
- Gossip

Video clip- Example of how misinformation and stereotypes impact a workgroup

VI. Myths as obstacles to effective workplace communication*

- Gays and lesbians are found only in certain stereotypical professions;
- Gay men are not aggressive. Rather, they are weak, wishy-washy;
- Lesbians are aggressive and demanding;
- Gay men have AIDS.

*Time permitting, this will be an interactive exercise.

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Are generated from myths, misinformation and ignorance

Tell us what to expect

Are damaging

Result from limited exposure

Cause us to ignore, avoid or act aggressively toward others

Lead to prejudice and discrimination

Divide the workforce thus reducing productivity and efficiency

VIII. Existing Federal laws, regulations, policies/resources

1. Laws, regulations and policies

- Civil Service Reform Act of 1978- Prohibited Personnel Practices;
- Executive Order, Security Clearances;
- Office of Personnel Management (OPM) Policy Guidance;
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2. Options if an employee feels discriminated against due to sexual orientation

- Administrative/Negotiated Grievance Procedures;
- Merit Systems Protection Board (MSPB);
- Office of Special Counsel (OSC);
- Avenues of Redress (selected agencies).

3. Available resources

- Human Resources;
- Equal Employment Opportunity Specialists;
- Diversity Managers;
- Employee Assistance Program;
- Agency GLOBE;
- Federal GLOBE.

IX. Organizationally- what still needs to be done

- Avenues of redress- all agencies;
- Sensitize EEO and Human Resources personnel to existing Federal policies in addressing sexual orientation, and their corresponding responsibilities in carrying them out;
- Communicate policies to the workforce;
- Include sexual orientation on vacancy announcements and in merit promotion plans;
- Implement a "zero tolerance" policy toward discrimination and harassment for all employees in the Federal workplace.

X. What can you do as individuals

- Use more inclusive language wherever possible;
- Include partners or significant others in addition to spouses when planning office functions, parties, etc;
- Don't make assumptions concerning another persons sexual orientation;
- Don't tell or tolerate jokes at the expense of gay, lesbian or bisexual employees.

XI. Conclusion

- Awareness of sexual orientation as a diversity issue is empowering and has positive impact on workforce productivity and efficiency;
- Federal GLOBE/Agency GLOBES are available to provide further assistance.

XII. Evaluation Forms

Enclosures: (1) Overheads
(2) Bibliography
(3) Acknowledgments

SEMINAR OBJECTIVES

- To demonstrate how being identified as lesbian, gay or bisexual can create barriers in a non-inclusive workplace setting**
- To increase knowledge and understanding of sexual orientation issues in the Federal workforce**
- To be mindful of unfair stereotypes**
- To help create an inclusive environment where everyone is treated with dignity and respect**
- To identify those Federal policies which are in place to address issues of sexual orientation**
- To explore steps available to agencies to ensure harassment free workplace**

WHAT SEMINAR IS NOT ABOUT

Sex

Assumptions concerning a persons sexual orientation

Changing moral or religious beliefs

“Don’t Ask, Don’t Tell”

DOJ Pride / Federal GLOBE overhead #2a

SEXUAL ORIENTATION

Person's primary emotional and physical attraction

***Homosexual*- attracted to same gender**

***Heterosexual*- attracted to opposite gender**

***Bisexual*- attracted to either gender**

HETEROSEXISM

- Bias stemming from assumption, belief, or societal training that all people are heterosexual
- heterosexual is “normal”
- heterosexuality should be encouraged and maintained

DEFINITIONS

Homophobia

- . Fear of gays, lesbians or bisexuals**
- . Based on lack of information and biased information**

Homohatred

- . Irrational and visceral reaction to lesbians, gays or bisexuals**

HOW SEXUAL ORIENTATION APPEARS IN THE FEDERAL WORKPLACE

Introduction of personal lives

“Coming Out”

Benefits

News articles and public debate

Formation of Agency groups

Gossip

DOJ Pride / Federal GLOBE overhead #6

STEREOTYPES

Generated from myths, misinformation, ignorance

Tell us what to expect

Cause us to ignore, avoid or act aggressively to others

Lead to prejudice and discrimination

Divide the workforce- lessen productivity

FEDERAL LAWS, REGULATIONS & POLICIES

Civil Service Reform Act of 1978

Executive Order on Security Clearances

OPM Policy Guidance

Agency Policy Statements

Leave Acts

EMPLOYEE OPTIONS IF DISCRIMINATED AGAINST

Administrative/Negotiated Grievance Procedures

Merit Systems Protection Board (MSPB)

Office of Special Counsel (OSC)

Agency Avenues of Redress (selected agencies)

AVAILABLE RESOURCES

Human Resources (HR)

Equal Employment Opportunity Specialists (EEO)

Diversity Managers

Employee Assistance Programs (EAP)

Agency GLOBEs

Federal GLOBE

NEXT STEPS- ORGANIZATIONS

Zero Tolerance

Agency Avenues of Redress

Sensitize EEO/HR personnel

Communicate policies to workforce

Include sexual orientation on vacancy announcements/MPP

“JUST DO IT!!”

NEXT STEPS- INDIVIDUALS

Use more inclusive language wherever possible

Include partners or significant others with spouses

Don't make assumptions concerning sexual orientation

Don't tolerate/tell jokes about gay, lesbian, bisexual people

INCLUSIVE LANGUAGE

INCLUSIVE

Lesbian and gay

Partner/Significant Other

Openly Gay or Lesbian

Sexual Orientation

EXCLUSIVE

Homosexual

**Girlfriend, wife
Husband, boyfriend
Spouse**

**Avowed, admitted, or
practicing Homosexual**

Sexual Preference/Lifestyle

CONCLUSION

**Awareness of sexual orientation as diversity issue is
empowering
positive impact on productivity and efficiency**

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Created Equal: Why Gay Rights Matter to America. Michael Nava and Robert Dawidoff. Copyright 1994. St. Martin's Press.

And the Band Played On: Politics, People and the Aids Epidemic. Randy Shilts. Copyright 1987, 1988. St. Martin's Press.

II. OFFICIAL POLICIES

28 C.F.R. § 42.1: Prohibiting sexual orientation discrimination at the Department of Justice.

Memorandum for Directors of Personnel, Interagency Advisory Group, U.S. Office of Personnel Management, dated March 10, 1997.

Notice of OPM Policy Information Concerning Workplace HIV/AIDS Issues, U.S. Office of Personnel Management, dated August 30, 1995.

III. UNION MATERIAL

Pamphlet, Working with AFGE to STOP Discrimination in Employment of the Basis of Sexual Orientation.

IV. FEDERAL GLOBE PUBLICATIONS

Starting Now, Planning Smart, Beginning and Maintaining a Gay, Lesbian, Bi Employee's Group in the Government.

Listing of States, Counties, and Companies with sexual orientation non-discrimination policies, laws and ordinance.

V. GENERAL INFORMATION

Employers with Domestic Partner Benefits, Hollywood Supports, Domestic Partner Health Coverage, Winter 1997.

BIBLIOGRAPHY, cont.

VI. LEGAL OPINIONS/CONGRESSIONAL TESTIMONY

Statement of Chai R. Feldblum, Associate Professor of Law, Georgetown University Law Center, before the Committee on Small Business, Subcommittee on Government Programs, United States House of Representatives, in support of H.R. 1893, The Employment Non-Discrimination Act of 1995.

Testimony of Ms. Elizabeth Birch, Human Rights Campaign, Before the Committee on Small Business Subcommittee on Government Programs, in support of H.R. 1893, The Employment Non-Discrimination Act of 1995.

Sexual Orientation Discrimination in the Workplace: A Legal Reference Guide.
Excerpts from Avoiding and Defending Against Claims of Gender and Sexual Orientation Discrimination in the Workplace, originally presented by Proskauer Rose Goetz & Mendelsohn on October 6, 1993 at its annual Law and Workplace seminar.

Discrimination in Employment Based upon Sexual Orientation: a national overview. Amelia A. Craig, Staff Attorney, Lambda Legal Defense and Education Fund, January 8, 1993.

VII. News Articles

"Coming Out" Human Resource Executive, September 1993

"Quarter of Federal Workers not told Gay Bias is Illegal" Washington Blade, January 31, 1997.

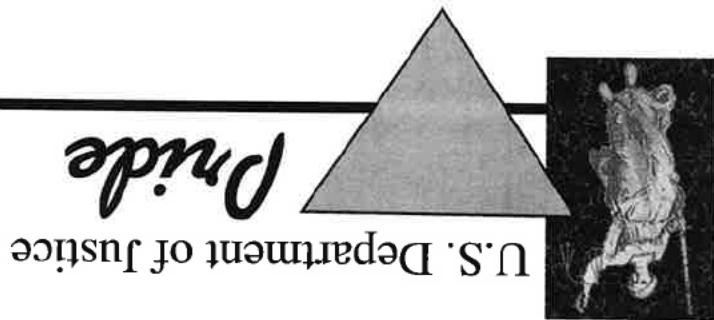
ACKNOWLEDGMENTS

DOJ Pride and Federal GLOBE would like to express its sincere gratitude to Hollywood Supports and The Human Rights Campaign Foundation without whose support and assistance, this seminar would not be possible.

Hollywood Supports is the nation's only full-time, staffed nonprofit organization dealing with issues of sexual orientation in the workplace. It was founded six years ago by leaders of the entertainment industry to work within that industry to eliminate fear and discrimination in the workplace based on HIV status and sexual orientation.

The Human Rights Campaign (HRC) Foundation works in partnership with the Human Rights Campaign. The Human Rights Campaign is the nation's largest organization working toward an America where lesbian and gay people are ensured their basic equal rights. The HRC Foundation successfully provides education, research and polling that assists in the protection of Medicaid benefits for people living with AIDS/HIV; improves awareness of lesbian health concerns through the Lesbian Health Project; helps to end discrimination in the workplace through WorkNet, HRC's workplace project; and promotes equality through visibility with the National Coming Out Project.

The Executive Director of the Human Rights Campaign, Ms. Elizabeth Birch, sits on the executive committee of the Leadership Conference on Civil Rights, an umbrella organization representing more than 180 groups dedicated to equality.



U.S. Department of Justice

*You and a guest are invited to attend the presentation of the
James R. Douglass Award to Attorney General Janet Reno.
A reception will follow.*

*The DOJ Pride Board of Directors is awarding the first James R. Douglass Award
to the Attorney General in recognition of her outstanding contributions to the
worklife of lesbian, gay, and bisexual DOJ employees.*

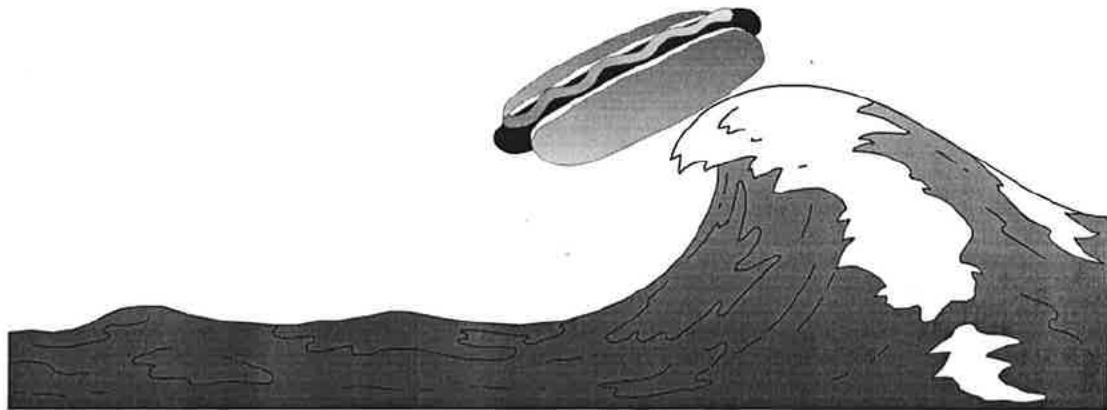
*Monday, June 16, 1997
6-7:30 p.m.*

*Great Hall, U.S. Department of Justice, Main Building
950 Pennsylvania Avenue, NW, Washington, DC*

For more information, please telephone [redacted]

*All non-employee entrances to the Main Building close promptly at 6 p.m. All individuals
who are not DOJ employees must enter the Main Building through the entrance located on
Constitution Avenue between Ninth and Tenth Streets before 6 p.m. Employees and
their escorted guests may enter through the Tenth Street driveway after 6 p.m.*

DOJ Pride PICNIC & POOL PARTY!!!!



Please join us for our annual picnic and pool party.

Saturday, July 12, 1997

11 a.m. to 6 p.m.

Outgoing Pride Board-member Richard Kubic and his partner Bob Miller have invited us to catch some rays (with appropriate SPF protection, I'm sure) at their pool and picnic at the same time!!!!!!

DOJ Pride will provide the burgers, hot dogs and buns.

If your last name begins in A-K, please bring a salad.

If your last name begins in L-Z, please bring a dessert.

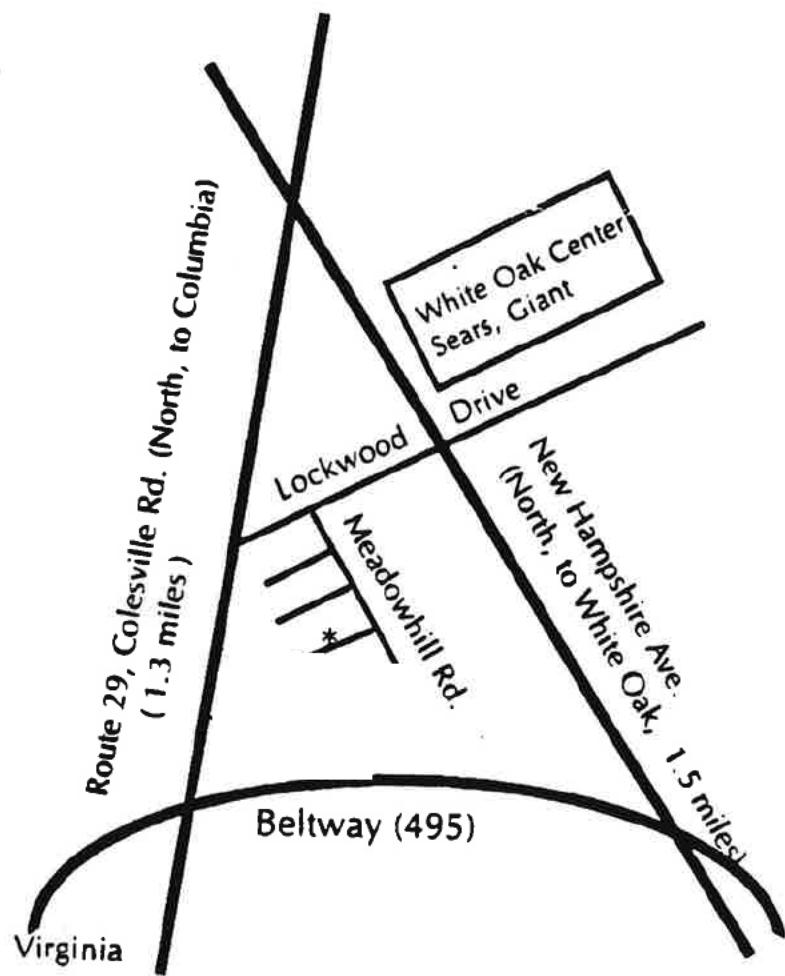
Everyone should bring beverages to share: sodas, juice, beer, or wine.

We'll bring the pictures from the AG Event on June 16. We have double copies of all photos. The photographer, film, and developing cost about \$60.00 (thank goodness for friends!), so we'll be charging \$1.50 per print (4" x 6") to re-coup this cost for the organization.

Please don't forget to pay your dues!!! Dues are \$12.00, but we will also accept more or less, depending on your ability to pay.

We'll be taking a break in August to catch our breath, so this will be our last social until the Fall.

Street Map
DOJ PRIDE Picnic



U.S. Department of Justice



Pride Update

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Mission of DOJ Pride

U.S. Department of Justice (DOJ) Pride is an organization for Gay, Lesbian, and Bisexual employees in all DOJ Offices, Boards, and Divisions; the FBI, DEA, USMS, INS, BOP, OJP, and U.S. Attorneys' Offices; and contractors in any of these components. The general purposes of DOJ Pride shall be: to identify and address issues particularly affecting Gay, Lesbian, and Bisexual employees of the Department; to support the Department in the development and implementation of effective policies and practices for the elimination of discrimination on the basis of sexual orientation in all Departmental activities; and to serve as a resource and point of contact for its members, for those seeking or considering employment with the Department, and for other interested individuals and groups. Anyone seeking more information should contact U.S. DOJ Pride President Robert Moossy at [REDACTED]

President Signs Executive Order Prohibiting Discrimination Based on Sexual Orientation in Civilian Federal Workplaces

by Thom Metzger, Board Member and Editor

On May 28, President Clinton signed an Executive Order entitled Further Amendment to Executive Order 11478, Equal Employment Opportunity in the Federal Government. This Order provides a uniform policy for the Federal Government to prohibit discrimination based on sexual orientation in the federal civilian workforce and states that policy for the first time in an Executive Order of the President.

In a statement released by the White House, President Clinton stated that it has always been the practice of his Administration to prohibit discrimination in employment based on sexual orientation in the civilian workforce. Furthermore, President Clinton added that most Federal agencies and department—including the U.S. Department of Justice—have taken actions—such as the issuance of policy directives or memoranda from the agency heads—to memorialize that policy. Still, this Executive Order will ensure that there is a uniform policy throughout the Federal Government by adding sexual orientation to the list of categories for which discrimination is prohibited in Executive Order 11478 (i.e. race, color, religion, sex, national origin, handicap, or age).

This Executive Order states Administration policy but does not and cannot create any new enforcement rights (such as the ability to proceed before the Equal Employment Opportunity Commission). Those rights can be granted only by legislation passed by the Congress, such as the Employment Non-Discrimination Act. I again call upon Congress to pass this important piece of civil rights legislation which would extend these basic employment discrimination protections to all gay and lesbian Americans. Individuals should not be denied a job on the basis of something that has no relationship to their ability to perform their work.

U.S. Department of Commerce employee and President of the Federal Gay, Lesbian, or Bisexual Employees (GLOBE) organization Rob Sadler commented that Federal GLOBE was still evaluating the impact of this Order. Sadler added "As the President notes in his statement, this is the most that he can do short of legislative action. There will be actions that must be taken in many agencies to implement this order. [Federal GLOBE] will work closely with all departments and agencies to carry out this mandate."

DOJ President Robert Moossy expressed his enthusiasm regarding this Executive Order. "By amending Executive Order 11478 to ensure equal employment opportunity to Lesbian and Gay executive branch civilian employees and job applicants, the President sends a strong message that sexual orientation employment discrimination will not be tolerated in the various Departments and Agencies, including the DOJ. This message comes at a good time for DOJ Pride, a time when we are presenting DOJ managers and policymakers with our Action Plan for making the DOJ workplace more productive for Gay and Lesbian employees. I hope that by prioritizing ending sexual orientation discrimination as a goal of the entire Executive Branch, the President's Order will help us secure the goals of our Action Plan."

[Editor's Note: The full text of the May 28, 1998, Executive Order may be found on the next page.]



For Immediate Release

May 28, 1998

EXECUTIVE ORDER

FURTHER AMENDMENT TO EXECUTIVE ORDER 11478,
EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT

By the authority vested in me as President by the Constitution and the laws of the United States, and in order to provide for a uniform policy for the Federal Government to prohibit discrimination based on sexual orientation, it is hereby ordered that Executive Order 11478, as amended, is further amended as follows:

Section 1. The first sentence of section 1 is amended by substituting "age, or sexual orientation" for "or age".

Section 2. The second sentence of section 1 is amended by striking the period and adding at the end of the sentence "to the extent permitted by law."

A handwritten signature of William J. Clinton in black ink.

WILLIAM J. CLINTON

**DOJ Pride Honors
Founding Member
Dick Kubic with
Douglass Award**

by Vincent Micone

During its June 10 Pride month commemoration and award ceremony, DOJ Pride will honor Richard P. "Dick" Kubic for his support of initiatives at the U.S. Department of Justice to educate employees about the impact of HIV and AIDS in the workplace. Dick, who retired on April 2, 1998, with 33 years of Federal service, has always been a strong advocate for civil rights. Early in his career, Dick worked for the Community Relations Service; his experiences include being chased by

the KKK and observing the Vietnam War Peace March. Dick was tasked in the early 1990's with developing an HIV/AIDS Training Program for employees and supervisors. The highly regarded program served as a model for other agencies. Dick also coordinated the Department's first World AIDS Day commemoration in 1993, which was viewed by 65,000 employees. Finally, Dick worked with employees to assure that "sexual orientation" was listed as a category protected from discrimination in the Department's weekly career vacancy announcements.

At Mr. Kubic's retirement celebration, the Attorney General remarked, "Dick, you are a fine example of dedication and integrity. I am pleased

to have worked with you. You exemplify the qualities which I most expect of our senior managers." Dick was presented The Attorney General's Medallion upon his retirement.

Dick has four children, and will move with his domestic life partner, Bob Miller, to California to enjoy retirement this fall. Dick has been an active volunteers in a multitude of community service organizations, and was a founding Board Member of DOJ Pride.

DOJ Pride recognizes and salutes Dick's efforts to support gay, lesbi and bisexual employees and to make the Department's workplace more sensitive to the needs of those employees living with HIV and AIDS.



Pride President's Address

DOJ Pride now has almost 100 members! Hopefully most of you, and your guests, will show up in Conference Room B on June 10, 1998, to attend our annual Lesbian and Gay Pride Program and Awards presentation. Candace Gingrich will be our key note speaker. We hope she will be joined by the Attorney General and Acting Attorney General for Civil Rights, Bill Lann Lee.

As detailed in this newsletter, the program we will be presenting the Douglass Award to DOJ Pride Founding Member Dick Kubic, and presenting the newly created Jerry Roemer Community service Award to Candace Gingrich.

Just like last year, we'll be hosting a reception following the program where you can meet the speakers as well as other Pride members, community leaders, and a summer intern or two.

Among other things, included with this newsletter is the DOJ Pride Board's Action Plan for Making the Workplace Productive for All Employees for the DOJ. It is our hope that DOJ policymakers and managers will act on the goals we've established regarding sexual orientation non-discrimination within the Department. To that end, we plan on distributing this Action Plan throughout the DOJ and to follow-up on the DOJ's response to it. We need to know whether this plan accurately reflects what you think needs to be done. So, please send me any comments, suggestions, or criticisms you have. Also, I'd like to thank Federal Globe for helping us develop this plan.

Also this June we'll be electing DOJ Pride Board members. Please be sure to return your ballot so your vote can be counted. The Board has also decided to create three Associate

Board positions. Associate Board members will not have regular Board responsibilities and will not vote, but will work with the Board as needed when other Board members are busy or have other conflicts. This is a great way to be involved with DOJ Pride and improving our work environment at the DOJ without assuming the full responsibility (such as it is—ha, ha) of being a board member. Please let us know if you're interested in one of these positions.

Please don't forget to pay your DUES. DOJ Pride asks its members to pay \$12.00 every June to support our mailings, picnic, event costs, etc...Please just return the form attached to this newsletter with your check.

See you at the Program in June or at the July Picnic!

Robert Moossy, President

DOJ Pride Continues to Provide Sexual Orientation in the Workplace Programs

On Tuesday March 10, DOJ Pride provided yet another Sexual Orientation in the Workplace Seminar. We provided this Seminar to

about 25 Bureau of Prisons Equal Employment Opportunity Investigators from across the Nation. The Seminar covers how sexual orientation is brought up in the Federal workplace (social interactions, parties, laws, public debate, etc...); the laws and policies governing sexual orientation discrimination; avenues of redress; stereotypes and how they impact workplace effectiveness and productivity; and ways to promote a more inclusive and productive workplace. The seminar went on for two hours

because the investigators wanted to discuss how to counsel and interact with Gay and Lesbian complainants, and ways to actually conduct investigations into sexual orientation discrimination.

This Seminar is part of an ongoing DOJ Pride program to provide such seminars throughout the DOJ. We last provided such a Seminar in October 1997 as part of our National Coming Out Day event.



U.S. Department of Justice

Pride

Calendar

"It Started with Sappho: Gay and Lesbian Literary Landmarks from the Rare Book and Special Collections Division of the Library of Congress"

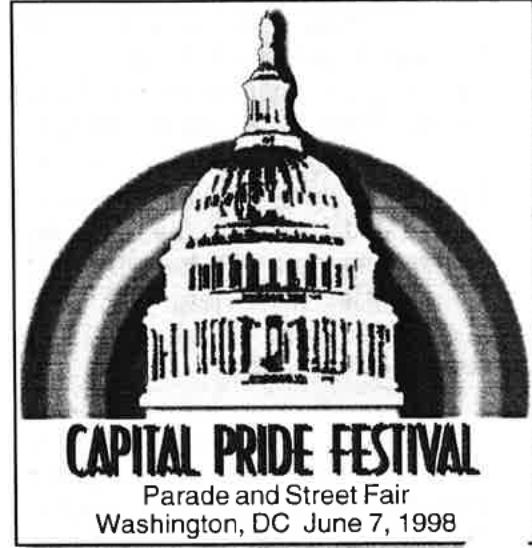
Sponsored by Library of Congress GLOBE

Thomas Jefferson Building, 10 First Street, SE, Washington, D.C.
Room LJ204 Rosenwald Memorial • Thursday, June 4 • noon

Rob Shields, a Reference Specialist from Rare Book & Special Collections Division of the Library of Congress will lead participants through a variety of gay and lesbian literary examples from the Library. Interpretive Services may be provided if requested 5 business days in advance. For more information, telephone 202-707-6362 (TTY and voice).

1998 Capital Pride Festival Parade and Street Fair

Washington, D.C. (Dupont Circle to Freedom Plaza)
Sunday, June 7 • 11 a.m. until 6 p.m.



Members of DOJ Pride, other organizations comprising gay and lesbian Federal employees, and Federal GLOBE are invited to march in the 1998 Capital Pride Festival Parade; those interested should locate the Federal GLOBE contingent behind the Francis School at 24th and N Streets, NW, before the parade steps off at 11 a.m. Also, look for DOJ information at the Federal GLOBE booth at the 1998 Capital Pride Festival Street Fair.

U.S. Department of Justice Annual Pride Month Commemorative Event and Awards Ceremony

Main Department of Justice Building • Conference Room B
Wednesday, June 10 • 5:30 p.m.

The Department of Justice will once again commemorate Pride Month and welcome DOJ employees, their families and friends, and other guests to celebrate the contributions of gay men, lesbians, bisexuals, and transgendered people. DOJ Pride will honor HRC Field Coordinator and Spokesperson Candace Gingrich with the Jerry Roemer Community Service Award and founding DOJ Pride Board member Dick Kubic with the Jim Douglass Award. Attorney General and Acting Attorney General for Civil Rights Bill Lann Lee also have been invited to speak. This is an excellent opportunity to meet DOJ colleagues. Light food and drink will be available.

DOJ Pride 3rd Annual Summer Pool Party and Picnic

Location to Be Announced • Saturday, July 25 • noon

Join other members of DOJ Pride and their families and friends at our annual summer celebration. Meet your DOJ colleagues, swim, enjoy good food and drink, and work on your tan. For more information (including location), request a flyer at the June 10 program or telephone DOJ Pride President Robert Moosy at

U.S. Department of Justice *Pride* Update

Board of Directors

Robert Moosy, President
Vincent Micone, Vice-President
Jannette Williams, Treasurer
Beverly Wright, Secretary
Bobbi Bernstein
Gregory King
Thomas Metzger

Update is published quarterly for members of DOJ Pride. Submissions are gladly accepted; although, they may be edited to meet space requirements. Direct questions or concerns about this newsletter to *Update*'s Editor. Neither DOJ Pride nor its Board of Directors are responsible for opinions expressed by authors of articles presented in this publication.



Printed on recycled paper.

Human Rights Campaign: An Overview

[Editor's Note:
Candace Gingrich—a Field Coordinator and Spokesperson for the Human Rights Campaign—will receive the DOJ Pride Jerry Roemer Community service Award and address members of DOJ Pride during their annual Pride commemorative event. See the Pride Calendar (p. 5) for more information.]

The Human Rights Campaign, the largest national lesbian and gay political organization, envisions an America where lesbian and gay people are ensured of their basic equal rights—and can be open, honest and safe at home, at work and in the community. HRC has more than 175,000 members, both gay and non-gay—all committed to making this vision a reality. With a national staff, and volunteers and members throughout the country, HRC:

- lobbies the Federal Government on gay, lesbian and AIDS issues;
- educates the public;
- participates in election campaigns;
- organizes volunteers;
- and provides expertise and training at the state and local level.

Founded in 1980, HRC maintains the largest full-time lobbying team in the nation devoted to issues of fairness for lesbian and gay Americans. Goals for the 105th Congress include:

- protecting Americans from job discrimination based on sexual orientation;
- including gay people in basic protection under Federal laws that are tough on hate crimes;
- advancing sound public policies on AIDS and lesbian health issues;
- and fighting discriminatory legislation promoted by anti-gay extremists.



Since no Federal law safeguards Americans from being fired from their jobs merely for being perceived as gay, HRC will again join the Leadership Conference on Civil Rights in spearheading reintroduction of the Employment Non-Discrimination Act (ENDA). This bipartisan measure would protect Americans from job discrimination based on sexual orientation, while prohibiting quotas. It would not apply to religious organizations, small businesses or the military. ENDA came within one vote of passing the Senate in 1996, and it stands a strong chance of enactment in the 105th Congress.

The Human Rights Campaign actively participates in every stage of the legislative process, working to advance fair bills and to defeat efforts that would single out lesbian and gay Americans for discrimination and jeopardize their basic rights and health. HRC has helped pass major legislation, including increased AIDS funding, the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act, the Americans with Disabilities Act, the Hate Crimes Statistics and Hate Crimes Sentencing Enhancement Acts, and programs for breast and cervical cancer research and screening.

HRC's political action committee makes financial and in-kind contributions to Republican, Democratic and independent candidates for Federal office. In addition, HRC's political efforts include outreach, organizing, voter mobilization and fund raising within the lesbian, gay and bisexual community.

In the 1996 elections, HRC's PAC contributed more than \$1 million to help elect fair-minded candidates at the Federal level. Of the more than 170 races in which HRC actively par-

ticipated, 84 percent of the HRC-endorsed candidates won—up from 67 percent in 1994.

HRC has also played a key role in turning the tide against discriminatory statewide ballot measures. HRC helped citizens defeat anti-gay measures in Oregon and Idaho in 1994, and in Maine in 1995. HRC was the largest single financial contributor to the legal challenge resulting in the landmark 1996 U.S. Supreme Court decision overturning Colorado's anti-gay Amendment 2.

HRC sponsors nationwide independent polling research to help demonstrate popular support for lesbian and gay equal rights and sound AIDS policies. What HRC learns from the surveys helps the organization communicate more effectively, increasing public understanding of lesbian and gay concerns in the context of America's commitment to basic fairness. In each election cycle, HRC also uses the findings in producing a manual to assist HRC-endorsed candidates in communicating clearly about these issues.

The Human Rights Campaign also sponsors the National Coming Out Project, an ongoing campaign to encourage and empower every gay man and lesbian to educate America by letting others know who they are. Other HRC programs include: action grams, a grassroots effort that has generated more than a million messages to Congress; the 10,000-member Action Network, which organizes and trains grassroots volunteers across the nation; and HRC's unique Action Center on the World Wide Web, allowing users to send instant electronic messages to their members of Congress.

For more information about the Human Rights Campaign, write to 1101 14th Street NW, Washington, DC 20005; e-mail: hrc@hrc.org; visit the HRC internet website at WWW: <http://www.hrc.org>; or telephone (202)628-4160.



U.S. Department of Justice *Pride* ▼ Official Ballot

The following individuals self-nominated themselves to serve on the Board of Directors of DOJ Pride. Please record your vote for or against this slate of candidates and return this ballot to Robert Moossy at the June 10 event, or mail it to DOJ Pride

Candidates for election:

1.) Robert Moossy, President, 2.) Thom Metzger, 3.) Vincent Micone, and 4.) Beverly Wright.

For: _____

Against: _____

With the election of these candidates, the DOJ Pride Board will consist of 1) Robert Moossy, President, 2) Thom Metzger, 3) Vincent Micone, 4) Beverly Wright, 5) Jannette Williams, 6) Gregory King, 7) Bobbie Bernstein.

The Board has also decided to create three Associate Board positions. Associate Board members will not have regular Board responsibilities and will not vote, but will work with the Board as needed when other Board members are busy or have other conflicts. This is a great way to be involved with DOJ Pride and improving our work environment at the DOJ without assuming the full responsibility of being a board member.

Please let us know if you're interested in one of these positions.



U.S. Department of Justice

Pride

▼ On-Line

There is great news! DOJ Pride has entered the cyber-age. Interested parties may visit the DOJ Pride webpage at <http://www.geocities.com/westhollywood/7095>. At this site you will find the Pride Charter and bylaws, contact information for members of the Pride board or directors, and DOJ policies regarding sexual orientation. In addition, a variety of helpful links may be accessed. This site promises to become an important resource as DOJ Pride continues to grow.

Please complete the following and return it to the following address:



U.S. Department of Justice
Pride

Remember to
renew your mem-
bership every
June!

Please check the appropriate box.

Yes, I want to support U.S. Department of Justice Pride! I want to join in the fight to eliminate prejudice and discrimination against gay men, lesbians, and bisexuals in the Department. I have enclosed my annual membership dues of \$12.00.

No, I am not interested in supporting the education of Department of Justice policymakers, managers, and other employees about issues of concern to lesbian, gay, and bisexual DOJ employees.

Allow us to verify the accuracy of our data base. This information is maintained in strict confidence and only will be used for internal organizational purposes!

Name: _____
Last _____ First _____ M.I. _____

Mailing Address: _____
Street/Apartment Numbers _____

_____ City, State _____ Zip Code _____

Telephone: (work/home/other) _____ May we leave a message? Yes/No
Circle one. _____ Circle one.

Telephone: (work/home/other) _____ May we leave a message? Yes/No
Circle one. _____ Circle one.

E-Mail Address: _____



U.S. Department of Justice

Pride

Info

U.S. Department of Justice Pride and GAYLAW Pizza/Happy Hour Social

Julio's Pizza, 1604 U Street, NW (near intersection of
New Hampshire Avenue and 16th Street and within walking
distance to Dupont Circle and U Street Metro Stations)

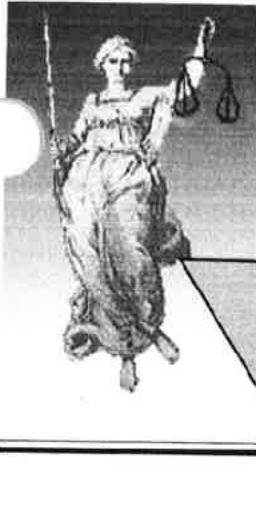
Wednesday, March 18 • 6:30 to 8:30 p.m.

U.S. Department of Justice Pride and GAYLAW invite you and your friends to attend a social at which all DOJ employees and contractors will have the opportunity to meet with members of GAYLAW—Washington, D.C., area Lesbian and Gay attorneys, paralegals, law office support staff, and law students. Free pizza will be available to participants of this event.

U.S. Department of Justice (DOJ) Pride is an organization for Gay, Lesbian, and Bisexual employees in all DOJ Offices, Boards, and Divisions; the FBI, DEA, USMS, INS, BOP, OJP, and U.S. Attorneys' Offices; and contractors in any of these components. The general purposes of DOJ Pride shall be: to identify and address issues particularly affecting Gay, Lesbian, and Bisexual employees of the Department; to support the Department in the development and implementation of effective policies and practices for the elimination of discrimination on the basis of sexual orientation in all Departmental activities; and to serve as a resource and point of contact.

Anyone seeking more information should contact U.S. DOJ Pride President Robert Moossy at

[REDACTED] Or anyone may check out the U.S. DOJ Pride webpage at <http://www.geocities.com/westhollywood/7095>. At this site you will find the Pride Charter, Bylaws, and DOJ policies regarding sexual orientation. In addition, a variety of helpful links may be accessed.



U.S. Department of Justice

Pride

Info

U.S. Department of Justice Pride and GAYLAW Pizza/Happy Hour Social

Julio's Pizza, 1604 U Street, NW (near intersection of
New Hampshire Avenue and 16th Street and within walking
distance to Dupont Circle and U Street Metro Stations)

Wednesday, March 18 • 6:30 to 8:30 p.m.

U.S. Department of Justice Pride and GAYLAW invite you and your friends to attend a social at which all DOJ employees and contractors will have the opportunity to meet with members of GAYLAW—Washington, D.C., area Lesbian and Gay attorneys, paralegals, law office support staff, and law students. Free pizza will be available to participants of this event.

U.S. Department of Justice (DOJ) Pride is an organization for Gay, Lesbian, and Bisexual employees in all DOJ Offices, Boards, and Divisions; the FBI, DEA, USMS, INS, BOP, OJP, and U.S. Attorneys' Offices; and contractors in any of these components. The general purposes of DOJ Pride shall be: to identify and address issues particularly affecting Gay, Lesbian, and Bisexual employees of the Department; to support the Department in the development and implementation of effective policies and practices for the elimination of discrimination on the basis of sexual orientation in all Departmental activities; and to serve as a resource and point of contact.

Anyone seeking more information should contact U.S. DOJ Pride President Robert Moossy at [REDACTED] Or anyone may check out the U.S. DOJ Pride webpage at <http://www.geocities.com/westhollywood/7095>. At this site you will find the Pride Charter, Bylaws, and DOJ policies regarding sexual orientation. In addition, a variety of helpful links may be accessed.

**MAKING THE FEDERAL WORKPLACE PRODUCTIVE FOR
ALL EMPLOYEES REGARDLESS OF THEIR SEXUAL ORIENTATION
AN ACTION PLAN**
By DOJ Pride, June 1998

The following is a proposed Action Plan for making the Department of Justice ("DOJ") a safer and more productive work environment for its employees, regardless of their sexual orientation. Many Federal Departments and Agencies believe this goal has been accomplished upon the issuance of a nondiscrimination policy inclusive of sexual orientation. The issuance of such a policy, however, is merely the starting point. This Action Plan is designed to give the Department of Justice ideas of what to do next to ensure every employee is fully included and productive in the workplace, without regard to sexual orientation.

Sexual orientation non-discrimination protects all employees, whether their sexual orientation is homosexual, bisexual, or heterosexual. Although historically most sexual orientation discrimination has hurt homosexuals (Lesbians and Gay men), ending sexual orientation discrimination in an enduring way will benefit all employees, and protect heterosexual employees as well as those who are homosexual or bisexual.

Several of the items below have been adopted by the Department of Justice. However, the DOJ must ensure that the principles of sexual orientation non-discrimination extend beyond Main Justice to all DOJ offices, boards, divisions, and bureaus, including the US Attorney's Offices, FBI and FBI Field Offices, DEA, BOP, INS, and other DOJ offices throughout the Nation.

I. Sexual Orientation Non-Discrimination: Promoting job security, equal pay and benefits for equal work, and ending unintentional bias.

GOAL	WHAT DOJ HAS DONE	DOJ NEEDS TO:
A. Enact nondiscrimination policies on the basis of sexual orientation in matters of recruitment, hiring, promotion, and incentive awards.	1) Enacted a non-discrimination policy that prohibits sexual orientation discrimination, and 2) Codified the policy at 28 CFR 42.1	1) Ensure that each component has incorporated this policy into its: a) human resources manual, b) Equal Employment Opportunity manual, c) new employee orientation, d) sexual harassment policies. 2) Ensure that all of the above policies and procedures are in writing, and are clear, consistent, accessible, and well-publicized throughout the agency.

GOAL	WHAT DOJ HAS DONE	DOJ NEEDS TO:
B. Establish policies and procedures for preventing and redressing discrimination on the basis of sexual orientation.	Written a sexual orientation discrimination redress policy and implemented it.	1) Formally train EEO staff in counseling and investigating complaints; 2) Collect statistics on number of complaints and their resolution (including remedy); 3) NOT opt for a personnel management system that provides only statutory or collective bargaining avenues of redress, thereby eliminating other internal procedures such as the one for sexual orientation discrimination (we are informed the personnel management system adopted by the FAA does this).
C. Ensure equal pay/benefits for equal work by ensuring access and equality of all benefits and privileges granted to all employees. While certain benefits are defined by Congress, others are defined by DOJ and its components and bureaus themselves. For example, DOJ defines eligibility for transfer to live with a spouse or partner, coverage of moving expenses for a spouse or partner if reassigned or transferred, bereavement leave, and other family friendly/work-life benefits.	Despite employee requests, DOJ has not implemented its sexual orientation non-discrimination policy in this area.	1) Review DOJ discretionary personnel benefits to ensure they are "family friendly," and do not discriminate on sexual orientation or marital status. 2) Change personnel benefits to provide equal pay/benefits for equal work, regardless of sexual orientation.

GOAL	WHAT DOJ HAS DONE	DOJ NEEDS TO:
D. Develop and implement policies prohibiting sexual orientation per se from factoring into granting a security clearance .	DOJ has done this	Train FBI agents in this policy. Applicants and employees undergoing re-clearance are still being asked inappropriate questions (e.g., "I have an allegation you are a Lesbian, is it true?").
E. Include sexual orientation non-discrimination provisions in collective bargaining agreements .		Fulfill the DOJ's non-discrimination policy by advocating inclusion of sexual orientation non-discrimination in the DOJ's collective bargaining agreements with employee unions. Such agreements should ensure an effective avenue of redress for such discrimination.

II. Support Training and Development of all Employees

GOAL	WHAT DOJ HAS DONE	DOJ NEEDS TO:
A. Policies regarding equal benefits and non-discrimination should be made clear in recruiting brochures, informational materials, agency publications, and in recruiting, outreach, and employee orientation sessions.	DOJ does include its sexual orientation non-discrimination policy on employment announcements, but not on other documents.	<p>1) Initiate employment recruiting outreach to the Lesbian and Gay community in the same way it does to other communities whose members DOJ seeks to employ.</p> <p>2) Include the general non-discrimination policy, including sexual orientation non-discrimination, on all DOJ recruitment and employment literature including the "Legal Activities" book and the application.</p>
B. Aid, support, and facilitate the creation of Gay, Lesbian, and Bisexual employee groups.	DOJ has supported the creation of DOJ Pride	Publicize the existence of DOJ Pride throughout the DOJ.
C. Ongoing workplace diversity/professionalism seminars and employee development on Gay, Lesbian, and Bisexual employee issues in the Federal workplace for all employees.	DOJ's EEO Office has invited its DC-based counselors to attend such a seminar offered by DOJ Pride. In addition, the EEO Office has provided the equipment and facilities DOJ Pride has needed to provide these seminars.	DOJ Pride has started providing such a program. The Department should explore this or other similar programs and institutionalize them. See attached curriculum.

GOAL	WHAT DOJ HAS DONE	DOJ NEEDS TO:
D. Support the professional development of all employees, regardless of their sexual orientation.		<p>1) Cover the expenses of employees attending certain training and awareness conferences on Gay, Lesbian, and Bisexual issues (such as the training DOJ Pride members received to learn to present the Sexual Orientation in the Federal Workplace Seminar and the annual "Lavender Law" conference).</p> <p>2) Provide administrative leave for employees to attend sexual orientation related career development activities on parity with those for other employee groups.</p>
E. Make career development and mentoring programs available that are responsive to the workplace needs of Gay, Lesbian, and Bisexual employees and advertise such programs throughout the DOJ.		<p>1) Integrate sexual orientation counseling into the Employee Assistance Program.</p> <p>2) Integrate sexual orientation counseling into the Equal Employment Opportunity Program</p>
F. Include the location and availability of resources of value to Gay, Lesbian, and Bisexual employees in DOJ published materials distributed to employees.	DOJ has allowed DOJ Pride to post fliers regarding the Group's activities, and permitted DOJ Pride to install an annual display in the Main Justice display cases.	Publish and distribute a pamphlet to all employees, in DC and elsewhere, explaining that the DOJ does not tolerate sexual orientation discrimination and providing information on accessing avenues of redress.

III. Services: Treating Gay, Lesbian, and Bisexual Groups and Events the Same as Others

GOALS	WHAT DOJ HAS DONE	DOJ NEEDS TO:
A. Equal official recognition and support of Gay, Lesbian, and Bisexual employee organizations and events.	DOJ Pride is an officially recognized DOJ employee organization.	Provide official and financial support to Gay and Lesbian groups and events on parity with that provided to other employee groups.
B. Fund and support Gay, Lesbian, and Bisexual events and displays at the DOJ and its components, bureaus, and divisions in a manner equal to other employee organizations.	DOJ has permitted DOJ Pride to install an annual Pride display at Main Justice.	Fund and support Gay, Lesbian, and Bisexual events and displays in locations other than Main Justice.
C. Make appropriate space available to Gay, Lesbian, and Bisexual employee organizations for meetings, social events, lectures, workshops, and other events.	DOJ has done this.	
D. DOJ officials should make strong, clear, public statements on a regular basis that state the agency's commitment to ending discrimination, conviction that violence and harassment are entirely unacceptable, and appreciation of the value of diversity, including diversity of sexual orientation and gender identity.	<p>Attorney General Janet Reno has spoken publicly on these issues at several events and forums.</p> <p>DOJ has also done this in the context of its position to include sexual orientation in the hate crimes legislation, and its support of the Employment Non-discrimination Act</p>	<p>1) Continue to have the Attorney General and other high level officials speak publicly in support of ending sexual orientation discrimination in the DOJ and elsewhere.</p> <p>2) Issue a public statement to all employees that sexual orientation discrimination will not be tolerated. This should be signed by the Attorney General.</p>

GOALS	WHAT DOJ HAS DONE	DOJ NEEDS TO:
E. Department and agency events and ceremonies should be inclusive of all employees and their partners, where appropriate, regardless of sexual orientation.		Use inclusive terms in such invitations and announcements (e.g., domestic partners or significant others)
F. Appoint an official and public liaison to the Gay, Lesbian, and Bisexual DOJ employees and community.		Appoint an official and public liaison.
G. Publications should include and provide adequate and fair coverage of GLBT employee organization issues and activities.	<p>In Summer 1997, the "Justice For All" DOJ Newsletter included an article regarding the Attorney General's receipt of the Douglass Award from DOJ Pride.</p> <p>In October 1997, the EEO Office sent an e-mail to all DC-based employees explaining National Coming Out Day and inviting employees to attend DOJ Pride's Sexual Orientation in the Workplace diversity program.</p>	<p>Include in DOJ newsletters and system-wide e-mails articles on</p> <ul style="list-style-type: none"> a) various employee groups, including DOJ Pride, b) sexual orientation non-discrimination, what it means, and the avenues of redress, c) open Lesbian and Gay employees and their roles and accomplishments within the DOJ.
H. Treat June, which is Gay, Lesbian, and Bisexual Pride month, in the same manner it treats months celebrating the accomplishments and value of other employee groups.	DOJ has permitted DOJ Pride to install displays in its public display cases during the month of June. In addition, in June 1997 the Attorney General received an award and spoke at the DOJ Pride annual June Pride Ceremony in the Great Hall.	Support a regular program of activities in June equivalent to those for other employee groups.

From: Admin
To: crt users
Date: 6/9/98 9:08am
Subject: DOJ Annual Pride Month Special Event

To commemorate Gay and Lesbian Pride Month, Department of Justice Pride and the Equal Employment Opportunity Staff, Justice Management Division, will host a brief program on Wednesday, June 10, 1998, at 5:30 p.m. in Conference Room B of the Main Building. Speakers will include Acting Assistant Attorney General for Civil Rights Bill Lann Lee and Candace Gingrich, sister to House Speaker Newt Gingrich.

June is Gay and Lesbian Pride Month, commemorating the June 1969 police raid of the Stonewall Inn, a Gay bar in New York City, and subsequent riot which became a pivotal episode in the creation of the American Lesbian and Gay rights movement.

DOJ Pride is the official organization for Gay, Lesbian, and bisexual employees in all DOJ Offices, Boards, and Divisions; the FBI, DEA, USMS, INS, BOP, OJP, and U.S. Attorney's Offices; and contractors in any of these components. Its purpose is to (1) eliminate discrimination on the basis of sexual orientation in the DOJ workplace; (2) educate DOJ employees about issues of concern to DOJ Pride members; and (3) serve as a point of contact. For more information about DOJ Pride contact Robert Moossy at [REDACTED] or visit our website at: <http://www.geocities.com/westhollywood/7095>.

ADDRESSING DISCRIMINATION ON THE BASIS OF
SEXUAL ORIENTATION THROUGH STATUTES CURRENTLY
ENFORCED BY THE CIVIL RIGHTS DIVISION

Prepared by DOJ Pride
July 1998

I. Litigation Addressing Discrimination on the Basis of Sexual Orientation

A. Appellate Section & Other Sections:

1. File briefs as Amicus/Intervener arguing that discrimination on the basis of sexual orientation violates the Equal Protection Clause under rational basis scrutiny or heightened scrutiny.
 - a. Public employer (schools, police departments)
 - b. Public housing
 - c. Public services, including
 - i. police and institutions
 - ii. schools: Treating gay/lesbian students differently. Peer/Peer or Staff/Student sexual orientation harassment violates Equal Protection if school does not respond (Nabozny)
2. First Amendment association cases for students trying to form gay/lesbian groups in schools.

B. Housing:

1. FHA, Sex discrimination if don't rent to same sex couples.
2. Equal Credit Opportunity Act, sex or marital status discrimination against same-sex couple applicants.

C. Education Section: Include harassment of gay/lesbian students as sexual harassment pursuant to sex provisions of Title IX.

1. Peer on peer
2. Staff on student

D. Employment:

1. Same Sex cases, Oncale
2. Gender stereotype, Price-Waterhouse

E. Special Litigation Section:

1. 42 USC 14141: pattern or practice by law enforcement agency of discrimination based on sexual orientation
 - a. Failure to serve/protect - Equal Protection
 - b. Discriminatory enforcement/harassment - Equal Protection.

- c. Use of force, false arrest, improper search & seizure, 4th Amendment
- 2. CRIPA: systemic discrimination in institutions. e.g., release time or other disadvantage to gays/lesbians placed in administrative segregation, failure to protect gays/lesbians from predation in a prison, failure to permit gay/lesbian reading materials.

F. Criminal Section: Find an 18 USC 242 case where a gay or lesbian person is willfully deprived of a constitutional right by a defendant acting under color of law. For example,

- 3. Police use excessive force against a gay or lesbian person (use of force in violation of Due Process).
- 4. Police fail to provide services to or protect a gay or lesbian person (failure to act in violation of Equal Protection).

G. Disability Rights: Bring a case in which gay men are denied services or employment because they are perceived to have HIV, AIDS or similar disability.

II. Other Avenues to Address Discrimination on the Basis of Sexual Orientation

- A. Community Relations Service mandate broadened from race, color, national origin to include sex and sexual orientation. 42 USC 2000g-1.
- B. Continued support of gay and lesbian specific civil rights laws including the Employment Non-discrimination Act (ENDA), including sexual orientation into the hate crimes statute, and support for the President's Executive Order No. 13087 which amends E.O. 11478 to prohibit sexual orientation discrimination.

III. Internal ways to continue to identify cases

- A. Publicly designate a "point person"
- B. Attend gay/lesbian legal conferences and meetings
 - 1. Lavender Law
 - 2. litigation roundtables



U.S. DEPARTMENT OF JUSTICE PRIDE *UPDATE*

WINTER 1998/99

DOJ PRIDE is the official organization for gay, lesbian, and bisexual employees in all DOJ Offices, Boards, and Divisions; the FBI, DEA, USMS, INS, BOP, OJP, and U.S. Attorney's Offices; and contractors in any of these components. Its purpose is to (1) eliminate sexual orientation discrimination in the DOJ workplace; (2) educate DOJ employees about issues of concern to DOJ Pride members; and (3) serve as a point of contact.

CIVIL RIGHTS DIVISION EXAMINES WAYS TO REMEDY CIVIL RIGHTS VIOLATIONS SUFFERED BY GLBT PERSONS

Acting Assistant Attorney General of the Civil Rights Division Bill Lann Lee has asked Division staff to work to understand better the civil rights issues and injuries affecting Gay, Lesbian, Bisexual and Transgendered (GLBT) persons. As part of this effort, Mr. Lee and other Division officials met with DOJ Pride and GLBT community groups. DOJ Pride members provided Mr. Lee and his staff with ideas on how the Division could, within the limits of existing law, address civil rights abuses that harm GLBT people, whether because of their sex, sexual orientation, or disabilities such as HIV infection and breast cancer. We also emphasized that Pride members could serve as a point of contact within the Department to educate DOJ officials about issues of particular concern to the GLBT community.

Although the effort is evolving through these and other meetings, its general aims are to 1) examine how the DOJ's existing statutory enforcement authority could be used to pursue and remedy cases where the civil rights of GLBT people are violated; and 2) support legislative reforms, such as the Hate Crimes Prevention Act, to our existing statutes so that they directly address discrimination based on sexual orientation.

The Civil Rights Division enforces statutes prohibiting civil rights violations in the form of discrimination based on sex, race, religion, national origin, and disability in employment, housing, public services, education, and voting. None of these laws directly prohibit sexual orientation discrimination; thus, the continued need for Congress to pass legislation such as the Employment Non-Discrimination Act ("ENDA"), which would explicitly prohibit discrimination based on sexual orientation in employment, and the Hate Crimes Prevention Act. Meanwhile, the Division is studying how it could remedy situations where GLBT people are injured by discrimination, within the contours of existing law. For example, building on existing Supreme Court law prohibiting same-sex harassment and discrimination based on sex-based stereotypes.

The Division also enforces civil and criminal laws prohibiting violations of civil rights in prisons, jails, juvenile facilities, other state institutions, and law enforcement agencies such as police departments. Under these laws, the Division could pursue and seek to remedy cases where, for example, a police department improperly harasses, arrests, or brutalizes people because of their sexual orientation.

The Division has taken a number of steps to identify legal arguments and potential investigations/lawsuits that will fit within the Division's existing statutory enforcement authority. Division officials have attended meetings of GLBT litigators, sent attorneys to the National Lesbian and Gay Lawyer's Association Annual Lavender Law Conference, met with GLBT community groups, and held internal brainstorming meetings. On November 5, 1998, the Division held a Division-wide brown-bag lunch to discuss this effort and solicit input from attorneys throughout the Division.

DOJ Pride is On-Line.....

Visit our WEBSITE!!!!

www.geocities.com/westhollywood/7095

BOARD DYNAMICS

The Board of DOJ Pride has changed a bit during the last few months. Long-time Board Member Thom Metzger has left the Department to direct the Communications Office for the National AIDS Fund. In

DOJ Pride Board of Directors

Call or e-mail us with your questions, our addresses are
firstname.lastname@usdoj.gov

Robert Moosy, President, CRD, [REDACTED]
Bobbi Bernstein, CRD, [REDACTED]
Kelli Evans, CRD, [REDACTED]
Gregory King, OPA, [REDACTED]
Vince Micone, Vice- President, [REDACTED]
Paul Oetken, OLC, [REDACTED]
Jaye Sitton, CRD, [REDACTED]
Jannette Williams, CRM, [REDACTED]
Beverly Wright, BOP, [REDACTED]

addition to being a faithful and hardworking member of the Pride Board, Thom created, designed, and maintained our website. Thom also designed and edited our newsletter. Because he is such a nice guy, and a committed advocate for equality in employment, Thom has offered to continue maintaining the website and printing the newsletter. If you see him, please be sure to thank

him for his continued support of DOJ Pride.

Thom's Board position will be filled by Kelli Evans, who will serve as an Acting Board Member until the June election. Kelli joined the Special Litigation Section of the Civil Rights Division as a trial attorney in September 1998. Prior to joining the Department, Kelli spent almost three years as a staff attorney for the ACLU of Northern California. While at the ACLU, Kelli concentrated on lesbian & gay rights, race discrimination, and criminal justice issues. Before moving to Washington, Kelli served on the board of directors of the National Center for Lesbian Rights and Bay Area Lawyers for Individual Freedom (the San Francisco gay bar association). Kelli wants to work on the DOJ Pride board in order to help advocate for the full equality of lesbian, gay, bisexual, and transgender folks in the department.

Last Summer, the DOJ Pride Board created two Advisory Board positions. Advisory Board members do not vote, but participate in all other Board functions. Jaye Sitton and J. Paul Oetken have volunteered to fill these position. Jaye is an attorney in the Employment Litigation Section of the Civil Rights Division. Prior to joining Employment in August, she

worked in the Voting Section for three years. Originally from North Carolina, Jaye looks forward to being on the Pride Board. Paul has been an attorney-adviser with the Department's Office of Legal Counsel since July 1997. After graduating from law school in 1991, he served as a law clerk for three federal judges, and then worked as an associate at Jenner & Block in Washington. Paul has a gay cat named Omar.

Please welcome Kelli, Jaye, and Paul to the Pride Board. Feel free to contact any of these Board members with your questions or ideas. And, on behalf of the Pride Board and members, a big THANKS to Thom Metzger for making the DOJ a better place to work!

Lavendar Law 1998

The National Lesbian and Gay Law Association held its annual Lavendar Law convention in Boston, Massachusetts on October 15-17, 1998. Two DOJ Pride members, attorneys Robert Moossy and Jaye Sitton, represented the Civil Rights Division at the conference. The convention included over fifty workshops dealing with various legal issues affecting the gay, lesbian, bisexual, and transgender community. At a panel focusing on federal agencies, DOJ Pride President Moossy discussed the work of DOJ Pride and the Civil Rights Division's effort to understand better the civil rights issues faced by GLBT persons. Sitton was elected as a member of the NLGLA Board. The convention, which included a panel on hate crimes legislation, was dedicated to the memory of gay Wyoming student Matthew Shepard and other victims of sexual orientation-based violence. Next year's Lavendar Law will be held in Seattle, Washington, on October 21-24, 1999.

The Civil Rights Division sponsored Robert's and Jaye's attendance at this conference, including paying for all registration and travel costs. If you'd like to attend this conference next year, or a similar one related to your work, please contact DOJ Pride; we can work with you to seek approval from your Bureau, Division, or Component.

President's Address: Expanding our Membership AND Welcome to Kentucky Chapter of DOJ Pride

One of DOJ Pride's primary goals is to increase our membership. To that end, I encourage you to copy this newsletter and hand it out to other DOJ employees who you think might be interested in joining DOJ Pride. DOJ Pride needs your help to spread the word.

One exceptional example of our efforts to expand our membership is the recent formation and Board approval of our first full **Pride Chapter in Kentucky**. The group reports "Right now it looks like we have about 12-15 members. We are just now starting to get the word out on various web sites and area GLBT media. Things seems to be going really well." Congratulations to our members in Kentucky!!!!

Having more members means having more clout with DOJ policy makers. Also, having more members means having more sources of input and ideas. As DOJ Pride develops strategies and plans for making our workplace a fairer one, one that does not

Recent Accomplishments:

In June, DOJ Pride worked with the DOJ's Equal Employment Opportunity Office ("EEO") to co-host a Gay & Lesbian Pride Month Celebration. In July, we developed our Action Plan and mailed it and our newsletter to the membership for review. In August, we met with Acting Assistant Attorney General Bill Lann Lee to discuss ways the DOJ could remedy injuries to GLBT persons. In September, we worked with EEO office and the Civil Rights Division to secure sponsorship for Division attorneys to attend the National Lesbian & Gay Lawyer's Association Annual Conference. In October, Pride members attended the conference and spoke on a panel about our work at DOJ. In November we approved the first Pride chapter in Kentucky and we re-organized and expanded the Board. Throughout this time, we received approximately 20 calls from DOJ employees seeking assistance or information.

We are now working to schedule a meeting with Deputy Attorney General Eric Holder to present him with the Plan and discuss ways to get it implemented. We're also focusing on how to increase protections to GLBT employees through union contracts.

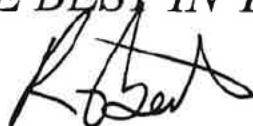
If you are interested in working to make the DOJ a more productive environment for Lesbian, Gay, and Bisexual employees, please call me at [REDACTED]

discriminate based on sexual orientation, we need the input of Gay, Lesbian, and Bisexual employees. The employment environment faced by a Lesbian DEA Agent in Lubbock, Texas, is likely different than that faced by a Gay Justice Management Division supervisor in Washington, or a Bisexual attorney in San Francisco. To be successful, DOJ Pride members need to be able to say we represent a large and diverse number of DOJ employees.

DOJ Pride has grown to over 100 members since its founding by a handful of DOJ employees in 1994. Recently, we've received calls from DOJ employees from across the country as a result of a brief article about DOJ Pride in the Justice For All newsletter, which is disseminated with our pay checks. Some of those employees have inquired into forming local Pride chapters, others have called and shared their experiences as Gay, Lesbian, and Bisexual DOJ employees.

Let's build on our recent successes in getting our name out there so we can effectively respond to and eliminate discrimination based on sexual orientation. Please help by spreading the word.

*HAPPY HOLIDAYS AND
ALL THE BEST IN THE NEW YEAR*

A handwritten signature in black ink, appearing to read "Robert H. Ellsworth".

D O J P r i d e
Gay, Lesbian, and Bisexual Employee
Association of the Department of Justice
c/o Kelli M. Evans
Trial Attorney, Civil Rights Division
601 D Street N.W., #5135
Washington, D.C. 20530
[REDACTED]

May 10, 1999

Assistant Attorney General Eleanor Acheson
Office of Policy Development
U.S. Department of Justice
Washington, D.C. 20004

Re: Security Clearance Investigations

Dear Assistant Attorney General Acheson:

We are writing to you on behalf of DOJ Pride, the Department's officially recognized Gay, Lesbian, and Bisexual Employees' Association. We wish to thank you for taking time out of your busy schedule to meet with us in February regarding sexual orientation discrimination experienced by several of our members during the security clearance process. We also wish to inquire about the status of meeting with FBI officials in an effort to resolve this problem.

As we discussed, despite the existence of clear policy guidance, the FBI has improperly focused on applicants' sexual orientation, rather than on coercibility. The FBI's conduct during security clearance investigations may be explained by training materials which do not conform to DOJ's policy and to a general lack of sensitivity to sexual orientation issues and concerns.

During our meeting, you expressed the importance of ensuring that the FBI fully investigate the manner in which it has handled recent cases and the accuracy of its training materials. In order to facilitate this process, you offered to set up a meeting between FBI security clearance and policy managers and representatives from OPD, DOJ Pride, and the Civil Rights Division.

Since the Department conducts security clearances on applicants and employees on an ongoing basis, this issue continues to be very timely and important to DOJ Pride and its members. We wish to do whatever may be most useful for moving forward and hope that the meeting we discussed in February can occur sometime within the next several weeks.

We look forward to working with you to ensure that all applicants and employees are treated fairly. Please contact us (Kelli Evans [REDACTED] or Robert Moossy [REDACTED]) at your earliest convenience to discuss how best to proceed.

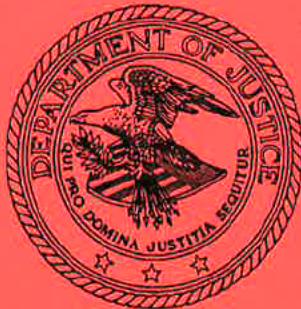
Sincerely,



Kelli M. Evans, Board Member
Robert J. Moossy, Jr., President
DOJ Pride

cc: Helen Norton

DOJ PRIDE is the official organization for gay, lesbian, and bisexual employees in all DOJ Offices, Boards, and Divisions; the FBI, DEA, USMS, INS, BOP, OJP, and U.S. Attorney's Offices; and contractors in any of these components. Its purpose is to (1) eliminate sexual orientation discrimination in the DOJ workplace; (2) educate DOJ employees about issues of concern to DOJ Pride members; and (3) serve as a point of contact.



You're invited to attend the **Gay and Lesbian Pride Month** Program sponsored by
The United States Department of Justice & DOJ Pride

Responding to Violence Against Gays and Lesbians Through Hate Crimes Legislation

A Panel Discussion with:

- Christopher Anders, Legislative Counsel, American Civil Liberties Union
- Rebecca Isaacs, Political Director, National Gay and Lesbian Task Force
- Stuart Ishimaru, Deputy Assistant Attorney General, Civil Rights, US Department of Justice
- Kevin Layton, Deputy Legal Director, Human Rights Campaign
- Michael Lieberman, Washington Counsel, Anti-Defamation League
- Angela Williams, Special Counsel to Senator Edward Kennedy

Before the Panel, DOJ Pride will present

- The Douglass Award to Vincent Micone, III, for his outstanding contributions to making the DOJ a better workplace for all employees regardless of their sexual orientation, and
- The Roemer Community Service Award to The DC Bar's Task Force for Sexual Orientation in the Legal Workplace for its March 1999 Report.

**Thursday, June 10, 1999, 5:00 p.m.
U.S. Department of Justice Main Building, Conference Room B
(Enter on Pennsylvania Avenue between 9th and 10th Streets)**

NOTE: All attendees without valid federal government employee identification must RSVP to Robert Moossey at [REDACTED] by June 9, 1999.



You're invited to attend the
Gay and Lesbian Pride Month Program

Tuesday, June 27, 2000 – 6:00 p.m.
Conference Room B
Main Justice Building
(Enter on Pennsylvania Avenue between 9th and 10th Streets)

Speakers:

Janet Reno
Attorney General

Robert Raben
Assistant Attorney General for Legislative Affairs

At the Program, DOJ Pride will present:

- The Douglass Award to the Civil Rights Division for its outstanding contributions for making the DOJ a better workplace for all employees regardless of their sexual orientation.
- The Roemer Community Service Award to Assistant Attorney General for Legislative Affairs, Robert Raben, and Associate Deputy Attorney General, Bernard Delia, for their contributions to the Lesbian, Gay and Bisexual Community.

Sponsored by JMD EEO Staff & DOJ Pride

All attendees without valid Federal Government employee identification must RSVP to Robert Moossy at 202-514-6247 by June 26, 2000.

May 30, 2002

DOJ Pride

Gay, Lesbian, Bisexual and Transgender Employee Association
of the United States Department of Justice

A brief history

DOJ Pride is the Department's officially recognized LGBT employees association.

DOJ Pride is interested in reaching out to all Department employees who may be interested in learning more about diversity in the workplace, since sexual orientation intersects all other classifications and characteristics (including the seven classes currently protected by Federal law).

DOJ Pride was founded in 1994 by DOJ employees. Earlier that year, the Department issued a sexual orientation non-discrimination policy (this policy was issued pursuant to a settlement of a lawsuit in which a gay FBI agent named Frank Buttino sued the FBI after he was fired for being gay). DOJ Pride's first president was Marisa Demeo, an attorney who served in the Civil Rights Division's Employment Litigation Section, from 1994 to 1997. DOJ Pride's first project was meeting with the Equal Employment Opportunity Staff in the Department to develop policies and procedures for enforcing the sexual orientation non-discrimination policy and developing avenues of redress for violations of the policy.

The second president was Robert Moosey, who served from 1997 to 2000. In 1997, the Douglas Award was created and the first recipient was Attorney General Reno. 1997 was also the first year DOJ Pride had an informational display in Main Justice, as well as the first organized Pride event in the Great Hall. In 1998, DOJ Pride added the Roemer community service award to its annual awards celebration.

DOJ Pride has also conducted sexual orientation in the workplace educational workshops for EEO counselors and worked to develop (and later improve) the FBI's security clearance screening process regarding issues relating to sexual orientation.

DOJ Pride members have also attended several working and focus groups regarding workplace and diversity studies commissioned by the Department. Jaye Sitton was the third president, Aaron Schuham was the fourth, and Marina Colby presently serves as the fifth DOJ Pride president.

DOJ Pride remains committed to working with the administration to enhance the diversity and quality of the Department's workforce and to serve as a resource as we all work to eliminate prejudice and discrimination against gay men, lesbians, bisexuals and transgender persons in the Department.



THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

NATIONAL GAY AND LESBIAN PRIDE MONTH

Statement by Secretary Norman Y. Mineta

June 2003

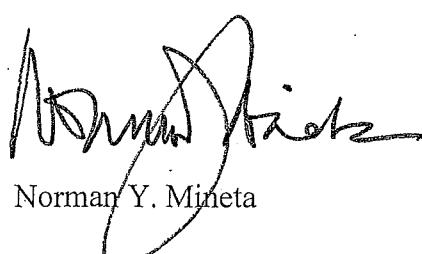
In the past 40 years, our country has discovered a commitment to diversity that for too long had gone unrecognized. As a result, millions of Americans from all backgrounds now are gaining opportunities to succeed, and to contribute to the work of this great Nation.

This month, we mark the contributions made by gay men and lesbians. Forty years ago, they were barred from employment with the Federal Government, a policy copied by many state and local governments and private-sector businesses. They were routinely denied security clearances, and if foreign, they were not even permitted to legally enter the United States, whether as tourists, businesspeople, students or immigrants. Fortunately, this has changed in recent years, unleashing the potential of these men and women to contribute to our economy and our society.

The same is true here at the Department of Transportation, where gay men and lesbians need no longer hide themselves or their families in order to join our mission to keep the American economy moving and help our fellow Americans travel safely. The work we do across the Nation is a cornerstone of America's economic health. We cannot get that job done without the full contributions of every person at DOT.

We have a responsibility to ensure a workplace where every one of our colleagues is treated with dignity and with respect for the talents and energy they bring to the work of the Department. That principle holds true without regard to race, gender, religion, national origin, age, disability, or sexual orientation.

As gay and lesbian Americans have increasingly come forward to speak about their experiences, we have begun to understand with greater clarity the tremendous contributions the gay and lesbian community makes to this Nation – from the sciences, to education, the law, public policy and the arts. Those are the contributions we celebrate during National Gay and Lesbian Pride Month. The theme for Gay and Lesbian Pride Month this year is "The Dawn of a New Day" and, in this spirit, I urge all Department of Transportation employees to reaffirm our departmental commitment to diversity and inclusion.


Norman Y. Mineta



News From: _____

U.S. Senator Russ Feingold

506 Hart Senate Office Building
Washington, D.C. 20510-4904
[REDACTED]

<http://www.senate.gov/~feingold>

Contact: Ari Geller
[REDACTED]

Statement of U.S. Senator Russ Feingold *On DOJ Pride Annual Awards Ceremony*

June 20, 2003

I am honored to join you today in celebrating Gay Pride Month and in recognizing our friends and colleagues who are committed to equal rights for all, regardless of sexual orientation.

Let me first say that it is unfortunate that this event, which is intended to celebrate diversity, is taking place under a cloud of prejudice and bigotry. As an official of the U.S. government, I want you to know that I am outraged that our nation's Department of Justice would deny justice to its own employees.

During his confirmation hearings, the Attorney General repeatedly assured me that he would not tolerate discrimination against any DOJ employee based on sexual orientation, and in response to my question specifically asking whether he would continue to allow DOJ Pride to use Department facilities, the Attorney General said that he had "no intent to treat this group differently than any other."

Last week, after learning of the Department's cancellation of this event, I called and then wrote the Attorney General, demanding an explanation for this turnabout. The Department just responded in writing to me yesterday. The Department asserted what has been reported in the media as its official position: It allows DOJ Pride and all employee organizations to use Department facilities, but does not provide funding for the events.

Obviously, I am not satisfied with this response. DOJ Pride believes that the Department in fact does assist other employee organizations with the expenses of events held at the Department. Furthermore, if this is the Department's policy, then why did it "officially sponsor" the event last year and help with the costs, but

not this year? Congress and the American people expect the Attorney General to fight discrimination and ensure equal treatment and equal protection for all Americans. Mr. Attorney General, there is no place for discrimination anywhere in America, and certainly not at the Department of Justice.

My friends, let us use this event and this month to come together and re-affirm our commitment to saying 'no' to discrimination and saying 'yes' to equality, 'yes' to justice, 'yes' to diversity in Congress, at the Justice Department, and throughout the nation.

I have been a long-time supporter of the Employment Non-Discrimination Act (ENDA). We have waited too long for passage of ENDA, and I hope the Senate takes action on this bill. I also have voted to support Senator Kennedy's hate crimes bill, and I hope that we will have an opportunity to consider this bill this Congress. And when we pass these bills, we will expect the Department of Justice to enforce them.

So, my friends, we have much work to do. It's shameful that the GLBT community still has to fight for basic human rights. I am honored to work with you to demand equal rights, beginning at the Department of Justice. Congratulations to today's award recipients and to all of you for the work that you have done to bring our nation a step closer to liberty and justice for all.

Thank you.

#



DOJ Pride

The Gay, Lesbian, Bisexual, and Transgender Employee Association of the U. S. Department of Justice

October 12, 2007

Dear Senator Feingold:

In anticipation of the confirmation hearings for President Bush's nominee for Attorney General, Michael Mukasey, we are writing to express our concern with the mistreatment of gay, lesbian, bisexual and transgender (GLBT) employees at the Department of Justice and to respectfully request that you ask the nominee what affirmative steps he will take to end this mistreatment.

Under the previous two Attorneys General, the Department has not been a welcoming employer for GLBT individuals.

First, while the Department sponsors yearly commemorative observances recognizing the accomplishments and contributions of various minority groups (*e.g.*, African Americans, Asian Americans, etc.), it refuses to do likewise for GLBT Americans. This is a departure from the Department's practice under Attorney General Janet Reno. The basis for the Department's refusal to sponsor a GLBT commemorative program under the two most recent Attorneys General is an unwritten Department policy that it will not sponsor (*i.e.*, organize and pay for) any kind of commemorative observance in the absence of a Presidential proclamation. Meanwhile, the absence of a Presidential proclamation recognizing the accomplishments and contributions of GLBT Americans has not stopped other federal agencies from sponsoring GLBT commemorative programs.

Second, while the Department permits the GLBT employee group, DOJ Pride, to use Department space to hold events (organized without the assistance of the Department and at DOJ Pride's own expense), it refuses to notify, or allow DOJ Pride to notify, Department employees of these events, under the auspices of its unwritten "no Presidential proclamation" policy. For example, the Department maintains that, in the absence of a Presidential proclamation, DOJ Pride cannot post flyers on the *public* bulletin board in the RFK Main Justice building and the Department will not send out an "all employee" e-mail announcing DOJ Pride events.

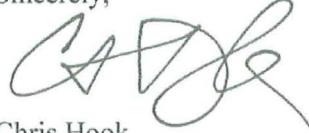
Third, while the law firms and corporations with which the Department is competing for talent are increasingly offering domestic partner benefits, the Department refuses ~~to~~ send a representative to a single job fair targeted to GLBT attorneys, despite the fact that other federal agencies do so and the ~~Department~~ sends representatives to job fairs targeting other groups of minority attorneys.

The message these actions send to current and potential GLBT employees of the Department is painfully clear: You are not welcome here. At a minimum, this message negatively affects the morale of GLBT employees and other fair-minded Department employees. But it has other, far more pernicious, consequences as well. The Department's disdain for its GLBT employees creates an atmosphere of fear and intimidation, in which employees are (by way of examples) unwilling to attend DOJ Pride events or serve on the Board of DOJ Pride for fear of jeopardizing their jobs.

We have attempted to resolve these concerns internally within the Department, to no avail. For this reason, we respectfully request that, as part of the confirmation process, you ask the nominee what concrete steps he will take to end the mistreatment of the Department's GLBT employees and make the Department a place where all employees, regardless of sexual orientation or gender identity, feel valued and welcome.

Thank you for your attention to this important matter.

Sincerely,



Chris Hook
President, DOJ Pride

Gregory Friel
Treasurer

Marc Salans
Secretary

Robert Moossy
Board Member

Caryn Mark
Board Member

Gavin Hilgemeier
Board Member

**U.S. Department of Justice**

Washington, D.C. 20530

JAN 29 2008

Mr. Chris Hook
President, DOJ Pride
U.S. Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530

Dear Mr. Hook:

I am writing in response to DOJ Pride's January 8, 2008 letter to the Attorney General.

I am pleased to let you know that the Justice Management Division's Equal Employment Opportunity Staff will resume Department sponsorship of a DOJ Pride event in the Great Hall this June. Advertising and marketing of that event will be made available consistent with that applied to other sponsored groups. Please contact Vontell D. Frost-Tucker, Director of the EEO Staff, to discuss the arrangements for the event.

In addition, the Department's Office of Attorney Recruitment and Management will send a representative to the Lavender Law Fair in September.

Thank you for your advocacy on behalf of Department employees.

Sincerely,

A handwritten signature in black ink, appearing to read "Mari Barr Santangelo".

Mari Barr Santangelo
Deputy Assistant Attorney General
for Human Resources and Administration



DOJ Pride

The Gay, Lesbian, Bisexual, and Transgender Employee Association of the U. S. Department of Justice

May 12, 2008

Ms. Mari Barr Santangelo
Deputy Assistant Attorney General
Justice Management Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Ms. Vontell Frost-Tucker
Director
Equal Employment Opportunity Staff
Justice Management Division
U.S. Department of Justice
1425 New York Avenue, N.W.
Washington, D.C. 20530

Dear Mses. Santangelo and Frost-Tucker:

Thank you for your efforts to make the Department a place where all employees, regardless of sexual orientation, feel welcome and free from harassment. The Attorney General's equal employment opportunity (EEO) policy, issued earlier this year, is a powerful and eloquent statement of the Department's commitment to diversity and a work environment free from discrimination.

As powerful and eloquent as this message is, however, we are concerned that it is not being heard. Anecdotal evidence suggests that the Attorney General's EEO policy has not been widely distributed within the Department and that too many employees, including managers and supervisors, are unaware of it. A survey of DOJ Pride's membership revealed that only 18 percent of respondents, representing just two components (Civil Rights Division and Environment and Natural Resources Division) and one office (Office of Immigration Litigation in the Civil Division) of the Department, said they received notice of the EEO policy from a manager or supervisor. The remaining 82 percent of respondents, representing 12 different components of the Department and a variety of geographic locations, said they did not receive notice of the policy from a manager or supervisor.

We believe that a logical and critical first step toward fulfilling the Attorney General's promise of a workplace with equal opportunity for all is ensuring that all employees are aware of the Attorney General's EEO policy. Therefore, we urge the Department to distribute the policy to all employees (for example, via an all employee email) and to strongly encourage all employees to read it. The effective implementation of the principles enunciated in the policy – including the promise to hold managers, supervisors and employees "accountable for the successful implementation of . . . Department EEO and diversity programs" – depends upon it.

Thank you for your attention to this important matter. If you have any questions, please do not hesitate to contact me or any other member of DOJ Pride's Board of Directors.

Sincerely,



Marc R. Salans
On behalf of the Board of Directors
DOJ Pride

cc: Board of Directors, DOJ Pride



U.S. Department of Justice

MAY 16 2008

Washington, D.C. 20530

Mr. Marc R. Salans
DOJ Pride
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20543

Dear Mr. Salans:

Thank you for your May 12, 2008, letter sharing your comments and perspectives on the Equal Employment Opportunity (EEO) Policy Statement signed by Attorney General Michael Mukasey in January. I also want to thank you for sharing the results of your survey of DOJ Pride members regarding the statement.

The AG's Policy Statement reflects the Department's continued commitment to the principles of EEO and diversity. It also reiterates DOJ's longstanding policies supporting a workplace free of prohibited discrimination.

As a first step in our effort to make all employees aware of the AG's Policy Statement, it was posted on the internet in January. In addition, the policy was shared with all of DOJ's Component Human Resources and EEO Directors to share and post. Shortly, the EEO Staff will release a "State of the Agency" report that will be presented to all employees. The AG's EEO Policy Statement will be a key element of that report.

The Department will continue to promote a culture that values diversity and fairness and empowers employees to contribute to their fullest potential. A JCON message sharing the statement with all employees will be issued shortly. Thank you for your continued interest. We look forward to working with you and other employee organizations in the future.

Sincerely,

Mari Barr Santangelo
Deputy Assistant Attorney General
for Human Resources and Administration



DOJ Pride

The Gay, Lesbian, Bisexual, and Transgender Employee Association of the U. S. Department of Justice

February 26, 2009

The Honorable Eric H. Holder, Jr.
Attorney General of the United States
U.S. Department of Justice
Washington, D.C. 20530

*"Through its work and through its example this Department of Justice,
as long as I am here, must – and will – lead the nation to the
'new birth of freedom' so long ago promised by our greatest
President. This is our duty and our solemn obligation."*
– Attorney General Eric Holder, February 18, 2009

Dear Attorney General Holder:

On behalf of DOJ Pride, the Department's gay, lesbian, bisexual and transgender (GLBT) employee association, we welcome you back to the Department of Justice. We look forward to working with you to accomplish the Department's mission and to help the Department live up to the promise of its non-discrimination policies.

As you may know, the Department's treatment of its GLBT employees under Attorneys General John Ashcroft and Alberto Gonzales was abysmal. During their respective tenures, the Department made no secret of its disdain for its GLBT employees. Attorney General Ashcroft ended the Department's practice, established under Attorney General Janet Reno, of sponsoring a GLBT Pride month celebration in the Great Hall. Under Attorney General Gonzales, the Department continued its refusal to sponsor a Pride Month celebration and declined our request to send a representative to a career fair for GLBT law students and attorneys. In addition, as detailed in the July 2008 joint Office of Professional Responsibility and Office of the Inspector General report on allegations of politicized hiring by staff in the Office of the Attorney General, sexual orientation discrimination was the basis for adverse personnel decisions made by a high-ranking Department official in 2006. The message these actions sent to current and potential GLBT employees was painfully clear: You are not welcome at the Department of Justice.

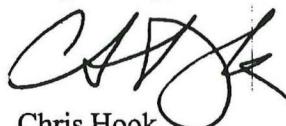
The good news is that, under the leadership of Attorney General Michael Mukasey, the Department began to repair some of the damage caused by the actions of Attorneys General Ashcroft and Gonzales. In June 2008, the Department sponsored, and Attorney General Mukasey spoke at, a GLBT Pride Month celebration in the Great Hall. And in September 2008,

the Department for the first time sent representatives to the Lavender Law Career Fair, a recruitment event for GLBT law students and attorneys.

These steps, as welcome as they were by the Department's GLBT (and GLBT-supportive) employees, cannot undo the harm that seven years of open hostility toward GLBT employees has caused. Too many of the Department's GLBT employees and prospective employees remain fearful that being open about their sexual orientation or gender identity will result in retaliation. Too many feel that they are not being treated fairly or equally. Too many sense that they are still not entirely welcome at the Department.

That is why it is critical that you take additional steps not only to repair the damage that has been done but also to ensure that the Department realizes the full promise of its non-discrimination policies. To that end, we have developed the enclosed action plan which identifies 25 steps the Department should take. We would welcome the opportunity to meet with you to discuss these steps. Like you, we believe it is the Department's duty and obligation to lead by example in this regard.

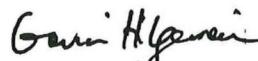
Respectfully,



Chris Hook
President



Stacey Young
Vice President



Gavin Hilgemeier
Secretary



John Elias
Treasurer



Marc Salans
Board Member



Regan Hildebrand
Board Member

Enclosure



DOJ Pride

The Gay, Lesbian, Bisexual, and Transgender Employee Association of the U. S. Department of Justice

April 27, 2009

Mrs. Michelle Obama
c/o Brian Bond, Deputy Director of Public Liaison
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Mrs. Obama:

On behalf of the Board and the membership of DOJ Pride – the U.S. Department of Justice’s lesbian, gay, bisexual and transgender (LGBT) employee association – I am writing to request the honor of your presence as our keynote speaker for the 2009 DOJ Pride Awards Ceremony. The ceremony is currently scheduled for Wednesday, June 10, 2009, at 11 am in the Great Hall of the Robert F. Kennedy Building. Barring any scheduling conflicts, Attorney General Eric Holder is expected to speak.

As you may know, the Department’s treatment of its LGBT employees under recent Attorneys General was abysmal. In 2003, the Department ended its practice of sponsoring a LGBT Pride celebration in the Great Hall and, for the next four years, continuously refused to sponsor Pride celebrations. Moreover, sexual orientation served as a basis for adverse personnel actions made by a high-ranking Department official in 2006. The message these and other actions sent to current and potential LGBT employees was painfully clear: You are not welcome at the Department of Justice.

Fortunately, under the leadership of Attorney General Michael Mukasey, the Department began to repair some of the damage. In June 2008, the Department again sponsored an LGBT Pride celebration in the Great Hall, and Attorney General Mukasey spoke at the event.

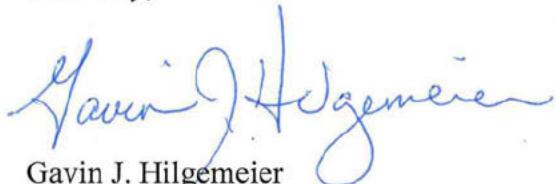
However, these changes could not undo six years of open hostility toward LGBT employees. Today, too many of the Department’s LGBT employees and prospective employees remain fearful that being open about their sexual orientation or gender identity will result in retaliation. Too many feel that they are not being treated fairly or equally. Too many sense that they are still not entirely welcome at the Department.

Luckily, Attorney General Holder has continued this reconciliation process. He recently met with the DOJ Pride Board. After underscoring that sexual orientation discrimination would not be tolerated and appointing a liaison to the Department’s LGBT community, he indicated that he wants to continue working with DOJ Pride in order to make the Department a better place for all employees.

The Pride celebration has great symbolic meaning to the Department's LGBT employees, who would welcome your participation. Both you and the President have repeatedly stressed the importance of equality for all Americans, including the LGBT community. In prior statements, you have discussed the President's successful efforts as an Illinois State Senator to include sexual orientation and gender identity as protected grounds under the Illinois Human Rights Acts, thereby barring discrimination against the LGBT community in housing, the workplace and in public places. You have emphasized his hope that such protections would be afforded to all LGBT Americans. You have discussed the negative impact the Defense of Marriage Act has had on LGBT friends and supporters and emphasized the President's desire to see the Act repealed. Given your and the President's support for LGBT issues, we would be honored to have you as our keynote speaker this June.

If you have any questions or concerns, please feel free to call me at [REDACTED].

Sincerely,

A handwritten signature in blue ink, appearing to read "Gavin J. Hilgemeier".

Gavin J. Hilgemeier
Secretary

U.S. Department of Justice
Justice Management Division
Equal Employment Opportunity Staff

L G B T P r i d e M o n t h



**"What's Past is Prologue:
Honoring Our Past, Forging Our Future"**

11:00 a.m., Wednesday, June 10, 2009

the Great Hall, RFK Building, Main Justice

Washington, DC

HISTORY OF THE AWARDS PRESENTED BY DOJ PRIDE

The Gerald B. Roemer Community Service Award

DOJ Pride confers the Gerald B. Roemer Community Service award to recognize contributions to the Lesbian, Gay, Bisexual and Transgender (LGBT) Community. Established in 1998, the Roemer Award recalls the life of Jerry Roemer, who died in 1997 from complications of AIDS. After receiving his HIV diagnosis, Jerry chose to complete law school and then began a career with the Department of Justice. Commenting on his death, former Attorney General Janet Reno said: "He humanized the experience of living with AIDS, demonstrating courage and hope to all."

The James R. Douglass Award

DOJ Pride confers the James R. Douglass Award to recognize individuals whose efforts have contributed positively to the work-life environment for LGBT employees of the Department. The award, established in 1997, is named in honor of Jim Douglass, a founding member of DOJ Pride, who died in 1996. Jim was an openly Gay, HIV-positive employee of the Justice Management Division for many years of his career in the Federal Government.

HISTORY OF DOJ PRIDE

Founded in 1994, the Department of Justice Pride (DOJ Pride) serves as the recognized organization for all Lesbian, Gay, Bisexual and Transgendered employees working in the Department of Justice's offices, boards and divisions. Over the years, DOJ Pride has worked within the Department of Justice to identify and address key areas affecting its GLBT employees. DOJ Pride also provides an important resource for current and prospective employees. Besides conducting outreach to prospective employees, DOJ Pride sponsors brown-bag lectures featuring experts in the LGBT community discussing issues of importance to DOJ Pride members, such as marriage equality. Finally, through its yearly Pride Month Celebration and Award Ceremony, DOJ Pride has taken an active role in recognizing the work of LGBT supporters inside the Department of Justice, the Federal Government, and the Nation.

U.S. Department of Justice
Justice Management Division
Equal Employment Opportunity Staff

L G B T P r i d e M o n t h



**"What's Past is Prologue:
Honoring Our Past, Forging Our Future"**

11:00 a.m., Wednesday, June 10, 2009

the Great Hall, RFK Building, Main Justice

Washington, DC

The Department of Justice EEO Staff
and DOJ Pride Present:
**“What’s Past is Prologue:
Honoring Our Past, Forging Our Future”**

Recognizing the accomplishments and contributions of
Lesbian, Gay, Bisexual, and Transgender Americans

Opening RemarksChris Hook
President
DOJ Pride



National AnthemPeter Fox
Soloist
Washington Gay Men's Chorus

Introduction of theChris Hook
Attorney General

Welcoming RemarksHonorable Eric H. Holder, Jr.
Attorney General

Introduction of theChris Hook
Keynote Speaker

RemarksJohn Berry
Director
Office of Personnel Management

Presentation of the Gerald B. RoemerLisa Seagraves
Community Service Award to
Dr. Franklin E. Kameny
Chair, Federal Bureau of
Investigation GLBT Advisory
Committee

Presentation of the James R. DouglassStacey Young
Award to Mr. Marc R. Salans
Vice President
DOJ Pride

Closing.....Chris Hook

Dr. Franklin (Frank) Kameny is a GLBT civil rights pioneer. In 1957, Dr. Kameny was dismissed from his position as an astronomer in the Army Map Service in Washington, DC, because of his homosexuality. In 1961, Dr. Kameny argued to the Supreme Court of the United States that a Federal policy calling homosexuals a security risk was "no less odious than discrimination based upon religious or racial grounds." It was the first civil rights claim in a U.S. court based on sexual orientation. Dr. Kameny helped launch the first public protests by gays and lesbians with White House picket line on April 17, 1965. In 1963, Dr. Kameny and the Mattachine Society began a campaign to remove the classification of homosexuality as a mental disorder from the American Psychiatric Association's manual of mental disorders. In 1971, Dr. Kameny became the first openly gay candidate for the Congress of the United States when he ran in the District of Columbia's first election for a non-voting delegate to Congress. Following that election, Dr. Kameny and his campaign organization created the Gay and Lesbian Alliance of Washington, DC. In 2006, Dr. Kameny's papers were acquired by the Library of Congress. In February 2009, Dr. Kameny's home was designated a DC Historic Landmark.



Marc R. Salans works part-time as an Assistant Director in the Office of Attorney Recruitment and Management (OARM), which exercises the Deputy Attorney General's delegated authority over attorney personnel matters, including adjudication of attorney disciplinary actions, Federal Bureau of Investigation's whistleblower claims, and attorney background investigations. Mr. Salans joined OARM in 1994 as an Attorney Advisor, after having worked in private practice and as a Staff Attorney for the United States Court of Appeals for the District of Columbia Circuit. He is a longtime member of DOJ Pride, and has served on its Board since 2005. Mr. Salans' other part-time job is as a parent, with his partner Larry, of 10-year-old twins, Emily and Jonathan, and as Chair of the Diversity Committee at his children's elementary school.



DOJ Pride

The Gay, Lesbian, Bisexual, and Transgender Employee Association of the U. S. Department of Justice

October 21, 2009

Federal Investigative Services Division
U.S. Office of Personnel Management
1900 E Street, N.W.
Room 2H31
Washington, D.C. 20415
Attn: MaryKay Brewer

Jasmeet K. Seehra
OMB Desk Officer
Office of Information and Regulatory Affairs
Office of Management and Budget
New Executive Office Building
725 17th Street, N.W.
Room 10235
Washington, D.C. 20503

Dear Mses. Brewer and Seehra:

Thank you for the opportunity to comment on an information collection request, OMB Control No. 3206-005, for the General Request for the Questionnaire for National Security Positions (SF 86). Our comments are as follows:

(1) The introductory paragraph entitled "Final determination of your eligibility" (page 4 of the revised SF 86) should include a statement that "The United States Government does not discriminate on the basis of race, color, religion, sex, national origin, disability, or sexual orientation in granting access to classified information." E.O. 12968. Unfortunately, anecdotal evidence has come to our attention indicating that lesbian, gay, bisexual and transgender (LGBT) applicants for national security positions with the federal government still are being asked inappropriate questions about their sexual orientation during their background investigations (BIs). As a result, LGBT applicants remain concerned that a final determination of their eligibility for a national security position will be based on their sexual orientation. A statement that the government does not discriminate on the basis of sexual orientation (among others) in granting access to classified information would help alleviate those concerns.

(2) Section 6 seeks information about the applicant's mother's maiden name. It is not clear why this information is needed for the purpose of conducting a BI, but assuming it is needed, we think the question does not take into account the variety of family structures that exist today: families with two fathers, families with two mothers (which mother's maiden name should be listed?), etc. If the information is needed, it should be elicited in Section 18, where the applicant has the choice to indicate whether or not he/she has a mother, or more than one mother (in which case maiden names could be provided for both).

(3) The revised SF 86 distinguishes between married applicants and unmarried applicants. The latter are lumped into the category "cohabitant" (see Section 17). The form fails to adequately recognize that some LGBT applicants who are unable to marry enter into state-sanctioned civil unions and domestic partnerships. To describe as a "cohabitant" the individual with whom an applicant has entered into such a union or partnership is demeaning. We suggest that Section 17a be revised to ask the applicant to indicate whether he/she has ever entered into a civil marriage, civil union or domestic partnership. (Thus, the applicant should be asked to indicate his/her status as follows: never entered into a civil marriage, civil union or domestic partnership; entered into a civil marriage, civil union or domestic partnership; separated; annulled; divorced; or widowed.) We recommend that, throughout Section 17a, the term "spouse" be changed to "spouse or civil union/domestic partner," the term "married" be changed to "entered into civil marriage, civil union or domestic partnership," and the term "marriage" be changed to "civil marriage, civil union, or domestic partnership."

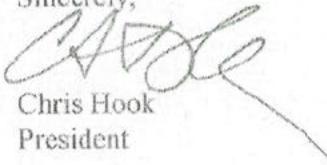
Moreover, we note that Section 17a asks the applicant to indicate whether he/she has been married and then tells the applicant: "If you answered 'Never married,' proceed to Section 18." However, Section 17b seeks information about the applicant's "cohabitant," which the applicant will not provide if directed to "proceed to Section 18." The sentence in question should be revised to state: "If you answered 'Never entered into civil marriage, civil union or domestic partnership' proceed to Section 17b."

(4) We propose that the references to "spouse" in the introductory paragraph entitled "Investigative Process" (page 2 of revised SF 86), as well as in Sections 16, 19, 20a & b (definition of "immediate family" only) and 22, be revised to state "spouse or civil union/domestic partner."

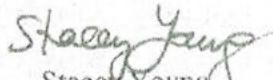
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We appreciate the opportunity to comment on the proposed changes to the SF 86. If you have any questions about our comments, please contact DOJ Pride Board of Directors member Marc Salans at [REDACTED] or [REDACTED].

Sincerely,

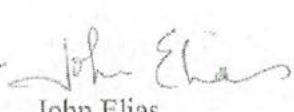


Chris Hook
President



Stacey Young

Stacey Young
Vice President



Gavin Hilgemeier John Elias

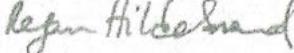
Gavin Hilgemeier
Secretary

John Elias
Treasurer



Marc Salans

Marc Salans
Board Member



Regan Hildebrand

Regan Hildebrand
Board Member



David Knight

David Knight
Board Member



DOJ Pride

The Lesbian, Gay, Bisexual, and Transgender Employee Association of the U.S. Department of Justice

February 18, 2010

The Honorable Eric H. Holder, Jr.
Attorney General of the United States
U.S. Department of Justice
Washington, D.C. 20530

Dear Attorney General Holder:

One year ago, we contacted you and relayed DOJ Pride's concerns about the Department of Justice's past treatment of its lesbian, gay, bisexual and transgendered (LGBT) employees. During our meeting with you, we presented twenty-four steps that needed to be taken in order to ensure that the Department realizes the full promise of its non-discrimination policies.

In the ensuing year, a small fraction of those steps have come to fruition:

- DOJ Pride has liaisons with the Department's leadership offices: Aaron Lewis in your office and Stuart Delery in the Deputy Attorney General's office.
- Tony West, Assistant Attorney General for the Civil Division, recently expanded the list of approved educational and professional development opportunities to include LGBT conferences. Also, the Civil Division has taken recent steps to include information about all of the Department's affinity groups in its new hire orientation packets.
- The Office of Attorney Recruitment and Management (OARM) has included similar information in its presentation materials for law students considering employment with the Department.
- The Department, following the State Department's lead, extended benefits to same-sex partners of DOJ employees working overseas.
- Pursuant to President Obama's directive, the Department identified discretionary benefits that could be extended to LGBT employees and forwarded a list of such benefits to the Office of Personnel Management

Other positive developments include the appointment of openly lesbian U.S. Attorney

Jenny Durkan and U.S. Marshal Sharon Lubinski, and, after some early missteps, the removal of language offensive to the LGBT community from subsequent briefs the Department filed in the Smelt v. United States case.

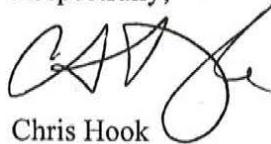
Unfortunately, progress in other areas has been inadequate, slow or lacking. For your reference, we have enclosed our original submission with this letter and note that we are still awaiting movement on the following areas:

- Expanding the Department's non-discrimination policy to include gender identity and expression and amending the Code of Federal Regulations accordingly. All components, bureaus and divisions must incorporate this policy into their human resources and EEO manuals, new employee orientation materials, sexual harassment policies and grievance procedures.
- Implementing the results of the review of the Department's discretionary benefits to ensure that they do not discriminate on the basis of sexual orientation or marital status.
- Implementing workplace sensitivity training.
- Training EEO staff in counseling and investigating complaints of sexual orientation and gender identity or expression discrimination; collecting statistics on the number of complaints and their resolution, including any remedy.
- Adopting policies to exclude employees with documented biases from hiring decisions.
- Prohibiting gender identity and expression from factoring into security clearances.
- Providing Department-wide official recognition and financial support to LGBT groups, including those in the Bureaus, on parity with other employee groups.
- Allowing openly LGBT employees to self-identify on internal surveys and collecting statistics on LGBT hiring and promotions. This is a new suggestion, resulting from our research into how best to implement some of our previous suggestions.
- Following the Civil Division's lead, having other components expand the list of approved educational and professional development opportunities to include LGBT conferences.
- Also following the Civil Division's lead, including information about all of the Department's affinity groups in new hire orientation packets.

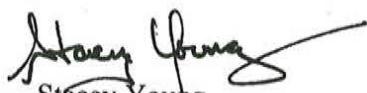
The Board appreciates that you have listened to and responded in part to our concerns. While limited progress has been made, we believe that the Department needs to take swift action

on the remaining items identified by the Board if the Department is to live up to the promise of its non-discrimination polices. We look forward to hearing from you and continuing the relationship we have developed over the last year.

Respectfully,



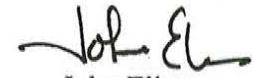
Chris Hook
President



Stacey Young
Vice President



Gavin Hilgemeier
Secretary



John Elias
Treasurer



Marc Salans
Board Member



Regan Hildebrand
Board Member



David W. Knight
Board Member

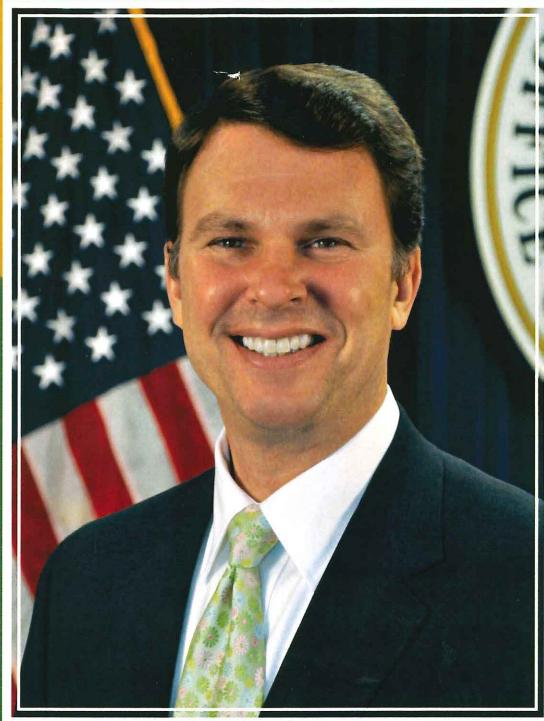
cc: Aaron Lewis
Stuart Delery
Chad Golder
Matt Nosanchuk

Enclosure



OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY AFFAIRS
LESBIAN, GAY, BISEXUAL AND TRANSGENDER
PRIDE MONTH

June 16, 2010, 10:00 a.m. FBIHQ Bonaparte Auditorium



John Berry
Director
Office of Personnel Management

Liberty and Justice For All . . . All People Are Created Equal

John Berry
Director
Office of Personnel Management

John Berry is the Federal Government's Chief People Person. As the Director of the United States Office of Personnel Management, he is responsible for recruiting, hiring, and setting benefits policies for 1.9 million Federal civilian employees. Calling this a new day for the civil service, he is reinvigorating the Federal workforce to meet the challenges of the 21st century.

John is working closely with partners both inside and outside of government to fulfill President Obama's charge to "make government cool again" by developing flexible, results-oriented HR policies and working to change how Americans view their public servants. His goal: build a workforce of dynamic innovators who put serving the American people at the heart of everything they do.

With over twenty years of experience in the Federal government, Berry is a passionate and aggressive advocate for public service and Federal workers. He first developed expertise in Federal employee and retirement issues during ten years as Legislative Director for Congressman Steny Hoyer of Maryland, now the Majority Leader.

During the Clinton Administration, Berry served as Deputy Assistant Secretary and Acting Assistant Secretary for Law Enforcement at the Department of the Treasury, where he had direct-line authority over 40% of the Federal law enforcement community, including the Secret Service and the ATF. He then served as Assistant Secretary for Policy, Management and Budget at the Department of the Interior.

From 2001 to 2008, Berry pursued his interest in conservation as Director of the National Fish and Wildlife Foundation and then as Director of the National Zoo. Berry lives in Washington, DC with his partner, Curtis Yee. He graduated summa cum laude from the University of Maryland with a bachelor's degree in government and politics. In 1981, he earned a master's degree in public administration from Syracuse University.

OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY AFFAIRS

Lesbian, Gay, Bisexual and Transgender Pride Month

June 16, 2010

10:00 a.m.

FBIHQ Bonaparte Auditorium

Welcome/Introduction Ms. Veronica Venture
Equal Employment
Opportunity Officer
Office of Equal Employment
Opportunity Affairs

Remarks/Introduction Mr. Robert S. Mueller, III
Director, FBI

Keynote Speaker The Honorable John Berry
Director, Office of Personnel
Management

Presentation Mr. Robert S. Mueller, III
Director, FBI

Closing Remarks Ms. Lynn C. Hoffman
Program Manager, Lesbian,
Gay, Bisexual and Transgender
Program
Office of Equal Employment
Opportunity Affairs

LESBIAN, GAY, BISEXUAL, AND TRANSGENDER PRIDE MONTH, 2010
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

As Americans, it is our birthright that all people are created equal and deserve the same rights, privileges, and opportunities. Since our earliest days of independence, our Nation has striven to fulfill that promise. An important chapter in our great, unfinished story is the movement for fairness and equality on behalf of the lesbian, gay, bisexual, and transgender (LGBT) community. This month, as we recognize the immeasurable contributions of LGBT Americans, we renew our commitment to the struggle for equal rights for LGBT Americans and to ending prejudice and injustice wherever it exists.

LGBT Americans have enriched and strengthened the fabric of our national life. From business leaders and professors to athletes and first responders, LGBT individuals have achieved success and prominence in every discipline. They are our mothers and fathers, our sons and daughters, and our friends and neighbors. Across my Administration, openly LGBT employees are serving at every level. Thanks to those who came before us—the brave men and women who marched, stood up to injustice, and brought change through acts of compassion or defiance—we have made enormous progress and continue to strive for a more perfect union.

My Administration has advanced our journey by signing into law the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act, which strengthens Federal protections against crimes based on gender identity or sexual orientation. We renewed the Ryan White CARE Act, which provides life saving medical services and support to Americans living with HIV/AIDS, and finally eliminated the HIV entry ban. I also signed a Presidential Memorandum directing hospitals receiving Medicare and Medicaid funds to give LGBT patients the compassion and security they deserve in their time of need, including the ability to choose someone other than an immediate family member to visit them and make medical decisions.

In other areas, the Department of Housing and Urban Development (HUD) announced a series of proposals to ensure core housing programs are open to everyone, regardless of sexual orientation or gender identity. HUD also announced the first ever national study of discrimination against members of the LGBT community in the rental and sale of housing. Additionally, the Department of Health and Human Services has created a National Resource Center for LGBT Elders.

Much work remains to fulfill our Nation's promise of equal justice under law for LGBT Americans. That is why we must give committed gay couples the same rights and responsibilities afforded to any married couple, and repeal the Defense of Marriage Act. We must protect the rights of LGBT families by securing their adoption rights, ending employment discrimination against LGBT Americans, and ensuring Federal employees receive equal benefits. We must create safer schools so all our children may learn in a supportive environment. I am also committed to ending "Don't Ask, Don't Tell" so patriotic LGBT Americans can serve openly in our military, and I am working with the Congress and our military leadership to accomplish that goal.

As we honor the LGBT Americans who have given so much to our Nation, let us remember that if one of us is unable to realize full equality, we all fall short of our founding principles. Our Nation draws its strength from our diversity, with each of us contributing to the greater whole. By affirming these rights and values, each American benefits from the further advancement of liberty and justice for all.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2010 as Lesbian, Gay, Bisexual, and Transgender Pride Month. I call upon all Americans to observe this month by fighting prejudice and discrimination in their own lives and everywhere it exists.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of May, in the year of our Lord two thousand ten, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

U.S. Department of Justice
Justice Management Division
Equal Employment Opportunity Staff

L G B T P r i d e M o n t h



“Serving Openly, With Pride”

11:00 a.m., Monday, June 21, 2010

The Great Hall, RFK Building, Main Justice

Washington, DC

HISTORY OF THE AWARDS PRESENTED BY DOJ PRIDE

The Gerald B. Roemer Community Service Award

DOJ Pride confers the Gerald B. Roemer Community Service Award to recognize contributions to the Lesbian, Gay, Bisexual and Transgender (LGBT) Community. Established in 1998, the Roemer Award recalls the life of Jerry Roemer, who died in 1997 from complications of AIDS. After receiving his HIV diagnosis, Jerry chose to complete law school and then began a career with the Department of Justice. Commenting on his death, former Attorney General Janet Reno said: "He humanized the experience of living with AIDS, demonstrating courage and hope to all."

The James R. Douglass Award

DOJ Pride confers the James R. Douglass Award to recognize individuals whose efforts have contributed positively to the worklife environment for LGBT employees of the Department. Established in 1997, this award is named in honor of Jim Douglass, a founding member of DOJ Pride, who died in 1996. Jim was an openly Gay, HIV-positive employee of the Justice Management Division for many years of his career in the Federal Government.

HISTORY OF DOJ PRIDE

Founded in 1994, the Department of Justice Pride (DOJ Pride) serves as the recognized organization for all Lesbian, Gay, Bisexual and Transgender employees working in the Department of Justice's Offices, Boards and Divisions. Over the years, DOJ Pride has worked within the Department of Justice to identify and address key areas affecting its LGBT employees. DOJ Pride also provides an important resource for current and prospective employees. Besides conducting outreach to prospective employees, DOJ Pride sponsors brown-bag lectures featuring experts in the LGBT community discussing issues of importance to DOJ Pride members, such as marriage equality, adoption, and LGBT history. Finally, through its yearly Pride Month Celebration and Award Ceremony, DOJ Pride has taken an active role in recognizing the work of LGBT supporters inside the Department of Justice, the Federal Government, and the Nation.

U.S. Department of Justice
Justice Management Division
Equal Employment Opportunity Staff

L G B T P r i d e M o n t h



"Serving Openly, With Pride"

11:00 a.m., Monday, June 21, 2010

The Great Hall, RFK Building, Main Justice

Washington, DC

The Gerald B. Roemer Community Service Award



David A. Catania was elected in 1997 for an At-Large seat on the District of Columbia Council. Since that time, he has been re-elected three times-in 1998, 2002, and 2006. In 2009, he became the architect and driving force behind the fight to secure equal marriage rights for all District residents, including gays and lesbians. On March 3, 2010, marriage equality became a reality in the District, continuing the city's long tradition as leader on issues of equality and human rights. Councilmember Catania is a graduate of Georgetown University (GU), where he earned a B.S. from the School of Foreign Service in 1990 and a J.D. from the GU Law Center in 1993.



Douglas F. Gansler was elected in 2006 as Maryland's 44th Attorney General. In 2008, he received the Ally for Equality Award for being the first statewide elected official in Maryland to support marriage equality. On February 24, 2010, Mr. Gansler declared that Maryland would recognize same-sex marriages performed elsewhere and that its agencies should immediately begin affording gay married couples the same rights as heterosexual ones. Prior to becoming Attorney General, Mr. Gansler served as State's Attorney for Montgomery County, Maryland, and as an Assistant United States Attorney for the District of Columbia. Mr. Gansler received his law degree from the University of Virginia School of Law. He graduated cum laude from Yale University.

The James R. Douglass Award



Chris Hook joined the Department of Justice through the Presidential Management Fellows program in 2004. He has worked for the Drug Enforcement Administration and is currently a Budget Analyst on the JMD Budget Staff overseeing the budgets for the U.S. Attorneys, the National Security Division, and INTERPOL-Washington. Since being elected President of DOJ Pride in 2006, he has instituted monthly brownbag lunches, doubled the membership through outreach, created a new web presence, and heralded the return of the June Pride event to the Great Hall. Additionally, he serves on the Attorney General Diversity Action Plan Working Group and the Department's Council of Employee Organizations. Mr. Hook holds both a B.A. and an M.A. from Case Western Reserve University.

The Department of Justice, JMD EEO Staff and DOJ Pride Presents:

"Serving Openly, With Pride"

Recognizing the accomplishments and contributions of Lesbian, Gay, Bisexual, and Transgender Americans

Welcome**Christopher L. Hook, JMD**
Budget Analyst

National Anthem**Peter Fox, Vocal Soloist**

Remarks**Eric H. Holder Jr.**
Attorney General

Introduction of Keynote Speaker**Thomas E. Perez**
Assistant Attorney General
Civil Rights Division

Keynote Remarks**Jenny A. Durkan**
U.S. Attorney
Western District of Washington

Introduction of Keynote Speaker**Amy Klobuchar**
U.S. Senator, Minnesota

Keynote Remarks**Sharon Lubinski**
U.S. Marshal for Minnesota

Presentation of Awards**Marc R. Salans, OARM**
Assistant Director

Gerald B. Roemer Community Service Award**Douglas F. Gansler**
Attorney General, Maryland
David A. Catania
D.C. Councilmember, At-Large

James R. Douglass Award**Christopher L. Hook**



DOJ Pride

The Organization of Lesbian, Gay, Bisexual, and Transgender Employees of the U.S. Department of Justice

November 17, 2010

The Honorable Eric Holder
Attorney General of the United States
U.S. Department of Justice
Washington, DC 20530

Dear Attorney General Holder:

We very much appreciate that you and your staff are engaging in frank, open and ongoing conversations with DOJ Pride regarding issues affecting LGBT employees of the Department. In the spirit of honest and full disclosure, we believe we must share with you the personal disappointment of many DOJ Pride members regarding the Department's defense of the Defense of Marriage Act (DOMA) and the "Don't Ask Don't Tell" (DADT) policy of the military, laws that federal courts have found unconstitutional. This personal disappointment has hurt morale and created feelings of mistrust. Moreover, the continuing lack of domestic partner benefits further impedes the Department's ability to create a work environment where all employees feel equally valued, and negatively impacts the ability of the Department to recruit and retain the best and brightest employees.

In search of a way forward, we propose the following as initial steps toward restoring the trust of LGBT employees in the Department's leadership, enhancing morale, and positioning the Department to compete with law firms and corporations for the best talent. First, we ask you to more fully explain the Department's understanding of its institutional obligations with respect to these laws. Our members have heard reports which conflict with the Department's statement that its longstanding practice is to defend federal statutes when they are challenged in court, including discussions of the Department's decision to decline to pursue an appeal of litigation concerning the constitutionality of restrictions on advertising in the Washington Metro system and of Attorney General Reno being directed not to defend a 1996 law requiring expulsion from the military of its HIV-positive members. The Department's explanations to date have left many of our members with unanswered questions. We believe the best way to resolve these questions is to allow our members to pose direct questions at a town hall-style event where the leadership can give a more comprehensive articulation of the Department's reasoning.

Second, we ask you to outline how the Department is working to obtain equal benefits for all of its employees. We urge the Department to advocate on behalf of the bipartisan Domestic Partnership Benefits and Obligations Act (DPBO). DPBO would allow the Federal government and the Department to provide benefits to its LGBT employees that are now standard at most law firms and Fortune 500 companies. Equal benefits for all employees would raise morale, improve recruiting and retention, and create a more equitable workplace by removing a significant financial burden on LGBT employees and their families.

Again, we very much appreciate your focus on LGBT issues and willingness to hear our concerns. We look forward to working with you to ensure that all employees of the Department, including LGBT employees, are respected and given an equal opportunity to thrive.

Respectfully,



Marc Salans
President



Gavin J. Hilgemeier
Vice President



Melissa Schraibman
Secretary



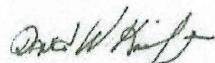
Chris Hook
Treasurer



John Elias
Board Member



Regan Hildebrand
Board Member



David W. Knight
Board Member

cc: Tony West, Assistant Attorney General, Civil Division
Ronald Weich, Assistant Attorney General, Office of Legislative Affairs
Aaron Lewis, Counsel to the Attorney General
Stuart Delery, Associate Deputy Attorney General
Matt Nosanchuk, Senior Counselor, Civil Rights Division



DOJ Pride

The Association of Lesbian, Gay, Bisexual, Transgender Employees of the U. S. Department of Justice and Their Allies

February 24, 2011

MEMORANDUM

TO: Ignacia Moreno
Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice

FROM: DOJ Pride Board of Directors

SUBJECT: Summary of Results of Survey of ENRD Employees
Regarding the Work Environment for LGBT Employees

In the summer of 2010, the Environment and Natural Resources Division (ENRD or Division) – which is ranked by the Partnership for Public Service as the top federal agency “subcomponent” in terms of employee satisfaction, and the top Department of Justice “subcomponent” in terms of support for diversity -- conducted an online survey of its employees to gauge the workplace environment for lesbian, gay, bisexual and transgender (LGBT) employees within the Division. The survey was sent to all of the Division’s employees and 28% of them participated. Approximately 11% of respondents identified as LGBT.

On the whole, the survey results were very positive. They confirmed that the respondents – regardless of their sexual orientation – overwhelmingly would recommend their particular Section to a friend and believe their Section values differences and has an open and accepting work environment. The vast majority of respondents is aware that ENRD policy protects employees on the basis of their sexual orientation and the vast majority also believes that employees follow the policy as it relates to LGBT individuals.

The results also identify areas of needed improvement. Specifically, the survey found that:

- Nearly one in four respondents (24%) believes that enforcement of ENRD’s policy protecting employees on the basis of their sexual orientation depends on the supervisor’s own feelings toward LGBT individuals.

- A sizable portion (44%) of LGBT respondents either believes their Section has not done enough or does not know if their Section has done enough to create a supportive environment for LGBT employees.
- More than half (54%) of LGBT respondents are not “out of the closet”¹ to anyone in their Section or out to only a few; nearly 1 in 5 are completely closeted at work.
- When asked to provide reasons why they are not comfortable being out at work, more than half of LGBT respondents (54%) said their sexual orientation or gender identity “is nobody’s business,” 40% said they feared the possibility of making others feel uncomfortable, 35% said they feared the possibility of being stereotyped, and 35% said they feared losing connections or relationships with co-workers (multiple answers were allowed).
- 1 in 4 (25 %) said they feared being out at work would result in their not being considered for advancement or development opportunities.
- Two-thirds of LGBT respondents would be willing to identify themselves *by name* as LGBT for the purpose of allowing ENRD to measure the recruitment, retention and advancement of its LGBT employees. The one transgender respondent would hesitate to do so, however, until discrimination (a concept that is broader than harassment) on the basis of gender identity is outlawed.

In light of these findings, we recommend that ENRD take the following steps to ensure that its workplace is as supportive and affirming of its LGBT employees as possible and provides an equal opportunity for LGBT employees to succeed at their jobs:

- In addition to the existing anti-harassment policy, adopt an EEO/non-discrimination policy similar to the Civil Rights Division’s policy that explicitly references gender identity as well as sexual orientation.
- Make supervisors accountable for the even-handed enforcement of those policies and make clear to supervisors that enforcement is not optional depending on the supervisor’s personal views about sexual orientation and gender identity.
- Consistently and regularly communicate to all employees, through a variety of means, that the Division supports its LGBT workforce and what steps it is taking or has taken to create an inclusive work environment for LGBT employees.
- Conduct appropriate training to educate employees about gender identity and sexual orientation issues in the workplace.
- Ensure that LGBT employees who wish to “come out” to their coworkers and supervisors are comfortable doing so, for example, by instituting a “Safe Space Program” whereby any employee who has received the appropriate training can affix a special sticker to his/her door or in his/her office as an outward sign that the employee is supportive of his/her LGBT colleagues.

¹ “Out of the closet” is a figure of speech used to describe LGBT individuals who have disclosed their sexual orientation or gender identity.

- Educate employees about the importance of bringing their “whole” or “authentic” selves to work.
- Allow those LGBT employees who wish to do so to self-identify, and use that information to measure the recruitment, retention and advancement of LGBT employees.
- Conduct a more in-depth workplace climate survey to evaluate whether it is providing equal opportunity for all employees and applicants, regardless of sexual orientation, in the areas of training and development, coaching and mentoring, advancement and leadership, and recruitment. *See, e.g.*, Minority Corporate Counsel Association, *The New Paradigm of LGBT Inclusion: A Recommended Resource for Law Firms* at 63-65 (2010), http://www.mcca.com/_data/global/images/2010_LavBook_%20Final.pdf.

ENRD has rightfully earned a reputation for being an employer of choice for those who value diversity and inclusion in the workplace. DOJ Pride applauds ENRD for being the first Department component to conduct a survey to gauge the workplace environment for LGBT employees, and we view its willingness to do so as a sign that ENRD’s leadership is committed to maintaining a work environment that nurtures all employees equally, regardless of sexual orientation or gender identity. DOJ Pride stands ready to assist in any way it can as ENRD continues to strive to live up, to the fullest extent possible, to the promise of the Department’s non-discrimination policy. Please do not hesitate to contact DOJ Pride President Marc Salans at [REDACTED] or [REDACTED], or DOJ Pride Vice President (and ENRD employee) Gavin Hilgemeier at [REDACTED] or [REDACTED], with any questions you may have.

Attachment

APPENDIX

Background

In the summer of 2010, at DOJ Pride's urging, ENRD became the first Division within the Department of Justice to poll its employees regarding the work environment for lesbian, gay, bisexual and transgender (LGBT) individuals. *See* attachment. The stated purpose of the survey was to "allow DOJ Pride to determine how LGBT-friendly and inclusive ENRD's workplace is and where ENRD should focus to improve and/or maintain its current work environment."

The online survey consisted of 14 questions, half of which were designed to be answered only by respondents who identified as LGBT (in other words, LGBT respondents answered all 14 questions; non-LGBT respondents answered only seven questions). The survey was sent out via e-mail by ENRD management and the results provided for DOJ Pride's eyes only, to address potential privacy concerns. To further address potential privacy concerns and ensure the greatest participation, the survey was anonymous and confidential. Participants were told that DOJ Pride would "share the results of the survey with ENRD management only to the extent necessary to help management understand and address the unique challenges faced by LGBT employees."

Results of Survey

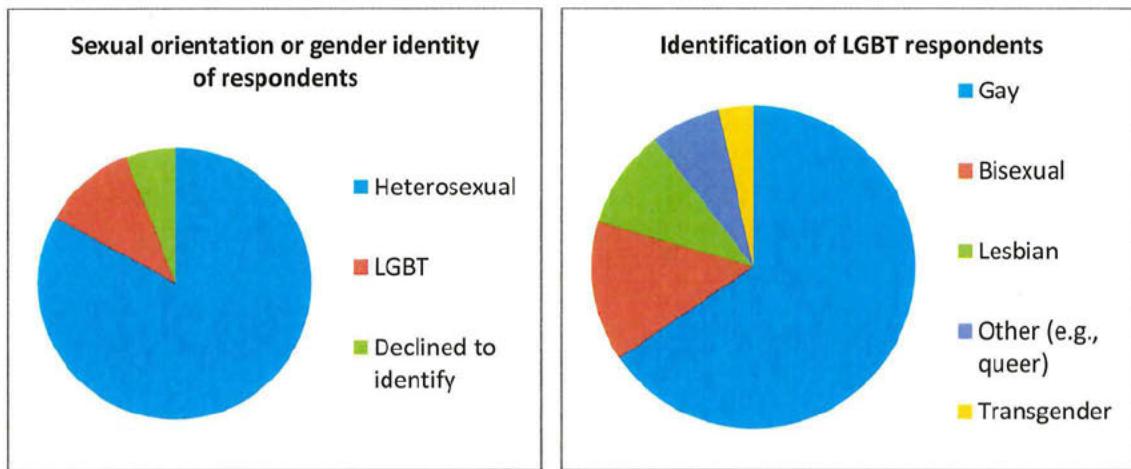
A. Response rate and demographics

The response rate was 276 out of a potential 697 (28%). According to ENRD Executive Office employees, this is an excellent rate of return compared to other employee surveys conducted by ENRD. This may be a reflection of the significance and relevance of the survey's subject matter to ENRD employees.

Responses came from all sections within ENRD; more than half of the respondents (55%) were employed in the two largest components (Environmental Enforcement, and Natural Resources).

Eighty-three percent of respondents identified as heterosexual, 11 % as LGBT, and 6% declined to provide their sexual orientation or gender identity. Overall, gay men represented 7% of all respondents, bisexuals represented 1%, lesbians represented 1%, transgender individuals represented 0.5%, and individuals identifying as "other" (for example, "queer") represented 0.5%.¹ LGBT respondents were present in every Section, except the AAG's office.

¹ "Queer" is an umbrella term that includes lesbian, gay, bisexual, transgender and intersex individuals.



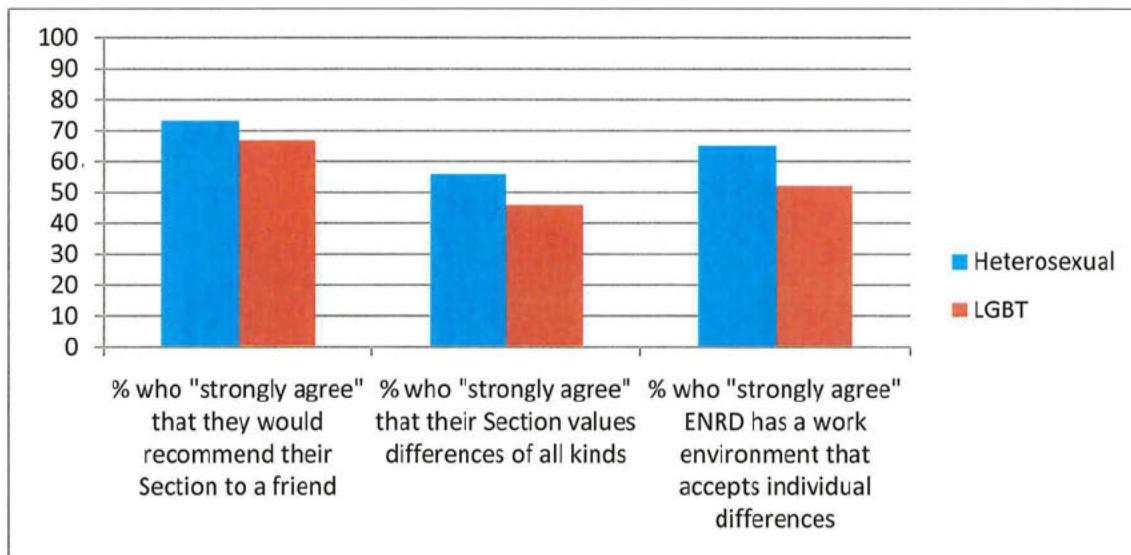
Of the 29 respondents who identified themselves as LGBT, 19 (65.5%) identified as gay, 4 (14%) as bisexuals, 3 (10%) as lesbians, 2 (7%) as “other,” and 1 (3.5%) as transgender. (Seventeen more respondents declined to identify their sexual orientation or gender identity, raising the possibility that the percentage of LGBT respondents was, in fact, much higher.) Most striking, perhaps, is the low number of respondents who identified as lesbian. The survey does not reveal the reason for this low number, however. It could be because there are few lesbians employed by ENRD, because few lesbians chose to participate in the survey, because few lesbians were comfortable self-identifying in the survey, or because lesbian respondents identified themselves under the umbrella term “gay” rather than the more specific term “lesbian.”

B. Questions answered by all respondents (LGBT and non-LGBT)

Respondents overwhelmingly agree that ENRD is a great place to work and one that is accepting of, and values, diversity. Ninety-five percent “agree” or “strongly agree” that they would recommend their Section to a friend seeking employment; 96% “agree” or “strongly agree” that their Section values differences of all kinds, including sexual orientation and gender identity/expression; and 98% “agree” or “strongly agree” that ENRD has a work environment that is open and accepting of individual differences. These findings are consistent with those of the Partnership for Public Service, which, in its 2010 rating of the best places to work in the federal government, ranked ENRD as the #1 federal agency “subcomponent” in terms of employee satisfaction, and the # 1 Department “subcomponent” in terms of support for diversity. See 2010 Best Places to Work in the Federal Government Rankings, <http://bestplacetowork.org/BPTW/rankings/>.

Still, LGBT respondents were somewhat less enthusiastic about the work environment than their heterosexual counterparts. LGBT respondents “strongly agree[d]” with the following statements to a lesser degree than their heterosexual colleagues:

- I would not hesitate to recommend this Section to a friend seeking employment (67% vs. 73%);
- This Section values differences in age, gender, sexual orientation, gender identity and expression, and race or ethnicity (46% vs. 56%); and
- We have a work environment that is open and accepts individual differences (52% vs. 65%).



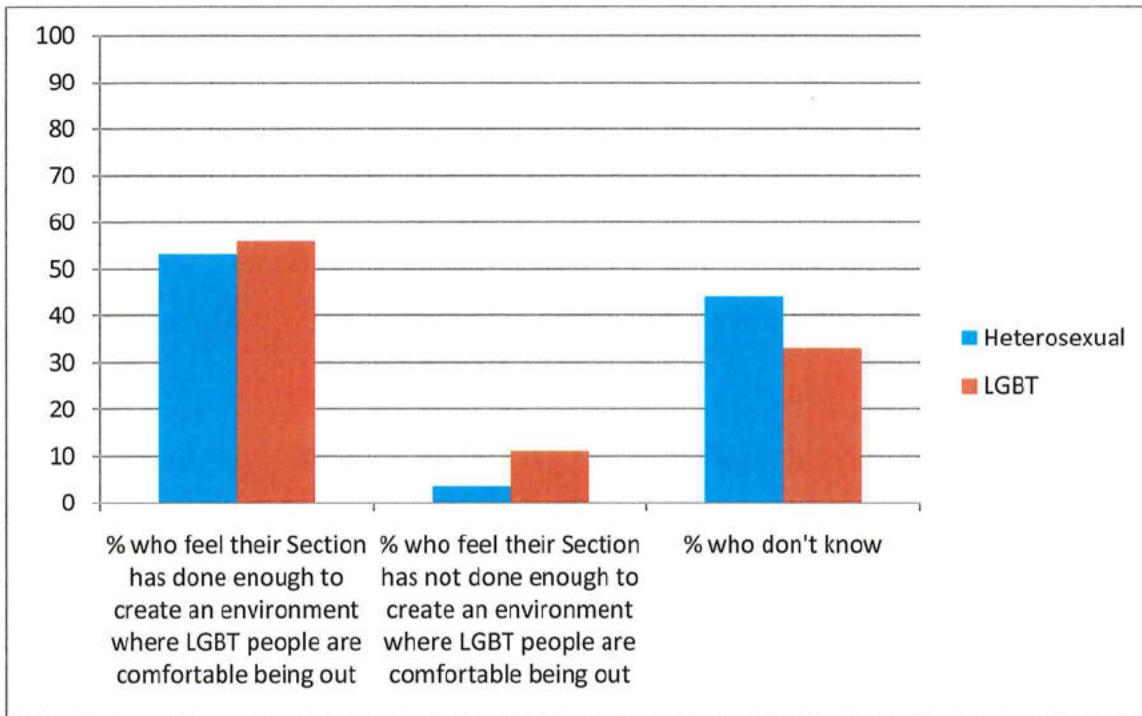
When asked how they would respond if they heard someone make an anti-LGBT comment at work, 53% said they would take some action (confront the person, or bring it to the attention of a supervisor or human resources), 47% answered "other," and 30% said they would ignore it or let it go. (Percentages for this question add to more than 100% because multiple answers were allowed.) Many of those who selected "other" indicated that their response would depend on the context and severity of the comment. A handful of respondents stated their response would depend on the position of the person making the comment. One stated that if s/he heard the comment from a supervisor or superior, s/he would probably ignore it and let it go; another stated that his/her response would depend "on the position of the person making the comment relative to my own."

Thirteen percent of respondents indicated that anti-LGBT comments are never made at work. A closer look at the numbers reveals that LGBT respondents are more than two times as likely (25%) as heterosexual respondents (10%) to believe that no one makes anti-LGBT comments at work. This suggests that, when anti-gay comments are made at work, they are often made out of earshot of LGBT employees.

Approximately 87% of respondents were aware that ENRD policy protects employees on the basis of their sexual orientation.² Almost every employee—including every LGBT employee—“strongly agreed” or “somewhat agreed” that employees in his/her Section follow the policy as it relates to LGBT individuals. Eighty-one percent of heterosexual respondents “strongly agreed” with that statement, compared to 63% of LGBT respondents. Importantly, nearly one in four respondents (24%) believed that enforcement of the policy with respect to LGBT employees depends on the supervisor’s own feelings toward LGBT individuals.

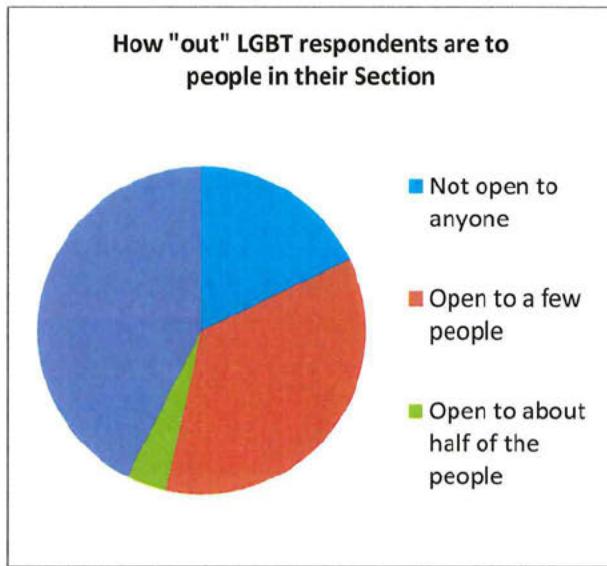
Overall, few respondents (5%) felt that their Section had not done enough to create an environment where LGBT people are comfortable being open about their personal lives. Still, LGBT respondents were more than three times as likely as heterosexual respondents (11 % vs. 3.5%) to say their Section had not done enough in this regard. A significant portion of respondents (42%) – including a significant portion of LGBT respondents (33%) – said they did not know whether their Section had done enough in this regard. In sum, while more than half of LGBT respondents (56%) believed their Section had done enough to create a supportive environment for LGBT employees, a sizable portion (44%) believed their Section had either *not* done enough or did not know if their Section had done enough.

² The survey incorrectly stated that ENRD has a “non-discrimination” policy that prohibits discrimination on the basis of sexual orientation. Technically speaking, ENRD does not have a non-discrimination policy, and we must therefore acknowledge the possibility that some respondents may have said they were unaware of the Division’s non-discrimination policy because it does not, in fact, have one. Rather, the Division has an anti-harassment policy which, since at least 2007, prohibits harassment related to a person’s sexual orientation (among other protected bases). The day after Division employees were first invited to participate in DOJ Pride’s online survey, but while the survey was still active, the Division issued an anti-harassment policy statement which added gender identity to the list of protected bases. It bears noting that anti-harassment and non-discrimination are different concepts. Anti-harassment policies do not protect employees from a supervisor who -- without engaging in harassing conduct (which the policy states “may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, unwelcome sexual advances or touching, intimidation, ridicule or mockery, insults or put-downs, or display of offensive objects or pictures) -- fires an employee because that employee is LGBT, or declines to promote, provide training to, or assign certain types of cases to an employee because of the employee’s sexual orientation or gender identity.

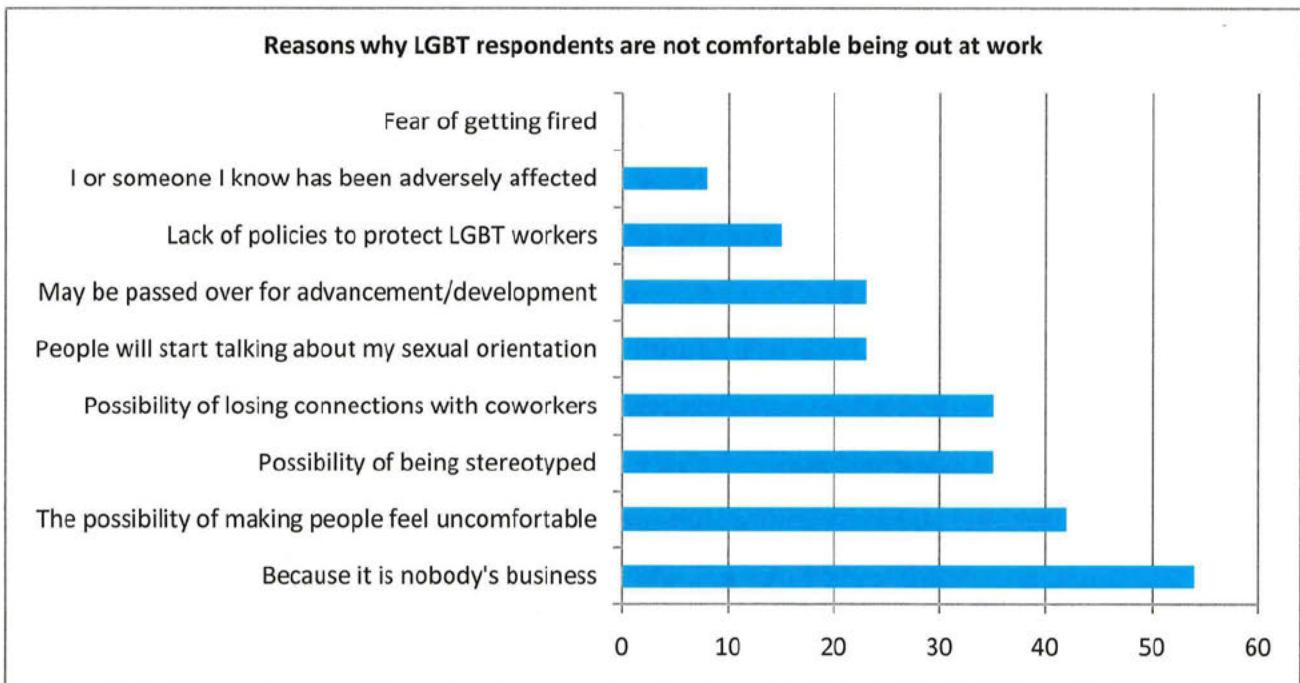


C. Questions answered by LGBT respondents only

Despite agreeing that ENRD offers a work environment that values and accepts individual differences, LGBT-identified respondents are far from being universally out of the closet. Thirteen (46%) are out to most (one respondent to “about half”) of the people in their Section. However, more than half (54%) are either not out to anyone in their Section, or out to only a few; nearly 1 in 5 are completely closeted at work. Those who are out at work are most comfortable disclosing their sexual orientation or gender identity to their co-workers (75%). Only a third (32%) are most likely to be out to supervisors, and a fifth (18%) are most likely to be out to subordinates. Regardless, all LGBT respondents feel accepted (some only “somewhat”) by their colleagues, no matter what the colleague’s position.



When asked to provide reasons why they are not comfortable being out at work, more than half of LGBT respondents (54%) said their sexual orientation or gender identity "is nobody's business," 40% said they feared the possibility of making others feel uncomfortable, 35% said they feared the possibility of being stereotyped, and 35% said they feared losing connections or relationships with co-workers (35%). 1 in 4 (25 %) said they feared being out at work would result in them not being considered for advancement or development opportunities. Notably, though, no one feared the possibility of being fired.



Even with one foot out the door, a third of respondents would not feel comfortable discussing LGBT-related work environment difficulties at an exit interview.

All 16 LGBT respondents in a committed relationship -- meaning that even some of the respondents who are out to only a few of their colleagues or perhaps even not out to anyone at work -- would be willing to sign an affidavit of domestic partnership for the purpose of receiving health and other benefits for their same-sex domestic partners or spouses. The affidavit requirement poses no hurdle to applying for these important benefits, which are currently unavailable to LGBT employees but which recently have been the subject of legislation in Congress (the Domestic Partners Benefits and Obligations Act (DPBO)).

Two-thirds of LGBT respondents would be willing to identify themselves *by name* as LGBT in a survey maintained by DOJ Pride -- and several more are likely with further information and assurances – for the purpose of allowing ENRD to measure the recruitment, retention and advancement of its LGBT employees. One respondent stated that discrimination on the basis of gender identity being outlawed would be important to the respondent's willingness to identify himself/herself by name, even in a survey administered and maintained by DOJ Pride.

D. Written comments provided by respondents

In addition to answering multiple choice questions, survey respondents were provided an opportunity to submit written comments in response to those questions. Several themes that DOJ Pride has advanced in other contexts are echoed in those comments, including:

- The need for the Department of Justice to take a leadership role in advocating for equal family benefits (DPBO);
- The need to communicate that the families of LGBT employees are welcome at any ENRD function where the families of heterosexual employees are also welcome;
- The desirability of a mentorship program for new LGBT employees;
- The desirability of having supervisors articulate ENRD's non-discrimination/anti-harassment policy to staff at regular intervals;
- Gratitude for the recent announcement of LGBT professional development opportunities;
- The need to include gender identity in ENRD's non-discrimination policy; and
- The need to advertise publicly the number of LGBT employees, as is done with other minority employee categories.

Comments from heterosexual respondents were largely compassionate, applauding ENRD's efforts and making affirmative statements about diversity and

inclusion. There too, a heterosexual respondent suggested a mentoring program (for an LGBT intern), and two advocated for leadership on equal family benefits (DPBO).

Several respondents encouraged ENRD to do more to promote understanding and acceptance in the workplace of *all* differences.



U.S. Department of Justice

Washington, D.C. 20530

MAR 11 2011

Marc Salans
President, DOJ Pride

Dear Mr. Salans: *MARC*

This letter responds to your request for permission to reproduce the Department of Justice seal on DOJ Pride T-shirts and on DOJ Pride's Facebook page.

Permission to use the Department of Justice seal is rarely granted. The Department bases decisions concerning the use of its seal on a review of the context in which it will be used, including consideration of whether the use would give an unintended appearance of endorsement or authentication by the Department. 41 CFR § 128-1.5007(c). We recognize that DOJ Pride's membership consists of Department of Justice employees; however, as employee organizations are not official organizations of the Department, the requested use of the seal may give the unintended appearance of endorsement or authentication by the Department. For this reason, your request is denied.

Sincerely,

A handwritten signature in blue ink that reads "Lee J. Lofthus".

Lee J. Lofthus
Assistant Attorney General
for Administration



DOJ Pride

The Association of Lesbian, Gay, Bisexual and Transgender Employees of the U. S. Department of Justice and Their Allies

May 9, 2011

The Honorable Eric H. Holder, Jr.
Attorney General of the United States
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Holder:

On behalf of the Board of Directors of DOJ Pride, I am pleased to inform you that you have been selected by DOJ Pride's membership to receive the Gerald B. Roemer Community Service Award, in recognition of your leadership role in recommending to the President that Section 3 of the Defense of Marriage Act be declared unconstitutional and that the government stop defending its constitutionality in court.

Created in 1998, the Roemer Award recognizes contributions made by individuals to the lesbian, gay, bisexual and transgender (LGBT) community. The award recalls the life of Jerry Roemer, who died in 1997 from AIDS complications. After receiving his HIV diagnosis, Jerry chose to complete law school and begin a career with the Department of Justice, serving as an inspiration to the entire LGBT community.

DOJ Pride would like to present this award to you at the Department's LGBT Pride Observance on June 6, 2011. As you are already scheduled to participate in this event, we hope you will be able to accept the award on that occasion.

On behalf of DOJ Pride's members, I thank you for your significant contributions to the LGBT community and to the advance of equality for all Americans. Congratulations on your award.

Respectfully,

Marc R. Salans
President, DOJ Pride

U.S. Department of Justice
Justice Management Division
Equal Employment Opportunity Staff

LGBT Pride Month



"Moving Equality Forward: The Power of Allies"

11:00 a.m., Monday, June 6, 2011

The Great Hall, RFK Building, Main Justice

Washington, DC

KEYNOTE SPEAKER

Theodore B. Olson is a partner in the Washington, D.C. office of Gibson, Dunn and Crutcher, and Co-Chair of the firm's Appellate and Constitutional Law Group. He served as Solicitor General of the United States from 2001 to 2004, and as Assistant Attorney General, Office of Legal Counsel from 1981 to 1984. Mr. Olson is co-lead counsel (with David Boies) for the plaintiffs in *Perry v. Schwarzenegger*, a lawsuit challenging Proposition 8, California's constitutional amendment banning same-sex marriage. In 2010, he was selected by *Time* magazine as one of the 100 most influential people in the world. Mr. Olson is a graduate of the University of the Pacific and the University of California- Berkeley School of Law.

The Gerald B. Roemer Community Service Award

Eric H. Holder, Jr. is the 82nd Attorney General of the United States. He has served as Deputy Attorney General, U.S. Attorney for the District of Columbia, and an Associate Judge of the Superior Court of the District of Columbia. Prior to becoming Attorney General, Mr. Holder was a litigation partner at Covington & Burling LLP in Washington, D.C. Attorney General Holder is a graduate of Columbia College and Columbia Law School.

On February 23, 2011, Attorney General Holder announced that after reviewing his recommendation, President Obama concluded that "given a number of factors, including a documented history of discrimination, classifications based on sexual orientation should be subject to a more heightened standard of scrutiny." The President also concluded that Section 3 of the Defense of Marriage Act, as applied to legally married same-sex couples, fails to meet that standard and is therefore unconstitutional.

Patrick J. Murphy is a partner in the Philadelphia office of Fox Rothschild LLP. A former U.S. Congressman and decorated U.S. Army veteran, Mr. Murphy was the first Iraq war veteran elected to Congress in 2006. Mr. Murphy was the author and chief sponsor of the bill repealing the Defense Department's "Don't Ask, Don't Tell" policy, which prohibits Gays, Lesbians and Bisexuals from serving openly in the military. Mr. Murphy is a graduate of King's College and Widener University School of Law. He is the 2011 recipient of the Human Rights Campaign National Leadership Award.

The James R. Douglass Award

Ignacia S. Moreno is the Assistant Attorney General (AAG) for the Environment and Natural Resources Division (ENRD). In 2010, Ms. Moreno authorized, and ENRD staff helped administer, the first ever component-wide survey focused specifically on the work climate for LGBT employees in ENRD. Prior to serving as AAG for ENRD, she was Counsel, Corporate Environmental Programs, at the General Electric Company and served pro bono as General Counsel to the Hispanic National Bar Association from 2008 to 2009. Ms. Moreno is a graduate of New York University and New York University School of Law.

The Department of Justice, JMD EEO Staff and

DOJ Pride Presents:

"Moving Equality Forward: The Power of Allies"

Recognizing the accomplishments and contributions of
Lesbian, Gay, Bisexual, Transgender Americans and Their Allies

Welcome..... **Marc R. Salans**
President, DOJ Pride

National Anthem **Peter Fox, Vocal Soloist**

Remarks and Introduction of
Keynote Speaker **The Honorable Thomas J. Perrelli**
Associate Attorney General

Keynote Remarks **Theodore B. Olson**
Partner in the Law Firm of Gibson, Dunn and Crutcher, and
Former Solicitor General of the United States (2001 - 2004)

Special Presentation **"The Laramie Project" (selected scenes)**
Bethesda-Chevy Chase High School
Theater and Media Arts Program

Presentation of Awards **Melissa E. Schraibman**
Secretary, DOJ Pride

Gerald B. Roemer Community Service Awards..... **Eric H. Holder, Jr. and**
Patrick J. Murphy

James R. Douglass Award **Ignacia S. Moreno and the**
Environment and Natural Resources Division

Closing Remarks **Marc R. Salans**

HISTORY OF THE AWARDS PRESENTED BY DOJ PRIDE

The Gerald B. Roemer Community Service Award

DOJ Pride confers the Gerald B. Roemer Community Service Award to recognize contributions to the Lesbian, Gay, Bisexual and Transgender (LGBT) Community. Established in 1998, the Roemer Award recalls the life of Jerry Roemer, who died in 1997 from complications of AIDS. After receiving his HIV diagnosis, Jerry chose to complete law school and then began a career with the Department of Justice. Commenting on his death, former Attorney General Janet Reno said: "He humanized the experience of living with AIDS, demonstrating courage and hope to all."

The James R. Douglass Award

DOJ Pride confers the James R. Douglass Award to recognize individuals whose efforts have contributed positively to the worklife environment for LGBT employees of the Department. Established in 1997, this award is named in honor of Jim Douglass, a founding member of DOJ Pride, who died in 1996. Jim was an openly Gay, HIV-positive employee of the Justice Management Division for many years of his career in the Federal Government.

HISTORY OF DOJ PRIDE

Founded in 1994, the Department of Justice Pride (DOJ Pride) serves as the recognized organization for all Lesbian, Gay, Bisexual, Transgender and Allied employees working in the Department of Justice's Offices, Boards and Divisions. Over the years, DOJ Pride has worked within the Department of Justice to identify and address key areas affecting its LGBT employees. DOJ Pride also provides an important resource for current and prospective employees. Besides conducting outreach to prospective employees, DOJ Pride sponsors brown-bag lectures featuring experts in the LGBT community discussing issues of importance to DOJ Pride members, such as marriage equality, adoption, and LGBT history. Finally, through its yearly Pride Month Celebration and Award Ceremony, DOJ Pride has taken an active role in recognizing the work of LGBT supporters inside the Department of Justice, the Federal Government, and the Nation.

U.S. Department of Justice
2011 Lesbian, Gay, Bisexual and Transgender Pride Month Observance

Evaluation Form

Please complete and return the evaluation form before leaving the Observance. Your responses will help to continuously improve Departmental observances, which are designed to increase awareness and promote understanding of diversity and inclusion.

Please circle the response that best reflects your level of agreement with the statements below.

Rating Scale: Strongly Agree (5) Agree (4) Neutral (3) Disagree (2) Strongly Disagree (1)

1. The Observance increased my knowledge about the contributions of Lesbian, Gay, Bisexual and Transgender Americans and their allies to our Nation.	5 4 3 2 1	
2. The subject matter was relevant to the event theme: "Moving Equality Forward: The Power of Allies."	5 4 3 2 1	
3. The physical accommodations met the following objectives:		
a. The location {Great Hall} was appropriate.	5 4 3 2 1	
b. The facility was accessible to individuals with disabilities.	5 4 3 2 1	
c. The audiovisual system(s) was effective.	5 4 3 2 1	
4. The time of day allotted for the Observance was appropriate.	5 4 3 2 1	
5. Overall, the Observance was beneficial to me.	5 4 3 2 1	
6. I would encourage my colleagues to attend future Observance programs.	5 4 3 2 1	
7. How did you learn about this Observance?		
_____ JCON message	_____ Colleague	_____ Other {specify}

Please provide any additional comments about the Observance or suggestions for future observances {topic, keynote speaker, etc.} on the reverse side of this form.

Acknowledgements and Thanks

Kevin Jennings, U.S. Department of Education

The Armed Forces Joint Color Guard
Fort Lesley J. McNair

Laurie Robinson, Assistant Attorney General
Mary Lou Leary, Principal Deputy Assistant Attorney General
Phillip Merkle, Acting Deputy Assistant Attorney General

Channing Phillips, U.S. Department of Justice,
Deputy Associate Attorney General for Diversity

Kit Yan, Slam Poet

Rhea Walker, Office of the Assistant Attorney General

Matthew Nichols and James Kay
OJP Graphics

Stephanie Marshall, Juan Sutton, Lisa Milton, and Martha Jackson
Support Services Division

Carl Lucas, Laura Colon-Marrero, Todd Garrison, and Kellee Jenkins
Office of Equal Employment Opportunity

LGBT Special Emphasis Program Committee:

Bethany Backes, Lesley Buchan, Jasmine D'Addario-Fobian,
Paul Guerino, Yolonda Hatton, Sheila Jerusalem, Lori McPherson,
Bradley Mitchell, Sonise Muldrow, Kara McDonagh, Jane Palmer,
Stephanie Rapp, Michael Thomas, and Allison Turkel

Marc Salans and the members of DOJPride

Shelly Weiss - OUTmedia.org

OUTmedia is a leading queer cultural activist organization and social enterprise.
Their mission is to increase the positive visibility of LGBTQQIA people and
promote inclusive multiculturalism through the arts. To support that mission,

OUTmedia has become a leading global source for LGBTQQIA and
queer-affirmative national acts and celebrity talent.

U.S. Department of Justice

Office of Justice Programs



Lesbian, Gay, Bisexual, & Transgender Pride Month Celebration

“Justice through Visibility”



Thursday June 9, 2011

11:00 am – 1:00 pm

810 7th Street, NW

Washington, DC

Office of Justice Programs



Kevin Jennings

Assistant Deputy Secretary of Education,
Office of Safe and Drug-Free Schools

Kevin Jennings was appointed by Secretary of Education Arne Duncan in July 2009 as Assistant Deputy Secretary to head the Office of Safe and Drug-Free Schools. Kevin is the first career educator to hold this position and brings to this role 25 years of experience as, a teacher, a writer, and a leader in the fields of K-12 education and civil rights.

A native of Winston-Salem, N.C., he became the first member of his family to graduate from college when he received his bachelor's degree from

Harvard University. He taught high school history for ten years during which he served as faculty advisor for the nation's first Gay-Straight Alliance student club and also founded the Gay, Lesbian, Straight Education Network (GLSEN) in 1990, launching his life's dedication to seeking to ensure that schools are safe places where every young person can focus on learning. In 1995 he left teaching to become GLSEN's founding Executive Director, a position he held for 14 years before stepping down in late 2008.

Mr. Jennings was named in 1997 to Newsweek magazine's Century Club as one of 100 people to watch in the new century. He received his master's degree in interdisciplinary studies in education in 1994 from Columbia University and earned an M.B.A. from New York University's Stern School of Business in 1999. He has authored six books, the latest of which, *Mama's Boy, Preacher's Son*, was named a Book of Honor by the American Library Association in 2006. He was also a writer and producer of the documentary *Out of the Past*, winner of the 1998 Sundance Film Festival Award for Best Documentary. Among his many honors Mr. Jennings has received the Distinguished Service Award of the National Association of Secondary School Principals, the Human & Civil Rights Award of the National Education Association, and the Diversity Leadership Award of the National Association of Independent Schools.

Kit Yan, OUTmedia

As seen on the HBO Documentary *Asians Aloud* and PBS' *Asian in America*, Kit Yan tells stories through slam poetry from the lens of a transgender Asian American from Hawaii now living in New York.

Kit's work has been taught coast to coast, from San Francisco State to Harvard. He has been seen speaking at the National Equality March, performing on the San Francisco Pride main stage, Creating Change, and is a nationally ranking slam poet. Kit is also the first ever and reigning Mr. Transman 2010.

You can read more about Kit on his website: www.kityanpoet.com/index.php

Lesbian, Gay, Bisexual and Transgender Pride Month Celebration 2011

Justice through Visibility

Presentation of Colors

Armed Forces Joint Color Guard

Fort Lesley J. McNair

National Anthem

Rhea Walker

Office of the Assistant Attorney General

Welcome and Opening Remarks

Thomas Lotito

LGBT Special Emphasis Program Manager

Introduction of Keynote Speaker

Laurie Robinson

Assistant Attorney General
Office of Justice Programs

Keynote Speaker

Kevin Jennings

Assistant Deputy Secretary
Office of Safe & Drug-Free Schools
U.S. Department of Education

Performance

Kit Yan, Slam Poet

Closing Remarks

Marc Salans

Justice Management Division
US Department of Justice
President of DOJPride

Announcements

Thomas Lotito

LGBT Special Emphasis Program Manager



950 Pennsylvania Ave NW, Room 7145, Washington, DC 20530 • www.dojpride.org

March 27, 2012

The Honorable Hillary Rodham Clinton
Secretary of State
United States Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Madame Secretary:

DOJ Pride – the Association of Lesbian, Gay, Bisexual and Transgender (LGBT) Employees of the U.S. Department of Justice and Their Allies – is working with the Department's Equal Employment Opportunity Staff to plan the Department's 2012 LGBT Pride Month Observance, and we are writing to request the honor of your presence as the program's keynote speaker.

Although Pride Month is typically a time to recognize and celebrate the contributions of LGBT Americans to the Nation, it is also a time to recognize and celebrate the significant contributions that LGBT allies have made to advancing LGBT equality at home and abroad. Your stirring Human Rights Day speech in Geneva last December was a transformative moment not just for LGBT people the world over, but for anyone who believes that "all persons are created free and equal in dignity and rights." It may well have been, as some have suggested, the "I Have a Dream" moment for LGBT rights worldwide.

This year's LGBT Pride Month observance is tentatively planned for June 6, 2012, from 11:00 a.m. to 12:00 p.m., in the Great Hall of the Department of Justice's Robert F. Kennedy Main Building. We expect that the Attorney General will provide special remarks, as has been his custom. The audience will be Department employees from across the globe (the event is usually broadcast via the Justice Television Network). These events are typically closed to the press.

It would be our great pleasure to welcome you to the Department of Justice on this special occasion. If you have any questions, please do not hesitate to contact DOJ Pride President, Marc Salans, at [REDACTED] or [REDACTED]

Sincerely,

Marc R. Salans
President, DOJ Pride
On behalf of the DOJ Pride Board of Directors



950 Pennsylvania Ave NW, Room 7145, Washington, DC 20530 • www.dojpride.org

May 29, 2012

The Honorable Tony West
Acting Associate Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Mr. West,

In December 2010, I had the honor of addressing the Attorney General's Diversity Management Advisory Council in my capacity as President of DOJ Pride, the association of LGBT and allied employees of the U.S. Department of Justice. I spoke of the continued invisibility of LGBT employees at the Department and the need for the Department to end that invisibility by, among other things, conducting a climate survey to get a complete picture of the experiences of LGBT employees in all parts of the Department.

The Board of Directors of DOJ Pride and I are pleased that over the past year and a half, the Department has taken significant steps toward creating a more welcoming and inclusive work environment for its LGBT employees. The fact remains, however, that the Department does not know how its LGBT employees are faring overall, particularly those employed outside the Washington, DC area and in the Bureaus. In fact, anecdotal evidence suggests that the work environment for LGBT employees in some parts of the Department leaves much to be desired.

Even in components like the Environment and Natural Resources Division – ranked # 1 for diversity at the Department by the Partnership for Public Service – 54% of LGBT employees indicated they are either not “out” to anyone in their Section or out to only a few colleagues. As reported in an important new study entitled “The Power of Out,” this invisibility has huge consequences for LGBT employees: compared to employees who are out of the closet at work, closeted employees report significantly greater feelings of being stalled in their careers, are 40% less likely to trust their employer, and are 73% more likely to seek employment elsewhere.

It is the Board's firm belief that the Department will have limited success in addressing the challenges of creating a truly inclusive workplace for LGBT employees unless it understands the extent of any problems and the reasons behind them. Conducting an LGBT climate survey to determine what the experiences of LGBT employees are across the Department is critical to developing such an understanding. As you may know, such a survey has already been drafted

and has been ready to roll out, in one form or another, since August 2011. In March of this year, former Associate Attorney General Tom Perrelli gave the survey the “green light” (and DOJ Pride’s membership was so advised in April, with the expectation that it would be conducted in May).

The LGBT training scheduled for June 25 provides the perfect opportunity for the Department to explain to its managers and employees why an anonymous and confidential LGBT climate survey is necessary and how the information will be used. Moreover, completing the LGBT climate survey would be something tangible and meaningful that managers and employees alike could do as a follow-up to the training. And, of course, the results of the survey can be used to focus the Department’s attention on any trouble spots – spots that we know exist but are not likely to hear about absent a climate survey, because so many LGBT employees are still afraid to *be* out at work, never mind *speak* out about their work environment.

Thank you for your continued support.

Sincerely,



Marc R. Salans
President
On behalf of the Board of Directors

cc: Charlotte Burrows
Associate Deputy Attorney General
Office of the Deputy Attorney General

Lee Lofthus
Assistant Attorney General
Justice Management Division



U.S. Department of Justice

Office of the Associate Attorney General

Washington, D.C. 20530

June 4, 2012

Mr. Marc Salans
President, DOJ Pride
Office of Attorney Recruitment and Management
450 5th Street, NW
Room 10200
Liberty Square
Washington, D.C. 20530

Dear Marc:

Regrettably, I will not be able to attend DOJ Pride's annual Lesbian, Gay, Bisexual and Transgender (LGBT) Pride Month Program on Wednesday, June 6, 2012, because I will be in Montana visiting the Crow and Northern Cheyenne Nations. I hope to further develop the partnership with you and your members by continuing to work on important diversity and inclusion issues, and I look forward to lending my support at future DOJ Pride events.

Thank you for all the work that you and DOJ Pride are doing for the Department's LGBT employees.

Sincerely,

Tony West
Acting Associate Attorney General

RECEIVED

JUN 6 2012

MRAG



Department of Justice

Annual LGBT Pride Month Program

"The Power of Out"



Welcome

Marc R. Salans, President, DOJ Pride

National Anthem

Aisha Berkeley, Vocal Soloist

**Remarks and Introduction
of Keynote Speaker**

**The Honorable Eric H. Holder, Jr.
Attorney General**

Keynote Remarks

**The Honorable Chai Feldblum
Commissioner, Equal Employment
Opportunity Commission**

Special Presentation

**"8" – Woolly Mammoth Theatre
Company of Washington, D.C.**

Presentation of Awards

**Bijal Shah, Associate General Counsel
Executive Office for Immigration Review**

**Gregory B. Friel, Deputy Assistant
Attorney General, Civil Rights Division**

Closing Remarks

Marc R. Salans

**11:00 a.m., Wednesday, June 6, 2012
The Great Hall, Robert F. Kennedy Main Justice Building**



Chai Feldblum was nominated to serve as a Commissioner of the EEOC by President Barack Obama, and was confirmed by the Senate, for a term ending on July 2, 2013. Prior to her appointment to the EEOC, Commissioner Feldblum was a Professor of Law at the Georgetown University Law Center where she has taught since 1991. At Georgetown, she founded the Law Center's Federal Legislation and Administrative Clinic, which represented clients such as Catholic Charities USA, the National Disability Rights Network, and the Bazelon Center for Mental Health Law. She also founded and co-directed Workplace Flexibility 2010, a policy enterprise focused on finding common ground between employers and employees on workplace flexibility issues.

As Legislative Counsel at the American Civil Liberties Union from 1988 to 1991, Commissioner Feldblum played a leading role in helping to draft and negotiate the ground-breaking Americans with Disabilities Act of 1990. Later, as a law professor representing the Epilepsy Foundation, she was equally instrumental in the drafting and negotiating of the ADA Amendments Act of 2008. Commissioner Feldblum has also worked to advance lesbian, gay, bisexual and transgender rights, has been one of the drafters of the Employment Nondiscrimination Act, and is the first openly lesbian Commissioner of the EEOC. She clerked for Judge Frank Coffin of the First Circuit Court of Appeals and for Supreme Court Justice Harry A. Blackmun after receiving her J.D. from Harvard Law School. She received her B.A. degree from Barnard College.

Gerald B. Roemer Community Service Award – Recognizes outstanding contributions to the LGBT community.

Tory Cummings, Trial Attorney; Tamica Daniel, Trial Attorney; Kathy Devine, Acting Special Litigation Counsel; Whitney Pellegrino, Special Litigation Counsel; Rosalyn Smith, Paralegal Specialist; and Joe Wardenski, Trial Attorney – Civil Rights Division

Greg Booker, Civil Chief, and Ana Voss, Assistant U.S. Attorney – U.S. Attorney's Office for the District of Minnesota

Dylon Frei, Brittany Geldert, Damian McGee-Backes, Ebonie Richardson, Kyle Rooker, and Kyrstin Schuette – Student Plaintiffs from Anoka-Hennepin School District, Minnesota

Presented to legal teams from the Civil Rights Division and U.S. Attorney's Office for the District of Minnesota, and student plaintiffs from the Anoka-Hennepin School District for their success in resolving harassment of middle and high school students in the Anoka-Hennepin School District in Minnesota.

James R. Douglass Award – Recognizes individuals whose efforts have contributed positively to the work-life environment for LGBT employees of the Department.

Diana Flynn, Chief, Appellate Section, Civil Rights Division

During her tenure, Ms. Diana Flynn has been a passionate advocate for the civil rights of all people, but has taken a particular interest in ensuring that the Department uses all of the tools at its disposal to protect equal rights for Lesbian, Gay, Bisexual and Transgender individuals.



950 Pennsylvania Ave NW, Room 7145, Washington, DC 20530 • www.dojpride.org

December 18, 2012

The Honorable Tony West
Acting Associate Attorney General
Room 5706 - RFK Main
U.S. Department of Justice
Washington, D.C. 20530

Dear Mr. West:

At the conclusion of the affinity group meeting on November 30, 2012, you invited DOJ Pride to share with you its thoughts about how the Department could help employees who are in same sex marriages or domestic partnerships but who are denied family health insurance coverage because of the Defense of Marriage Act ("DOMA"). This letter provides our thoughts on the issue. Thank you for the opportunity to share them with you.

We believe the Department has a special obligation to ensure that its employees are not discriminated against in the workplace, and that any discrimination that does occur is properly and swiftly addressed. As an agency that (to quote the Attorney General's remarks at the 2012 Lavender Law Conference) "remain[s] determined to use every available resource to build the necessary institutional and legal frameworks to end harassment, violence, and discrimination – and to provide the safeguards that, for LGBT Americans, my fellow citizens, are long overdue," the Department should not countenance discrimination against its lesbian and gay employees. Yet, the Department continues to deny those employees family health insurance benefits, one of the most important of the long overdue safeguards mentioned by the Attorney General.

While we certainly appreciate that the Department stopped defending DOMA nearly two years ago, we believe the time has come for the Department to do more. We are, of course, mindful of the Department's institutional obligation to enforce the law in most circumstances. We are also mindful of the fact that the Supreme Court recently granted certiorari in *United States v. Windsor*. Nevertheless, we believe that, more than ever, the circumstances warrant taking additional steps to end the ongoing discrimination, and to restore the confidence of our members that when the Department says it will not tolerate discrimination on the basis of gender

or sexual orientation, it really means it. We therefore respectfully urge the Department to take the following immediate steps:

1. Stop Enforcing DOMA. Since February 2011, when the Department announced it would stop defending DOMA, every district and appellate court that has considered the issue has ruled that DOMA is unconstitutional. The time is right for the Attorney General to advise the President that DOMA is likely to be found unconstitutional by the Supreme Court, and to stop enforcing DOMA. As you undoubtedly know, pursuant to the November 2, 1994 Memorandum from Assistant Attorney General Walter Dellinger to the Honorable Abner J. Mikva, Counsel to the President, the President may decline to enforce an unconstitutional law when “the President, exercising his independent judgment, determines both that a provision would violate the Constitution and that it is probable that the Court would agree with him...” See Dellinger Memorandum located at <http://www.justice.gov/olc/nonexecut.htm>. The fact that the Supreme Court has granted certiorari in the *Windsor* case in no way lessens the probability that the Court will agree with the President, the Attorney General, and the lower courts that DOMA is unconstitutional.
2. Settle Pending EEO Complaints. The Department should authorize components to immediately enter into settlement negotiations with Department employees who have pending Equal Employment Opportunity (“EEO”) complaints of sex and sexual orientation discrimination based on the denial of family health insurance benefits (assuming the employee has met basic jurisdictional requirements by either being lawfully married or filing a “Declaration of Domestic Partnership”). As we understand it:

The Department of Justice Office of Legal Counsel has affirmed the broad authority of agencies to settle EEO disputes by applying remedies a court could order if the case were to go to trial. In an opinion interpreting the authority of an agency to settle a Title VII class complaint, the Department's Office of Legal Counsel advised that a complainant can obtain in settlement whatever the agency concludes, in light of the facts and recognizing the inherent uncertainty of litigation, that a court could order as relief in that case if it were to go to trial.

<http://www.eeoc.gov/federal/directives/md110/chapter12.html>. Resolving the EEO complaints in this manner would bring an end to the current untenable situation where the Department is supporting the claims of plaintiffs in lawsuits against the United States, while vigorously defending virtually identical EEO claims filed by its own employees. It would bring an end to the demoralizing practice of the Department essentially acknowledging that its lesbian and gay employees are being treated in an unconstitutional

and discriminatory manner, but telling those employees the Department will do nothing about it unless they file suit in federal court.

3. Advocate for a Legislative Fix. The Department should put its considerable muscle behind efforts to achieve a legislative solution to this ongoing discrimination. The Department has been and should be at the forefront of legislative reform, particularly where discrimination against its own employees (and, more generally, employees of the United States) is at issue. The Department frequently works toward the passage of pending legislation, as it did during Congressional deliberations over the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, the Affordable Health Care Act, the Employment Non-Discrimination Act, and any number of federal statutes.

DOJ Pride appreciates your, and the Attorney General's, commitment to fairness and equality. Yet, every day that this discrimination is allowed to continue is another day that Department employees in same sex marriages and domestic partnerships suffer. Every day that our members live with this discrimination—that an employee's loved one goes without health insurance and her family risks financial ruin as a result; that an employee's spouse is unable to stay home to care for the couple's children because he cannot afford to be unemployed and uninsured; or that an employee must choose between paying private health insurance premiums for her unemployed domestic partner or college tuition for their children—is one day too many.

We respectfully request that, without further delay, the Department "use every available resource" to ensure that all of its employees, regardless of gender or sexual orientation, are treated fairly and equally in all aspects of employment.

Sincerely,



Marc R. Salans
On behalf of the Board of Directors of DOJ Pride

cc: John Berry
Director
U.S. Office of Personnel Management

Richard Parker
Deputy Associate Attorney General for Diversity Management



950 Pennsylvania Ave NW, Room 7145, Washington, DC 20530 • www.dojpride.org

February 26, 2013

Mr. Stuart Delery
Principal Deputy Assistant Attorney General
Civil Division
U.S. Department of Justice
Robert F. Kennedy Main Building
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Stuart:

Thank you for your interest in DOJ Pride and for meeting with us to discuss our goals for the upcoming year. This letter highlights the steps we believe the Department needs to take to ensure that the promise of full workplace equality for its LGBT employees becomes reality sooner, rather than later. We would appreciate anything you can do to encourage the Department to take these important steps.

1. Start planning now for the eventuality that DOMA will be struck down by the Supreme Court, so that equal benefits can be extended to lesbian, gay and bisexual employees without delay.

DOJ Pride expects that the United States Supreme Court will find the Defense of Marriage Act (“DOMA”) unconstitutional when it rules on the *United States v. Windsor* case in early summer. We urge the Department to start preparing now for that possibility so that it will be in a position to extend health insurance and other long-awaited benefits to the spouses and domestic partners of Department employees immediately after such a decision is issued. Given how long our members have waited for equal benefits, we believe the Department should take every step possible to avoid any delay in implementing such benefits. Specifically, we recommend that the Department immediately set up a working group to determine what steps need to be taken before early summer to ensure that there is no delay in providing these benefits.

2. Ensure that benefits are extended not only to same-sex spouses but same-sex domestic partners, as well.

We believe it is important that health and other benefits be extended not only to those same-sex couples who reside in states where same-sex marriage is available, but also to those who reside in states where same-sex marriage is not recognized but who are in domestic partnerships

eligible for recognition under current Department policies and procedures. Equal rights and benefits should not depend on a couple's ability to afford to travel to a state that allows same-sex marriage.¹ We ask that the current system in place at the Department to grant same-sex domestic partners of Department employees relocation and other limited benefits be extended to apply to all federal employee benefits, including health insurance.

3. Ensure that employees who have been discriminated against are made whole and receive benefits retroactively.

We also ask that the Department, in order to remedy the effect of past discrimination against its employees, allow Department employees who have paid out-of-pocket costs for premiums for health insurance and other benefits be permitted to submit claims for compensation, retroactive to June 2, 2010, the date of the President's memorandum regarding Extension of Benefits to Same-Sex Domestic Partners of Federal Employees. This would be a clear statement of the Department's support for its employees who have experienced discrimination for many years, and it would be consistent with the Department's and the President's position on the importance of achieving a full measure of equality for LGBT individuals.

4. Advocate for LGBT-related legislation and executive action.

The Department has been and should be at the forefront of legislative reform, particularly where discrimination against its own employees (and, more generally, employees of the United States) is at issue. The Department should advocate for proposed legislation that would end the ongoing discrimination suffered by its employees, such as the Respect for Marriage Act and the Domestic Partnership Benefits and Obligations Act. The Department should also continue its advocacy in support of the Employment Non-Discrimination Act. Finally, the Department should advocate for an Executive Order protecting government contractors from sexual orientation and gender identity discrimination.

5. Conduct a Department-wide survey to evaluate the workplace climate for LGBT employees and address any issues that are found.

It is our firm belief that the Department will have limited success addressing the challenges of creating a truly inclusive workplace for LGBT employees unless it understands the extent of

¹ A couple residing in Miami would have to drive 2,100 miles round trip, or pay a minimum of \$440 for roundtrip airfare, to marry in Washington, D.C., the nearest jurisdiction that permits same-sex marriage. A couple residing in El Paso, Texas, would be required to drive 2,260 miles round trip to marry in Des Moines, Iowa, or pay a minimum of \$840 for roundtrip airfare to Des Moines. Couples residing in Puerto Rico, Hawaii, Guam and the Northern Mariana Islands would have no choice but to fly to a state (or foreign country) that permits same-sex marriage, with roundtrip airfare for two amounting to \$725, \$1,200, \$4,100, and \$4,160 or more, respectively. See Expedia.com (lowest fares for two people traveling on July 1, 2013).

any problems faced by LGBT employees and the reasons behind them.² Conducting a climate survey to determine what the experiences of LGBT employees are across the Department is critical to developing such an understanding. In fact, such a survey already has been drafted and has been ready to roll out, in one form or another, since August 2011. In March 2012, former Associate Attorney General Tom Perrelli approved it. Our understanding is that it has been pending in one or more leadership offices since that time. We urge the Department to conduct the survey without further delay.

6. Start collecting demographic and employment data on LGBT applicants and employees in the same way demographic and employment data is collected for other groups of applicants and employees

The Department's [EEO policy](#) states that the Department "will ensure that all programs to recruit, hire, train, develop, promote, reward, and discipline employees are conducted in a fair and consistent manner, and solely on the basis of merit." In order to evaluate whether these programs are being conducted in fair and consistent manner, the Department must be able to – and, in most cases, does – measure how different groups of employees are faring in this regard. The Department does not collect information on the number of LGBT employees it hires and/or employs, however, and it is therefore unable to determine whether LGBT employees are being recruited, hired, trained, developed, promoted, rewarded and disciplined in a fair and consistent manner, and solely on the basis of merit. The Department should start collecting this information on a voluntary basis.

7. Update the Department's EEO regulation to reflect changes to the Department's EEO policy.

The Department's EEO [policy](#) was updated in 2011 to make explicit mention of gender identity (among other things). The Department's EEO [regulation](#) has not been updated to reflect this change. Although, as the Equal Employment Opportunity Commission (EEOC) recently made clear (see [Macy v. Holder](#)), gender identity discrimination is sex discrimination, and the current EEO regulation prohibits sex discrimination, we think the regulation should be amended to state explicitly that gender identity discrimination is prohibited and to reflect other changes to the EEO policy, to wit:

It is the policy of the Department of Justice to seek to eliminate discrimination on the basis of race, color, religion, sex (*including pregnancy and gender identity*), sexual orientation, national origin, marital status, political affiliation, age, physical or mental handicap, *genetic information, status as a parent, or any other non-merit factor* in employment within the Department and to assure equal employment opportunity for

² We know that problems persist. For example, in response to a recent announcement to a group of DOJ employees that DOJ Pride is starting a mentoring program for LGBT employees, DOJ Pride received derogatory emails from employees. One questioned the worth of such a program (even though similar programs exist for other groups of employees) and indicated she was glad she would soon be eligible to retire. Another former employee used crude and offensive language to harass LGBT employees.

all employees and applicants for employment.

8. Amend existing EEO complaint processing procedures to reflect that gender identity discrimination is sex discrimination, and that sexual orientation discrimination is also sex discrimination in certain circumstances.

Under the Department's existing EEO order, EEO complaints are processed using two different and unequal tracks: one for claims of discrimination on the bases of sexual orientation, gender identity, and status as a parent; and another for discrimination on the bases covered by Title VII of the Civil Rights Act of 1964.³ Consistent with the EEOC's decision in *Macy* that gender identity discrimination is sex discrimination, the Department's EEO order should be updated to reflect that discrimination on the basis of gender identity is discrimination on the basis of sex, and that complaints of gender identity discrimination should be processed under Title VII as complaints of sex discrimination. The order should be further revised to state that, in certain circumstances, lesbian, gay and bisexual individuals may also experience sex discrimination, including sexual harassment or discrimination because of a person's failure to conform to sex-stereotypes, and are entitled to have their complaint processed under Title VII.

* * * *

Thanks, again, for your interest and continued support. If you have any questions or concerns, please do not hesitate to contact me.

Kind regards,



Marc Salans
President

³ The Title VII track entitles the complainant to appeal an adverse Department decision to the EEOC, and to receive back pay, equitable remedies, and monetary remedies (reasonable attorney's fees and costs, and compensatory damages) when there is a finding of discrimination. By contrast, the non-Title VII track entitles the complainant only to a final decision by the Department's Complaint Adjudication Office (without right of appeal to the EEOC), and, when there is a finding of discrimination, only back pay and non-monetary remedies.



950 Pennsylvania Ave NW, Room 7145, Washington, DC 20530 • www.dojpride.org

March 13, 2013

The Honorable Eric H. Holder, Jr.
Attorney General of the United States
U.S. Department of Justice
Robert F. Kennedy Main Building
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Holder:

It has been nearly four years since DOJ Pride's Board of Directors met with you to suggest ways in which the Department could improve the work environment for its lesbian, gay, bisexual and transgender (LGBT) employees. We write to provide you with an update on the progress that has been made to date, as well as the work that remains.

There is no question the environment for LGBT employees of the Department is much improved since your arrival at the Department four years ago. Since that time, we have witnessed many successes, thanks to your leadership and the effort of countless Department officials and employees. Some of the highlights are: the inclusion of gender identity in the Department's Equal Employment Opportunity (EEO) policy; Department-sponsored trainings for managers on sexual orientation and gender identity in the workplace; greater communication and cooperation between DOJ Pride and Department leaders and officials; the increased visibility of DOJ Pride and its programs within the Department; the selection of openly lesbian and gay individuals to fill senior level positions in a number of Department components; and the creation of affirmative employment programs within each Bureau of Prisons institution. We would be remiss if we did not also mention the positive impact other actions by the Department have had on the morale of its LGBT employees, including the Department ending its defense of Section 3 of the Defense of Marriage Act, the Department filing a brief opposing Proposition 8, your advocacy on behalf of the Shepard/Byrd Act, and the excellent work of the Civil Rights Division and United States Attorneys' Offices related to school bullying, hate crimes, police misconduct, and HIV discrimination.

For all of this, we are truly thankful. But very significant barriers to full workplace equality remain, and our work – meaning, we think it is now safe to say, both DOJ Pride's work and the Department's work – is not done until those barriers are completely dismantled. Below, we highlight five steps we believe the Department needs to take to ensure that the promise of full workplace equality for its LGBT employees becomes reality sooner, rather than later.

1. End and remedy the disparity in employee benefits as soon as possible.

- a. Start planning now for the eventuality that DOMA will be struck down by the Supreme Court, so that equal benefits can be extended to lesbian, gay and bisexual employees without delay.*

DOJ Pride expects that the United States Supreme Court will find the Defense of Marriage Act ("DOMA") unconstitutional when it rules on the *United States v. Windsor* case in early summer. We urge the Department to start preparing now for that possibility so that it will be in a position to extend health insurance and other long-awaited benefits to the spouses and domestic partners of Department employees immediately after such a decision is issued. Given how long our members have waited for equal benefits, we believe the Department should take every step possible to avoid any delay in implementing such benefits. Specifically, we recommend that the Department immediately set up a working group to determine what steps need to be taken before early summer to ensure that there is no delay in providing these benefits.

- b. Ensure that benefits are extended not only to same-sex spouses but same-sex domestic partners, as well.*

We believe it is important that health and other benefits be extended not only to those same-sex couples who reside in states where same-sex marriage is available, but also to those who reside in states where same-sex marriage is not recognized but who are in domestic partnerships eligible for recognition under current Department policies and procedures. Equal rights and benefits should not depend on a couple's ability to afford to travel to a state that allows same-sex marriage.¹ We ask that the term "spouse" be interpreted broadly to include a federal employee's same-sex domestic partner (in states that do not recognize same-sex marriage) or, alternatively, that the current system in place at the Department to grant same-sex domestic partners of Department employees relocation and other limited benefits be extended to apply to all federal employee benefits, including health insurance.

- c. Ensure that employees who have been discriminated against are made whole and receive benefits retroactively.*

We also ask that the Department, in order to remedy the effect of past discrimination against its employees, allow Department employees who have paid out-of-pocket costs for premiums for health insurance and other benefits be permitted to submit claims for compensation, retroactive to June 2, 2010, the date of the President's memorandum regarding Extension of Benefits to

¹ For example, a couple residing in Miami, Florida, would have to travel 2,100 miles round trip to marry in Washington, D.C., the nearest jurisdiction that permits same-sex marriage. Roundtrip airfare for two costs a minimum of \$440. Couples residing in Puerto Rico, Hawaii, Guam and the Northern Mariana Islands would have to fly to a state (or foreign country) that permits same-sex marriage, with roundtrip airfare for two traveling to the nearest U.S. jurisdiction where same-sex marriage is legal amounting to \$725, \$1,200, \$4,100, and \$4,160 or more, respectively. See Expedia.com (lowest airfares for two people traveling on July 1, 2013).

Same-Sex Domestic Partners of Federal Employees. This would be a clear statement of the Department's support for its employees who have experienced discrimination for many years, and it would be consistent with the Department's and the President's position on the importance of achieving a full measure of equality for LGBT individuals.

2. Advocate for LGBT-related legislation and executive action.

The Department has been and should be at the forefront of legislative reform, particularly where discrimination against its own employees (and, more generally, employees of the United States) is at issue. The Department should advocate for proposed legislation that would end the ongoing discrimination suffered by its employees, such as the Respect for Marriage Act and the Domestic Partnership Benefits and Obligations Act. The Department should also continue its advocacy in support of the Employment Non-Discrimination Act. Finally, the Department should advocate for an Executive Order protecting government contractors from sexual orientation and gender identity discrimination.

3. Conduct a Department-wide survey to evaluate the workplace climate for LGBT employees and address any issues that are found.

It is our firm belief that the Department will have limited success addressing the challenges of creating a truly inclusive workplace for LGBT employees unless it understands the extent of any problems faced by LGBT employees and the reasons behind them.² Conducting a climate survey to determine what the experiences of LGBT employees are across the Department is critical to developing such an understanding. In fact, such a survey already has been drafted and has been ready to roll out, in one form or another, since August 2011. In March 2012, former Associate Attorney General Tom Perrelli approved it. Our understanding is that it has been pending in one or more leadership offices since that time. We urge the Department to conduct the survey without further delay.

4. Start collecting demographic and employment data on LGBT applicants and employees in the same way demographic and employment data is collected for other groups of applicants and employees

The Department's EEO policy states that the Department "will ensure that all programs to recruit, hire, train, develop, promote, reward, and discipline employees are conducted in a fair and consistent manner, and solely on the basis of merit." In order to evaluate whether these programs are being conducted in a fair and consistent manner, the Department must be able to – and, in most cases, does – measure how different groups of employees are faring in this regard. The Department does not collect information on the number of LGBT employees it hires and/or

² We know that problems persist. For example, in response to a recent announcement to a group of Department employees that DOJ Pride is starting a mentoring program for LGBT employees, DOJ Pride received derogatory emails from current and former Department employees. One questioned the worth of such a program (even though similar programs exist for other groups of employees) and indicated she was glad she would soon be eligible to retire. Another (former) employee used crude and offensive language to harass LGBT employees.

employs, however, and it is therefore unable to determine whether LGBT employees are being recruited, hired, trained, developed, promoted, rewarded and disciplined in a fair and consistent manner, and solely on the basis of merit. The Department should start collecting this information on a voluntary basis.

5. Bring the Department's EEO regulation and EEO complaint processing procedures in line with current law and policy.

a. *Update the Department's EEO regulation to reflect changes to the Department's EEO policy.*

The Department's EEO policy was updated in 2011 to make explicit mention of gender identity (among other things). The Department's EEO regulation has not been updated to reflect this change. Although, as the Equal Employment Opportunity Commission (EEOC) recently made clear (*see Macy v. Holder*), gender identity discrimination is sex discrimination, and the current EEO regulation prohibits sex discrimination, we think the regulation should be amended to state explicitly that gender identity discrimination is prohibited sex discrimination and to reflect other changes to the EEO policy, to wit:

It is the policy of the Department of Justice to seek to eliminate discrimination on the basis of race, color, religion, sex (*including pregnancy and gender identity*), sexual orientation, national origin, marital status, political affiliation, age, physical or mental handicap, *genetic information, status as a parent, or any other non-merit factor* in employment within the Department and to assure equal employment opportunity for all employees and applicants for employment.

b. *Amend existing EEO complaint processing procedures to reflect that gender identity discrimination is sex discrimination, and that sexual orientation discrimination is also sex discrimination in certain circumstances.*

Under the Department's existing EEO order, EEO complaints are processed using two different and unequal tracks: one for claims of discrimination on the bases of sexual orientation, gender identity, and status as a parent; and another for discrimination on the bases covered by Title VII of the Civil Rights Act of 1964.³ Consistent with the EEOC's decision in *Macy* that gender identity discrimination is sex discrimination, the Department's EEO order should be updated to reflect that discrimination on the basis of gender identity is discrimination on the basis of sex, and that complaints of gender identity discrimination should be processed under Title VII as complaints of sex discrimination. The order should be further revised to state that, in certain circumstances, lesbian, gay and bisexual individuals may also experience sex

³ The Title VII track entitles the complainant to appeal an adverse Department decision to the EEOC, and to receive back pay, equitable remedies, and monetary remedies (reasonable attorney's fees and costs, and compensatory damages) when there is a finding of discrimination. By contrast, the non-Title VII track entitles the complainant only to a final decision by the Department's Complaint Adjudication Office (without right of appeal to the EEOC), and, when there is a finding of discrimination, only back pay and non-monetary remedies.

discrimination, including sexual harassment or discrimination because of a person's **failure to conform to sex-stereotypes**, and are entitled to have their complaint processed under Title VII.

* * * *

Thank you for your continued support. We would be happy to meet with you to discuss our concerns and recommendations.

Respectfully,



Marc Salans
President



Trevor Blake
Vice President



John Elias
Secretary



Chris Hook
Treasurer



Deirdré Emmes
Board Member



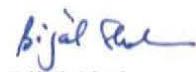
Chrysovalantis Kefalas
Board Member



Judith Levy
Board Member



Melissa Schraibman
Board Member



Bijal Shah
Board Member



MAR 27 2013

Washington, D.C. 20530

The Association of Lesbian, Gay, Bisexual, and
Transgender Employees of
the U.S. Department of Justice
C/O Marc Salans, President
DOJ Pride
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Mr. Salans:

On behalf of Attorney General Eric H. Holder, Jr., I would like to thank you and the leadership of DOJ Pride for your sustained support of Department-wide diversity management, human capital and Equal Employment Opportunity programs. DOJ Pride has worked hard to increase awareness of Lesbian, Gay, Bisexual, and Transgender (LGBT) issues and concerns, and has partnered with us to ensure the well-being of LGBT employees at Justice.

You had written the Acting Associate Attorney General in his capacity as Chair of the Attorney General's Diversity Advisory Council, suggesting that the Department establish an official LGBT Special Emphasis Program (SEP), and that it be on par with the other groups of employees that are recognized. I am pleased to inform you that the Attorney General has approved LGBT as a Special Emphasis Program effective the date of this letter, and that we, too, believe this action will have a positive and enduring impact on the well-being of LGBT employees across the Department.

As you know, the Justice Management Division, and our Equal Employment Office Staff, have long worked to support the LGBT workforce and DOJ Pride, and we will continue to support observance, recruitment and professional development activities. In addition, we will revise the Human Resources Order to help promulgate this action across the Department.

We welcome your ideas and feedback as we continue to advance effective diversity management practices across the Department. We look forward to strengthening our partnership with DOJ Pride in support of developing a diverse and talented workforce that can help achieve the Justice mission.

Please contact me on [REDACTED] or Mari Barr Santangelo, Deputy Assistant Attorney General for Human Resources and Administration, on [REDACTED] if you have additional questions.

Sincerely,



Lee J. Lofthus
Assistant Attorney General
for Administration

cc: James Cole
Deputy Attorney General

Tony West
Acting Associate Attorney General



950 Pennsylvania Ave NW, Room 7145, Washington, DC 20530 • www.dojpride.org

April 22, 2013

The Honorable Tammy Baldwin
United States Senate
1 Russell Courtyard
Washington, DC 20510

Dear Senator Baldwin,

Thank you for agreeing to give the keynote speech at the U.S. Department of Justice's 2013 LGBT Pride Month Program. This letter will confirm that the program is scheduled for Tuesday, June 18, 2013 at 11:00 a.m. in the Great Hall of the Robert F. Kennedy Main Justice Building, 950 Pennsylvania Avenue, N.W., Washington, D.C. This year's theme, "Celebrating a Year of Firsts," is in acknowledgment of your historic election as the first openly gay United States Senator, as well as a number of other important firsts for LGBT Americans and their allies during the past year.

Thanks to your participation, this promises to be one of our best programs to date. The Attorney General is tentatively scheduled to provide special remarks, and Melissa Etheridge (who is performing at Wolf Trap later in the day) is scheduled to speak, as well. In addition, DOJ Pride will be presenting two awards: the Gerald B. Roemer Community Service award to Brendon Ayanbadejo, former Special Teams Ace and linebacker, Baltimore Ravens, for his efforts to advance marriage equality; and the James R. Douglass Award to Wendi Hammond, Drug Treatment Specialist-Bureau of Prisons-FCC Coleman, Florida, in recognition of her contributions to the work-life environment for LGBT employees of the Department of Justice.

As the date of the event approaches, we will follow up with additional details about the logistics for the event. In the meantime, a draft timeline is included below for your information. If you or your staff have any questions, please do not hesitate to contact me.

We look forward to welcoming you to the Department of Justice, and thank you once again for agreeing to headline our event.

Very truly yours,

Marc Salans
President



950 Pennsylvania Ave NW, Room 7145, Washington, DC 20530 • www.dojpride.org

REPORT OF DOJ PRIDE ON ITS SURVEY OF LGBT SPECIAL EMPHASIS PROGRAM MANAGERS AT THE FEDERAL BUREAU OF PRISONS (BOP)

In June 2013, DOJ Pride was advised of a small number of complaints by BOP employees about negative reactions by institution staff to the work of those BOP employees in connection with their collateral duties as LGBT Special Emphasis Program Managers (SEPMs), and the lack of support those employees receive in that role.

In July 2013, DOJ Pride solicited comments from BOP's LGBT SEPM community to assess the experiences of LGBT SEPMs throughout the country. We received 20 responses in all (19 written, one oral).

Based on the responses we received, we conclude that:

- Those who feel supported by their institution's leadership are much more likely to have positive experiences, even if staff is not supportive.
- Religious objections by staff to receiving information pertaining to LGBT issues is a common problem that needs to be addressed.
- SEPMs need help thinking strategically about how to tailor their message, how to get it across effectively, and how to deal with uncooperative staff.

I. Breakdown of responses from LGBT SEPMs

We have broken the responses down into three categories: positive; mixed; and negative.

A. Seven respondents (35%) reported positive experiences overall

“I’ve had a positive experience overall but . . . I’ve had staff members request to be removed from the all staff emails due to their religious or moral objections.”

“I have received very little negative feedback from staff. . . . I attribute the lack of negative feedback to our executive staff. Our warden and my AWP are extremely supportive.”

“Staff . . . have been receptive and supportive.”

“I have had great success so far. . . . We have received a lot of support in our institution.”

“I have actually had pretty solid support. I have not experienced any negative feedback, and have primarily gotten positive comments on the presentations, and a decent number of people showing up at events.”

“My experiences have been fairly positive. I have only had one staff member with ‘issues’ . . . but I felt very supported by [the] Warden, AW, Captain.”

“I . . . have had a huge amount of support from leadership all the way down the chain of command. . . . I think this region is well informed and that all the SEPMs understand they are supported by management.”

B. Seven respondents (35%) indicated having mixed experiences

“[Last year,] there were a lot of negative responses from highly religious staff. . . . This year, . . . there has been a lot of positive feedback.”

“I have had some positive and negative feedback. I get email from staff saying don’t send them those kind [sic] of emails and voicing their religious beliefs.”

“We’ve had a mixed response with supportive leadership but less than enthusiastic line staff. Responses to our program have been mostly in the form of silent resistance.”

“My experience as LGBT Program Manager has been just okay, staff does not support the program no participation at all. . . . What’s frustrating now is, we can no longer personally send out educational emails dealing with our program to all staff anymore We have to send it to the Affirmative Action Manager and he decides whether he will send it out or not.”

“[We] have a long way to go [at my institution] when it comes to excepting [sic] the LGBT community. . . . I think the biggest obstacle is lack of understanding what is trying to be achieved, and it is hard to explain to someone who isn’t willing to listen; [who] think[s] I’m trying to push a ‘gay agenda.’ . . . There are a lot of supportive people here as well. . . . Most people aren’t being aggressively defiant of the program they are just talking negatively amongst each other and . . . not attending events.”

“I have had a positive experience with the Executive Staff. . . . Also, the large majority of the staff at my institution have been very supportive. However, I have had my share of negative experiences. These experiences have been mainly when staff respond negatively to the LGBT educational emails that I have sent out to all staff. . . . I do think there needs to be more training (at all levels) for staff regarding LGBT.”

One respondent indicated the Warden is supportive but staff have sent him emails indicating they objected to receiving information about LGBT and threatening to file grievances. He expressed a desire for additional guidance on what is appropriate to send to staff.

C. Five LGBT SEPMs (25%) reported having an overall negative experience

“You wanted to know where we are? The Bureau of Prisons is pretty much still in the 1960’s [on this issue].”

“I have been harassed within the performance of my federal collateral duties by other Bureau staff.”

“I had several staff respond to my informational campaign during LGBT month in a negative way. . . . I also received a lengthy email from our chaplain who indicated that receipt [of] emails and support of the LGBT was against his religious beliefs. Further, several of the emails I received were from supervisors.”

“I have not actually had a good experience. I resigned from the program, under some duress, last month. . . . I realize we are in a rural community and many staff members are not tolerant of LGBT individuals, but it is upsetting when the administrative staff (even the AA chairperson) agrees with this prejudice.”

“It is frustrating and I have even thought about resigning my position [as LGBT Program Manager]. I don’t feel like we have the support needed.”

D. One respondent (5%) said she had to choose her words wisely because she feared backlash, but did not say more.

II. Findings and Recommendations

Based on the responses we received, we conclude that:

- Those who feel supported by their institution’s leadership are much more likely to have positive experiences, even if staff is not supportive.
- Religious objections by staff to receiving information pertaining to LGBT issues is a common problem that needs to be addressed.
- SEPMs need help thinking strategically about how to tailor their message, how to get it across effectively, and how to deal with uncooperative staff.

In light of these findings, we recommend that BOP:

- Create a LGBT liaison or LGBT Program Director position in the Affirmative Employment Branch.

- Conduct mandatory (either in person or on-line) LGBT cultural diversity training (that specifically addresses religious objections to LGBT diversity efforts) for all executive staff in the BOP.
- Conduct mandatory (either in person or on-line) LGBT cultural diversity training (that specifically addresses religious objections to LGBT diversity efforts) for all management staff in the BOP.
- Conduct mandatory LGBT cultural diversity training (that specifically addresses religious objections to LGBT diversity efforts) for all LGBT SEPMs in the BOP. The training should be conducted at the training center in Denver or each regional office.
- Conduct voluntary LGBT cultural diversity training at each institution in the BOP for any staff that desires to participate in the training. The training should be conducted as a class at each institution's training center and should be in addition to the Affirmative Employment Program.
- Centralize decision-making authority over what LGBT educational material can be distributed by LGBT SEPMs to staff. At the Central Office level (DC), a centralized LGBT Resource Center (web page) should be created and maintained on the BOP intranet. (This could be one of the duties of the LGBT liaison or Program Director.) This would provide SEPMs access to pre-approved LGBT educational information to utilize at their respective institutions, and would ensure consistency in the information that is allowed to be distributed to staff across the BOP. The LGBT Resource Center should not be viewed as an exhaustive listing, however. LGBT SEPMs should be permitted to distribute additional educational information not maintained on the BOP intranet (for example, information about a local resource or educational event in their geographic area).

If you have any questions about this Report, please do not hesitate to contact DOJ Pride's President, Marc Salans, at [REDACTED] or [REDACTED].

August 2013



Department of Justice

Annual LGBT Pride Month Program

"Decades of Progress - Working Together with our Partners and Allies to Ensure Equality for All"



Welcome

*John Elias, Special Assistant
Office of Operations, Antitrust Division
and President, DOJ Pride*

National Anthem

*Rick Knight
Gay Men's Chorus of Washington, D.C.*

Remarks and Introduction of Speakers

*The Honorable Eric H. Holder, Jr.
Attorney General*

Keynote Remarks

*Roberta Kaplan, Attorney
Paul, Weiss, Rifkind,
Wharton & Garrison LLP*

Special Remarks

*Pamela S. Karlan
Deputy Assistant Attorney General
Civil Rights Division*

Presentation of DOJ Pride Awards

*Deirdre M. Emmes
Supervisory Special Agent
FBI Baltimore*

Closing Remarks

*Richard Toscano
Director
JMD Equal Employment Opportunity Staff*

**11:00 a.m., Tuesday, June 10, 2014
The Great Hall, Robert F. Kennedy Main Justice Building**



Roberta (Robbie) Kaplan has extensive experience representing clients such as Fitch Ratings, Airbnb, and JPMorgan Chase in complex, high-profile matters. In recent years, she has been active in matters involving mortgage-backed securities, structured finance transactions, and credit rating opinions. As a result, Ms. Kaplan has developed an expertise dealing with the complex interplay between regulatory investigations, criminal prosecutions, and the onslaught of civil lawsuits that typically follow.

Ms. Kaplan successfully argued before the United States Supreme Court on behalf of Edith Windsor in *United States v. Windsor*, the Supreme Court case that may be the most significant civil rights decision of our time. In *Windsor*, the Nation's highest court issued a landmark ruling that a key provision of the Defense of Marriage Act (DOMA) violated the U.S. Constitution by barring legally married same-sex couples from enjoying the wide-ranging benefits of marriage conferred under federal law. In its majority opinion in *Windsor*, the Supreme Court held that the status of being a married gay person is "a far-reaching legal acknowledgment of the intimate relationship between two people, a relationship deemed...worthy of dignity in the community equal with all other marriages." The consequences of the *Windsor* decision have been both rapid and profound. At least 13 Lower courts throughout the United States, including in New Jersey, Ohio, New Mexico, Kentucky, Oklahoma and Utah, have since held, relying explicitly on *Windsor*, that gay couples in those jurisdictions should be accorded equal rights. Ms. Kaplan's historic representation of Edie Windsor was chronicled by Ariel Levy in her piece in the September 30, 2013, issue of *The New Yorker* entitled, "A Perfect Wife." She was also recently profiled in a documentary produced by the PBS "MAKERS" series.



Pamela S. Karlan serves as a Deputy Assistant Attorney General in the Civil Rights Division of the United States Department of Justice. Her primary focus is reviewing the work of the Division's Voting and Employment Litigation Sections.

Karlan began her legal career serving as a law clerk to Judge Abraham D. Sofaer of the United States District Court for the Southern District of New York and Justice Harry A. Blackmun of the Supreme Court of the United States. She was also an assistant counsel at the NAACP Legal Defense and Educational Fund, Inc., specializing in voting rights and employment discrimination litigation. From 2003-05, she served as a Commissioner on the California Fair Political Practices

Commission, the state agency responsible for overseeing California's campaign finance and conflict-of-interest laws.

Karlan is currently on leave from Stanford Law School, where she serves as Kenneth and Harle Montgomery Professor of Public Interest Law and Co-Director of the School's Supreme Court Litigation Clinic. She has also taught at Harvard, NYU, the University of Virginia, and Yale. She is the co-author of three leading casebooks on constitutional law, constitutional litigation, and regulation of the political process, several other books, and more than sixty scholarly articles. She is an elected member of the American Law Institute, the American Academy of Arts and Sciences, and the American Academy of Appellate Lawyers. In October Term 2012, she served as co-counsel for Edith Windsor in *United States v. Windsor*.

Gerald B. Roemer Community Service Award – Recognizes outstanding contributions to the LGBT community.

The Honorable Eric H. Holder, Jr. – Attorney General of the United States

James R. Douglass Award – Recognizes individuals whose efforts have contributed positively to the work-life environment for LGBT employees of the Department.

The Honorable Judith E. Levy – U.S. District Judge for the Eastern District of Michigan



UPCOMING PRIDE MONTH EVENTS

Pride Month Happy Hour – June 12

Mark your calendars to join DOJ Pride as we continue to celebrate Pride Month! Happy hour will run 6 PM – 8 PM at Hill Country BBQ, 410 7th St NW. We encourage all to attend, including interns and new employees!

DOJ Pride Membership Meeting – June 16

We want to hear from you! Share your thoughts on our programming and what you'd like for us to be undertaking. We will also seek input on a proposal to broaden the scope of our association. We currently describe ourselves as an association of lesbian, gay, bisexual, and transgender employees of the Department of Justice and their allies, and we'd like feedback on how to be more inclusive. Light refreshments will be served. The Andretta Room (Main Justice Room 1101) from 12 PM – 1 PM. Dial-in number 202-353-0877, passcode 33307639#.

DOJ Pride Ice Cream Social – June 25

Close Pride Month with an Ice Cream Social with DOJ Pride! We will gather on the 9th floor terrace of the Liberty Square Building, 450 5th St NW, from 3 PM – 4 PM. The visitor's center entrance on 5th Street will permit entry for those whose badges do not already grant access to the building.

Visit our Facebook page and website, www.dojpride.org

**2014 Annual Lesbian, Gay, Bisexual, and Transgender (LGBT)
Month Program**

Evaluation Form

Please complete and return this evaluation form before leaving the Observance. Your responses will be used to help continuously improve Special Emphasis Observance Programs, which are designed to educate and promote a greater understanding of cultural diversity and equal employment opportunity.

Please circle the response that best reflects your level of agreement with the statements below.

Rating Scale: Strongly Agree (5) Agree (4) Neutral (3) Disagree (2) Strongly Disagree (1)

1. The Observance enhanced my understanding about the contributions of the LGBT Community. 5 4 3 2 1

2. The time of day allotted for the Observance was appropriate. 5 4 3 2 1

3. The physical accommodations met the following objectives:
 - a. The location {Great Hall} was appropriate. 5 4 3 2 1
 - b. The facility was accessible to individuals with disabilities. 5 4 3 2 1
 - c. The audiovisual system was effective. 5 4 3 2 1

4. The Observance overall was beneficial to me. 5 4 3 2 1

5. I would encourage my colleagues to attend this Observance next year. 5 4 3 2 1

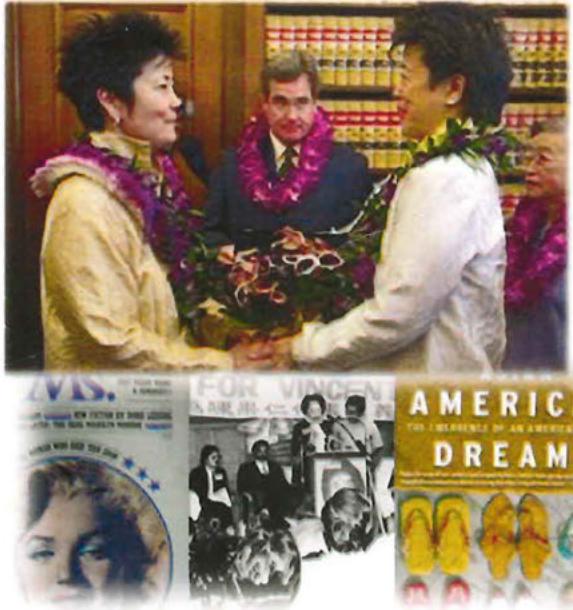
6. How did you hear about this Observance?

_____ JCON message _____ Colleague _____ Other {specify}

Please provide suggestions for future observance programs {topic, keynote speaker, etc.} on the reverse side of this form.

From Vincent Chin to Marriage Equality, From Invisible to Envisioning

A dialogue with renowned
journalist, author, scholar, activist **Helen Zia**



Location: Patrick Henry Building 10th floor Library (601 D Street, N.W.)

Date & Time: July 14, 2014 Monday 12:30-1:30 p.m.

- The program will begin with short video clips, and you are encouraged to come with questions or comments for an informal dialogue with Ms. Zia.
- All are welcome! Feel free to bring your lunch; light refreshments will be served.
- Please contact [REDACTED] or [REDACTED] [REDACTED] for additional information or to request reasonable accommodations.
- Please RSVP to [REDACTED] to help us plan, but a response is not necessary for attendance.

*Program sponsors include DOJ Pan Asia, DOJ Pride,
Diversity Committees of Community Relations Service, Antitrust Division and Tax Division
and Civil Rights Division Diversity Council*



950 Pennsylvania Ave NW, Room 5736, Washington, DC 20530 • www.dojpride.org

August 17, 2015

The Honorable Loretta E. Lynch
Attorney General of the United States
U.S. Department of Justice
Robert F. Kennedy Main Building
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Attorney General Lynch:

DOJ Pride is thrilled to have such a strong ally at the helm of the Department, and we look forward to working with you to ensure that our members are able to participate fully and equally in the workplace. To that end, we write to identify three priorities to help make the Department a model agency for LGBT employees.

DOJ Pride commends the recent advances in the Department's approach to LGBT matters: ending the defense of DOMA, enforcing the Shepard-Byrd Hate Crimes Act, recognizing gender identity discrimination as a form of sex discrimination prohibited by Title VII, and advocating for full nationwide marriage equality before the Supreme Court, to name a few. We also applaud the appointment of openly-LGBT people to high-ranking positions within DOJ and the establishment of a formal LGBT Special Emphasis Program. We further appreciate the commitment you expressed at Lambda Legal "to spread fairness, dignity and equality to every corner of this nation." These efforts have been a significant morale boost to the Department's LGBT employees and allies.

However, much work remains. DOJ Pride continues to receive disturbing reports of inappropriate workplace behavior, indicating that progress has been uneven within the Department. We also continue to hear departing employees cite an unwelcoming environment as a motivating factor for leaving the Department, including one of our very own Board members this past May. We thus request the following actions to address the problems that persist and promote an open and inclusive environment:

1. Update the Department's EEO Order and Policy to Reflect Current Law.

The Department's current [EEO Order](#) should be updated to reflect the EEOC's most recent EEO management directive, [MD-110](#), to accurately state that allegations of discrimination on the basis of gender identity, transgender status, and sexual orientation will be entitled to

treatment as claims of sex discrimination prohibited under Title VII. The EEOC's *Macy* (2012) and *Baldwin* (2015) decisions make clear that Title VII treatment is required, and these decisions are binding on the Department in its role as a federal employer. This issue is significant to our membership, as the Title VII complaint track entitles a complainant to far greater rights, remedies, and protections than the Department's non-Title VII complaint track.

DOJ Pride has been informed by the Justice Management Division that Department components have been instructed to give Title VII treatment to claims alleging discrimination on the basis of gender identity, transgender status, and sexual orientation. Mere instructions are insufficient. The Department's published EEO order provides the notice to employees of how their claims will be treated and ensures that components process claims appropriately. The Department's [EEO order](#) currently reads as follows:

Discrimination Complaint Processing System.

1. **General.** All discrimination complaints based on race, color, religion, national origin, sex, age, disability (physical and mental), genetic information, and reprisal, will be processed and adjudicated in accordance with EEOC regulations and directives set forth at 29 CFR 1614 and Management Directive 110. Complaints based on an applicant's or employee's gender identity, sexual orientation or status as a parent, will be processed and adjudicated in accordance with paragraph B.7.j of the DOJ 1200.1 (Chapter 4-1). . . .

....

10. **Complaints of Discrimination on the Bases of Sexual Orientation, Gender Identity or Status as a Parent.** Complaints of discrimination on the bases of sexual orientation, gender identity, or status as a parent will be processed by utilizing the informal EEO counseling process and, as necessary, the EEO Alternative Dispute Resolution (ADR) Program. . . . Individual entitlement in this regard is derived from Department of Justice policy and practice and not from EEOC regulations which govern other types of discrimination complaints in the Federal Sector. Although complaints based on sexual orientation and parental status are processed under the same administrative time frames, they cannot be the subject of a hearing before an EEOC administrative judge or an appeal to the EEOC.

This language is outdated and inaccurate. The EEOC's most recent Management Directive 110 references the *Macy* and *Baldwin* decisions in expressly stating that "Title VII's prohibition against sex discrimination includes discrimination on the basis of pregnancy, sexual orientation and gender identity including transgender status." Accordingly, we request that the Department specify in its EEO order and [EEO policy](#) that it will treat discrimination based on these characteristics as a form of sex discrimination.

The Department has not yet updated the EEO order in the more than three years that have passed since the EEOC's *Macy* decision. DOJ Pride asked Attorney General Holder to take action on this issue in 2013 in light of that decision, and we have repeatedly engaged JMD and

the EEO office on this matter. The contemplated revisions seem straight-forward, and we do not understand the delay. We urge you to prioritize completion of this long-overdue update.

2. Conduct a Department-wide Diversity Climate Survey.

We request a Department-wide diversity climate survey that includes LGBT matters. Unless and until the Department understands the type and scope of problems faced by its LGBT employees, the Department will have limited success addressing challenges to creating a truly inclusive workplace. We have long requested such a survey, and Dr. Richard Friend, an expert who conducted LGBT inclusion training for Department managers in June 2012, echoed our request in his post-training recommendations to the Department. Implementing this best-practice would promote inclusiveness both by highlighting specific areas for improvement and by signaling to employees that a diverse workplace is indeed valued.

Notably, in 2010, the Environment and Natural Resources Division conducted a pilot LGBT diversity climate survey with the help of DOJ Pride. ENRD traditionally receives high ratings in the Federal Employee Viewpoint Survey, but the survey results indicated that many of ENRD's LGBT employees do not feel welcome and affirmed. Although a few individual components now conduct general diversity climate surveys, Department-wide data that includes LGBT issues is needed to provide the data and information necessary to identify, address, and benchmark challenges over time.

3. Collect LGBT Demographic Data on Applicants and Employees.

The Department should advocate for an amendment to Standard Form 181 to allow for the voluntary self-identification of LGBT status to enable the Department to collect LGBT demographic information for applicants and employees. If an amendment to the standard form cannot be obtained, we urge the Department to seek a waiver to use a customized form that solicits this information on a voluntary basis instead of SF-181.

The Department's EEO policy states that the Department "will ensure that all programs to recruit, hire, train, develop, promote, reward, and discipline employees are conducted in a fair and consistent manner, and solely on the basis of merit." In order to evaluate whether programs are being conducted in a fair and consistent manner, the Department must be able to measure how different groups of employees are faring in this regard. Without this information, the Department cannot track changes in the composition of its workforce or analyze barriers to the participation of LGBT individuals. This lack of information also renders the Department unable to analyze the conditions for LGBT employees in its annual reporting under Management Directive 715. The Department currently collects this data for Honors Program applicants, suggesting that the utility of this information is recognized, and more comprehensive data would yield a more complete analysis. For these reasons, the collection of LGBT demographic information is vital to ensuring that the Department is meeting its equal employment opportunity obligations.

* * * *

Thank you for your consideration. We look forward to building a partnership with you to ensure the full participation of the Department's LGBT employees and would welcome the opportunity to discuss our concerns and recommendations in person.

Respectfully,

John Elias

John Elias
President

Barbara Schwabauer
Vice President

Robert A. Koch
Secretary

Latashia R. Gohlke
Wendi Hammond
Marc R. Salans
Jennifer Sanders
Board Members

cc:

Office of the Deputy Attorney General
Office of the Associate Attorney General
Office of the Assistant Attorney General, Administration
Attorney General's Advisory Committee

Presidential Proclamation -- LGBT Pride Month, 2016
LESBIAN, GAY, BISEXUAL, AND TRANSGENDER PRIDE MONTH, 2016

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

Since our founding, America has advanced on an unending path toward becoming a more perfect Union. This journey, led by forward-thinking individuals who have set their sights on reaching for a brighter tomorrow, has never been easy or smooth. The fight for dignity and equality for lesbian, gay, bisexual, and transgender (LGBT) people is reflected in the tireless dedication of advocates and allies who strive to forge a more inclusive society. They have spurred sweeping progress by changing hearts and minds and by demanding equal treatment -- under our laws, from our courts, and in our politics. This month, we recognize all they have done to bring us to this point, and we recommit to bending the arc of our Nation toward justice.

Last year's landmark Supreme Court decision guaranteeing marriage equality in all 50 States was a historic victory for LGBT Americans, ensuring dignity for same-sex couples and greater equality across State lines. For every partnership that was not previously recognized under the law and for every American who was denied their basic civil rights, this monumental ruling instilled newfound hope, affirming the belief that we are all more free when we are treated as equals.

LGBT individuals deserve to know their country stands beside them. That is why my Administration is striving to better understand the needs of LGBT adults and to provide affordable, welcoming, and supportive housing to aging LGBT Americans. It is also why we oppose subjecting minors to the harmful practice of conversion therapy, and why we are continuing to promote equality and foster safe and supportive learning environments for all students. We remain committed to addressing health disparities in the LGBT community -- gay and bisexual men and transgender women of color are at a particularly high risk for HIV, and we have worked to strengthen our National HIV/AIDS Strategy to reduce new infections, increase access to care, and improve health outcomes for people living with HIV.

Despite the extraordinary progress of the past few years, LGBT Americans still face discrimination simply for being who they are. I signed an Executive Order in 2014 that prohibits discrimination against Federal employees and contractors on the basis of sexual orientation or gender identity. I urge the Congress to enact legislation that builds upon the progress we have made, because no one should live in fear of losing their job simply because of who they are or who they love. And our commitment to combatting discrimination against the LGBT community does not stop at our borders: Advancing the fair treatment of all people has long been a cornerstone of American diplomacy, and we have made defending and promoting the human rights of LGBT individuals a priority in our engagement across the globe. In line with America's commitment to the notion that all people should be treated fairly and with respect, champions of this cause at home and abroad are upholding the simple truth that LGBT rights are human rights.

There remains much work to do to extend the promise of our country to every American, but because of the acts of courage of the millions who came out and spoke out to demand justice and of those who quietly toiled and pushed for progress, our Nation has made great strides in recognizing what these brave individuals long knew to be true in their hearts -- that love is love and that no person should be judged by anything but the content of their character. During Lesbian, Gay, Bisexual, and Transgender Pride Month, as Americans wave their flags of pride high and march boldly forward in parades and demonstrations, let us celebrate how far we have come and reaffirm our steadfast belief in the equal dignity of all Americans.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2016 as Lesbian, Gay, Bisexual, and Transgender Pride Month. I call upon the people of the United States to eliminate prejudice everywhere it exists, and to celebrate the great diversity of the American people.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of May, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and fortieth.

BARACK OBAMA

THE STRUGGLE
FOR
EQUALITY
CONTINUES

2016 DOJ LGBT PRIDE MONTH

ALL WELCOME

The Department will hold its annual
LGBT Pride Month Observance
Program from 11:00 a.m. – 12:00 noon,
Tuesday, June 7, 2016, in
The Great Hall, Robert F. Kennedy
Main Justice Building.

The theme for this year's program is
"The Struggle for Equality Continues."

All employees in the Washington, D.C. metropolitan area
are invited to attend. The program will be broadcast live on
the Justice Television Network (JTN).



**Department of Justice
2016 LGBT Pride Month Program**

"The struggle for Equality Continues."



Welcome

John W. Elias
Chief of Staff and Counsel,
Office of the Associate Attorney General and
President, DOJ Pride

National Anthem

Rick Knight
Gay Men's Chorus of Washington, D.C.

**Remarks and Introduction
of Keynote Speaker**

The Honorable Loretta E. Lynch
Attorney General

Keynote Remarks

Shannon Price Minter
Legal Director of the National Center
for Lesbian Rights

Presentation of DOJ Pride Awards

Barbara A. Schwabauer
Senior Trial Attorney, Civil Rights Division, and
Vice President, DOJ Pride

Closing Remarks

Granette Trent
Assistant Director, Affirmative Employment
Equal Employment Opportunity Staff
Justice Management Division

**11:00 a.m., Tuesday, June 7, 2016
The Great Hall, Robert F. Kennedy Main Justice Building**



Shannon Price Minter
Legal Director of the National Center for Lesbian Rights

Shannon Minter is the legal director for the National Center for Lesbian Rights (NCLR), one of the Nation's leading legal advocacy groups for LGBT people. Minter joined NCLR's staff in 1993 to create a legal program for LGBT youth harmed by conversion therapy. Subsequently, he also launched NCLR's immigration project and has represented LGBT plaintiffs in impact litigation in the areas of schools, employment, housing, elder law, transgender law, marriage, and family law.

Minter represented same-sex couples from Tennessee in *Tanco v. Haslam*, one of the four cases heard by the U.S. Supreme Court in its 2015 decision affirming that same-sex couples have the freedom to marry. He is a co-author of *Transgender Rights* (2006) and *Family Law for Lesbian, Gay, Bisexual, and Transgender Persons* (2015). In 2015, President Obama appointed Minter to the President's Commission on White House Fellowships. He received a B.A. from the University of Texas at Austin and a J.D. from Cornell Law School. Minter is originally from Texas and now lives in Washington, D.C.

DOJ Pride Award Recipients

Gerald B. Roemer Community Service Award – Recognizes outstanding contributions to the LGBT community.

- *Shannon Price Minter*, Legal Director of the National Center for Lesbian Rights

James R. Douglass Award – Recognizes individuals whose efforts have contributed positively to the work-life environment for LGBT employees of the Department of Justice.

- *Ashley Evans*, FBI Intelligence Analyst and Chair of FBI Pride

Join DOJ Pride for a Discussion with

Sarah Warbelow

Legal Director

Human Rights Campaign



JANUARY 24, 2017
12:00PM – 1:00PM

OFFICE OF JUSTICE PROGRAMS
810 7TH STREET

ROOM 3700
(EXECUTIVE CONFERENCE ROOM)

SARAH WARBELOW leads HRC's team of lawyers and fellows focused on federal, state, and municipal policy. She also coordinates HRC's advocacy efforts as amicus curiae ("friend of the court") in litigation affecting the lesbian, gay, bisexual, transgender and queer community. Warbelow joined the Human Rights Campaign in January 2008 as senior counsel for special projects and Justice for All Fellow. She served as HRC's State Legislative Director, from September 2009 to April 2014, working with state and local legislators and lesbian, gay, bisexual, transgender and queer advocacy organizations in pursuing their LGBTQ-related legislative priorities. Warbelow is also an affiliated professor at George Washington University and George Mason Law School, teaching courses on civil rights law and public policy.

Office of Justice
Programs

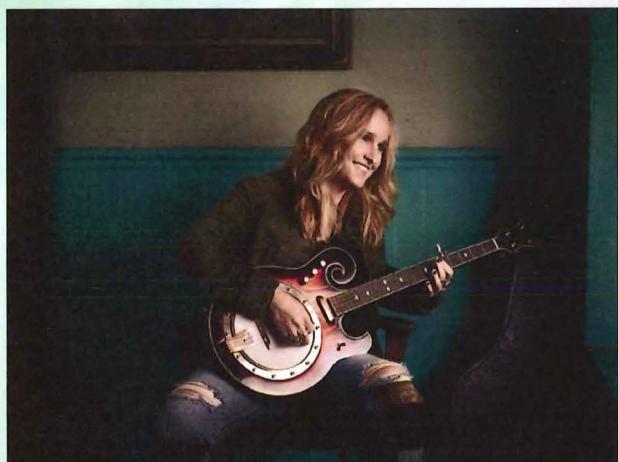
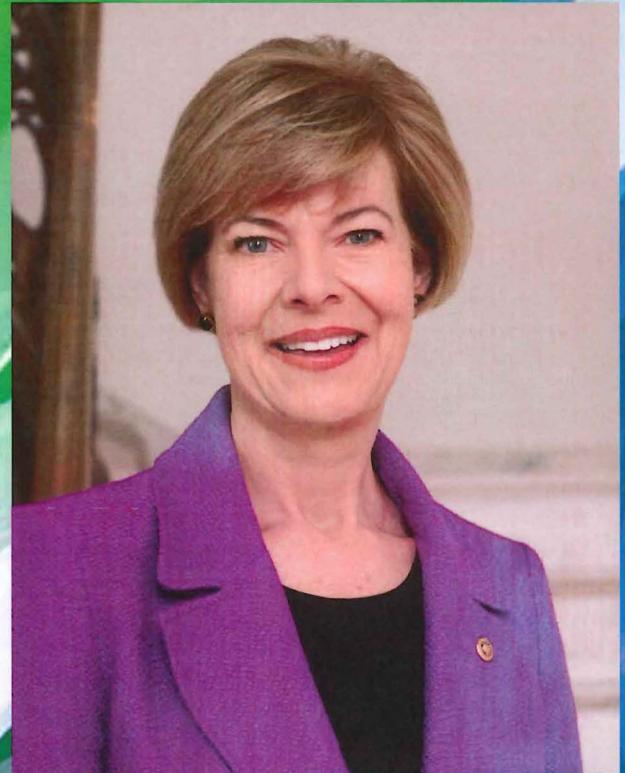
810 7th Street

Washington, DC 20531

LGBT Pride Month Observance

“Celebrating a Year of Firsts”

**Keynote by Senator
Tammy Baldwin**



**Special Remarks from
Eric H. Holder, Jr.
and Melissa Etheridge**



**Great Hall, June 18th at 11am
Broadcast live on JTN**





Department of Justice
2017 LGBT Pride Month Program

“Solidarity Through Pride”



Welcome

Robert Koch
**Attorney, Appellate Section, Civil Rights Division, and
Vice President, DOJ Pride**

National Anthem

Rick Knight
Gay Men's Chorus of Washington, D.C.

Remarks

The Honorable Dana Boente
**United States Attorney for the Eastern District of Virginia, and
Acting Assistant Attorney General for National Security,
National Security Division**

Keynote Remarks

Michelle Benecke
**Executive Director for Management Integration,
Immediate Office of the Undersecretary for Management,
U.S. Department of Homeland Security**

Sultan Shakir
**Executive Director,
Supporting and Mentoring Youth Advocates and Leaders**

**Presentation of DOJ Pride
Awards**

Robert Koch

Closing Remarks

Granette Trent
**Assistant Director for Affirmative Employment
Equal Employment Opportunity Staff
Justice Management Division**

11:00 a.m., Wednesday, June 28, 2017
The Great Hall, Robert F. Kennedy Main Justice Building

Michelle Benecke

Executive Director, Management Integration Office
U.S. Department of Homeland Security

Michelle Benecke is Executive Director of the Management Integration Office, Immediate Office of the Undersecretary for Management, U.S. Department of Homeland Security (DHS). Michelle joined the Management Directorate in September 2014, as a senior advisor to the Undersecretary for Management and was subsequently selected to the Senior Executive Service and her current position.

Previously, Ms. Benecke served at the Federal Emergency Management Agency, where she was an Associate Director and Chief Counselor for the Office of National Capital Region Coordination. Ms. Benecke has been with the DHS since its creation and brings extensive cross-component experience, including prior posts as Acting Chief of Staff to the DHS Deputy Secretary, Executive Director of a DHS-wide task force to better facilitate travel, and as part of the team that started the Transportation Security Administration.

Prior to her DHS service, Ms. Benecke was a founder and Executive Director of Servicemembers Legal Defense Network, the non-profit organization that led the successful National campaign to end Don't Ask, Don't Tell. Ms. Benecke is a former Army officer and a graduate of the University of Virginia and Harvard Law School, where she was selected as a Wasserstein Fellow in recognition of her public service commitment and accomplishments. Ms. Benecke and her wife live in Washington, D.C.

Sultan Shakir

Executive Director of SMYAL
(Supporting and Mentoring Youth Advocates and Leaders)

Mr. Sultan Shakir is the Executive Director of SMYAL (Supporting and Mentoring Youth Advocates and Leaders), an organization that works to support and empower Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ) youth in the Washington, D.C., metro area. Mr. Shakir works to expand opportunities for young LGBTQ people through youth empowerment. Prior to joining SMYAL, he worked at the Human Rights Campaign where he served as a Director of the Washington, D.C. and Maryland marriage equality campaigns, and in his most recent role, led the Historically Black Colleges and Universities Project, working to make campuses safer and more inclusive of LGBTQ students, faculty, and staff.

Born and raised in Philadelphia, Mr. Shakir is the son of teachers. He is a graduate of Baltimore's Peabody Conservatory of The Johns Hopkins University, with an emphasis on double bass performance. His earliest thoughts of community organizing were about sharing his passion for classical music with other young African-American males in Baltimore at a time when as many black males were dropping out of high school as graduating. "I decided it was more important for me to change the world than to be an entertainer," he said.

Mr. Shakir has been honored with the Community Circle Award by Baltimore Black Gay Pride, named Jewel of the Month by the National Black Justice Coalition, and won the Washington, D.C. Gay and Lesbian Activists Alliance Distinguished Service Award.



**Department of Justice
2017 LGBT Pride Month Program**

“Solidarity Through Pride”



DOJ Pride Award Recipients

Gerald B. Roemer Community Service Award – Recognizes outstanding contributions to the LGBT community.

- *Gavin Grimm*

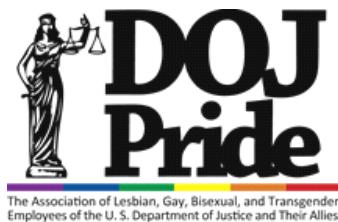
James R. Douglass Award – Recognizes individuals whose efforts have contributed positively to the work-life environment for LGBT employees of the Department of Justice

- The Civil Rights Division's HB-2 Litigation Team

Torie Atkinson, Peter Beauchamp, Dwayne Bensing, Chris Carney, Alexander Chanock, Frances Cohen, Cecily Crawford, Torey Cummings, Diana Flynn, Delora Kennebrew, Dylan de Kervor, Sean Keveney, Lori Kisch, Robert Koch, Alyssa Lareau, Camille Monahan, Christine Monta, Johnathan Newton, Taryn Wilgus Null, Whitney Pellegrino, Candyce Phoenix, Chiquita Robertson, Shaheena Simons, Christine Stoneman, and Aria Vaughan

- The Civil Rights Division's Tudor v. Southeastern Oklahoma State University Litigation Team

Shayna Bloom, Meredith Burrell, Adrienne Colbert, Delora Kennebrew, Valerie Meyer, and Allan Townsend



March 27, 2019

The Honorable William P. Barr
Attorney General of the United States
U.S. Department of Justice
Robert F. Kennedy Main Building
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Barr:

On behalf of DOJ Pride, we congratulate you on your appointment as the 85th Attorney General of the United States. Welcome back to the Department of Justice.

DOJ Pride was founded in 1994 to represent the thousands of lesbian, gay, bisexual, transgender, and queer (LGBTQ) employees and contractors, as well as their allies, who serve the Department each day with professionalism and distinction. We have a history of collaborating with Department leadership to identify and address issues that affect the Department's LGBTQ employees. We write today to express our desire to work with you and your leadership team to foster a welcoming and inclusive workplace here at the Department.

To further this goal, we raise two related matters that are of present concern to our membership: the Department's failure to issue an Equal Employment Opportunity (EEO) statement as required by law, and the declining morale of the LGBTQ workforce.

Equal Employment Opportunity Statement

An EEO statement is a critical affirmation of an agency's rights and values. The requirement to issue an EEO statement stems from the Civil Rights Act of 1964, as implemented by the Equal Employment Opportunity Commission in Management Directive 715.¹ MD-715 requires the heads of all federal agencies to issue "a written policy statement expressing their commitment to [equal employment opportunity] and a workplace free of discriminatory harassment,"

¹ The EEOC's actions are legally binding on the Department in its capacity as a federal employer. Section 717 of Title VII of the Civil Rights Act of 1964 and Section 501 of the Rehabilitation Act of 1973 require federal agencies to ensure that they establish and maintain effective programs of equal employment opportunity, and MD-715 represents the EEOC's implementation of these statutes. Accordingly, the heads of other Cabinet agencies have issued the required EEO Statements. See, for example, the EEO Statements of [Secretary Mnuchin](#); [Secretary Perry](#); [Secretary DeVos](#); [Secretary Carson](#); [Secretary Chao](#); [Secretary Acosta](#); [Secretary Wilkie](#); and [Secretary Ross](#).

including discrimination on any protected basis. Such statements are essential not only to the LGBTQ workforce, but also to historically under-represented groups more broadly. For that reason, by letter dated February 27, 2018, an expansive coalition of the Department's affinity groups called on Attorney General Sessions to issue an EEO statement. He never did.²

An agency's EEO statement must affirm that, at a minimum, all employees and applicants for employment will be able to pursue equal employment opportunities regardless of their sex (including sexual orientation, gender identity, and pregnancy), race, religion, color, national origin, age, genetic information, or disability.³ This affirmation is especially important to our members in light of the Department's recent litigating position, which it volunteered "in its capacity as the Nation's largest employer," that Title VII does not protect against discrimination on the basis of sexual orientation or gender identity. Our members need to know whether the Department will continue to honor such protections with respect to its own employees, as applicable under binding EEOC precedent.

Because MD-715 requires agency heads to issue an EEO statement at the beginning of their tenures—and thereafter on an annual basis—now is the appropriate time to formulate a statement that affirms the Department's commitment to a workplace free from discrimination, including discrimination on the basis of sexual orientation, gender identity, and gender expression. We are ready to assist in any way we can.

Declining Morale

DOJ Pride surveyed its membership in October 2018 to assess members' perspectives on working for the Department. The results indicate that morale is low among LGBTQ individuals currently employed in the Department, and that the Department is not recruiting and retaining top LGBTQ talent. The following comments are representative:

- "The DOJ is no longer the welcoming, inclusive environment for LGBTQ employees that it once was."
- "It's harder for gay men and trans people to work in the BOP. The BOP definitely does not attract or very often retain gay men and trans people."
- "Agents attend[ing] the FBI academy that are gay and/or latino are definitely discriminated against and in many cases evaluated more harshly than other new agents and dismissed from the academy."
- "Please do something about the FBI's unfair evaluation process at the FBI Academy. There are many gay agents attending that are dismissed because they are not 'bro-y' or masculine enough."
- "I have had many LGBTQ friends either leave the Department or express disinterest in applying to openings in the Department in the first instance."
- "I am leaving the DOJ in part due to the DOJ's treatment of its LGBTQ employees."

² The Department's EEO website continues to display Attorney General Lynch's EEO Statement, available at <https://www.justice.gov/jmd/file/790081/download>.

³ Information on the EEOC's model EEO program is available at <https://www.eeoc.gov/federal/directives/715/section1.cfm>.

- “It’s difficult and demoralizing not knowing if your employer really believes LGBTQ people should have antidiscrimination protections (housing, employment, accommodations) or not.”
- “As a department, it doesn’t feel like DOJ welcomes LGBTQ employees to bring their full selves to work.”
- “The fact that the Department has not issued an EEO policy (the one signed by Loretta Lynch is the most recent) is troubling and worrisome.”
- “This administration’s lack of regard for the wellbeing of its LGBTQ employees has led to the predictable result that many LGBTQ employees have left the Department.”
- “I understand that elections have consequences and that I work at an institution that at times takes positions with which I personally disagree. That’s nothing new. But, as the administration’s positions on LGBTQ issues emerged, it would have been a sound management practice for DOJ leadership to take conciliatory actions with LGBTQ employees.”
- “I think more than anything they just don’t think about us at all.”

Only 31% of respondents agreed that “the Department of Justice values its LGBTQ employees,” and only 43% agreed that “the Department of Justice does not discriminate on the basis of sexual orientation or gender identity or expression.” Perhaps the starker result was that fewer than 10% of respondents agreed that “the Department of Justice attracts and retains the best LGBTQ talent.” Given the crucial role the Department fulfills in our society—enforcing the nation’s laws and administering justice—we are concerned that so many employees who dedicate themselves to the Department do not think the Department values them, or that it attracts the best and brightest of the LGBTQ community.

These statistics and statements point toward a set of issues the Department must address, including morale, recruitment, retention, and fair treatment. DOJ Pride is eager to be a resource for, and a partner with, your office in improving and strengthening the Department on these fronts. We understand that Rachel Bissex will be serving as your office’s liaison to the Department’s affinity groups, and we look forward to raising and discussing these issues with her and others in leadership.

* * *

Congratulations again on your appointment as Attorney General of the United States, and thank you for considering the issues this letter raises. Enclosed is a DOJ Pride-FBI Pride challenge coin that we hope will represent for you the thousands of LGBTQ employees and contractors who rely on your leadership.⁴ We look forward to working with you and your staff to advance our

⁴ The Attorney General is permitted to accept this challenge coin under the regulations governing gifts between employees, which can be found at 5 C.F.R. § 2635. Challenge coins do not fit within the definition of “gifts” in the regulations because they are “items with little intrinsic value, such as plaques, certificates, and trophies, which are intended primarily for presentation.” 5 C.F.R. § 2635.203(b)(2); *see also* 5 C.F.R. § 2635.303(a) (adopting, as part of the prohibition on gifts to superiors, the definition of “gift” from 5 C.F.R. § 2635.203(b)). Even if the challenge coin were considered a gift, the Attorney General would be permitted to accept it because it is being given “on an occasional basis”—the occasion

mutual interest in making the Department of Justice a vibrant and effective workplace that is supportive, fair, and inclusive of all.

Respectfully,

Jason Lee (CIV)
President of DOJ Pride

Gabriel Case (OIG)
Adam Chandler (ATR)
Julie Doctor (BOP)
David Heath (USAO-CT)
Derek Julius (CIV)
Paul Killebrew (CRT)
Avi Kupfer (ENRD)
Tim Laffredi (USTP)
DOJ Pride Board of Directors

cc:

Rachel Bissell, Counselor to the Attorney General and White House Liaison
Office of the Deputy Attorney General
Office of the Associate Attorney General

being his return to the Department of Justice as Attorney General—and is worth less than \$10. 5 C.F.R. § 2635.304(a)(1). The cost of the challenge coin was \$5.



Office of the Attorney General
Washington, D. C. 20530

April 4, 2019

Jason Lee
Trial Attorney
Consumer Protection Branch
Civil Division
U.S. Department of Justice
450 5th St., NW
Washington, D.C. 20001

Dear Mr. Lee:

Thank you for your March 27, 2019, letter on behalf of DOJ Pride. Please convey to the Board of Directors and the rest of DOJ Pride's membership my appreciation for your warm welcome back to the Department. I also appreciate your raising issues that matter to you and many employees in the Department, and I want to update you on actions that I have taken in response.

First, earlier today, I signed an EEO statement for the Department of Justice. A copy of that statement is attached. Issuing the statement is not only required by law—as you noted in your letter—it is the right thing to do. Employment decisions at the Department must be made solely on merit and free from discrimination. Every employee should know that I stand by that principle.

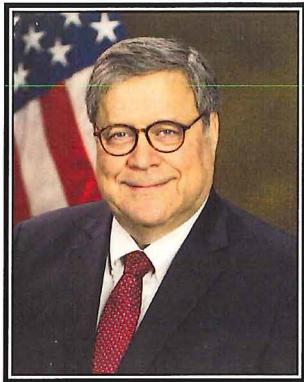
Second, I was troubled by the concerns you raised about low morale and in particular about discrimination against LGBTQ employees. I have shared your letter with the FBI and BOP and have directed them to take appropriate action to investigate and address allegations of discrimination and to prevent it going forward. I hope that DOJ Pride can help in identifying issues when they arise and in working with Department leadership on solutions.

I know that these steps are not a cure-all. But I believe that they are important, and I thank you for bringing these matters to my attention. Please know that your input is always welcome. I hope that you and DOJ Pride will continue to help me and Department leadership in ensuring the Department is an inclusive and productive workplace for all employees.

Sincerely,


William P. Barr
Attorney General

Enclosure



U.S. DEPARTMENT OF JUSTICE EQUAL EMPLOYMENT OPPORTUNITY POLICY

William P. Barr

As the Nation's largest law enforcement agency, the Department of Justice has an especially important duty to uphold the rule of law and to maintain a dedicated and diligent workforce that pursues justice, equality, and fundamental fairness on behalf of all Americans. We differ in many ways, but this diversity helps us better serve our Country. It brings to bear diverse perspectives that enable us to carry out our responsibilities more effectively, protect our vital national interests, keep our country safer, and preserve the rights of all Americans.

Accordingly, the Department embraces equal employment opportunity (EEO) and inclusiveness. We welcome employees from diverse backgrounds to apply their skills and talents toward advancing our mission to serve the country, achieve justice, and promote the rule of law.

We must ensure that no applicant for employment or employee of our Department will be denied equal opportunity because of race, color, religion, national origin, sex, age, sexual orientation, disability (physical or mental), gender identity, protected genetic information, pregnancy, status as a parent, marital status, political affiliation, or any other nonmerit-based factor. We will take swift and appropriate corrective and/or disciplinary action when employees are found to have engaged in discrimination, retaliation, or harassment, including sexual harassment, which are prohibited by our policies regardless of whether the discrimination, retaliation, or harassment violates federal law.

The Department provides reasonable accommodations to employees and applicants with disabilities and for religious observances or practices in accordance with established law, and supports the use of alternative dispute resolution to resolve EEO complaints and workplace disputes.

All DOJ employees and applicants for employment are afforded legal protections against EEO violations and have the right to raise allegations of discrimination and harassment without fear of reprisal. DOJ employees and applicants for employment who believe they have been subjected to discrimination, or to retaliation for participating in EEO activity, or for opposing discrimination, should contact their DOJ Component EEO office within 45 days of when the alleged harm occurred.

Since its founding in 1870, the Department of Justice has stood for equal justice under the law. The hard-working men and women who serve the Department and the Nation have my assurance that equal justice and equal opportunity will continue to flourish across the Department.

An LGBT History Month Panel Discussion

Pulse Nightclub Mass Shooting: Leveraging Diversity to Aid Victims



Following the Pulse Nightclub shooting in Orlando on June 12, 2016, DOJ deployed a team of employees to serve as liaisons to help survivors, family members, and loved ones. Join the members of this team for an inspiring look back at the outreach efforts that aided the healing process for a community in mourning. ATF Acting Deputy Director Regina Lombardo will provide special remarks. This program is sponsored by the FBI ODI, JMD EEOS, EOUSA EEO/DMS, and DOJ Pride.

The program will be broadcast live on Justice Television Network (JTN).

Thursday, October 24, 2019
12:00 to 1:30 p.m.
DOJ Conference Center, Room 7411
Robert F. Kennedy Main Justice Building
950 Pennsylvania Avenue, NW
Washington, DC 20530

For reasonable accommodation requests, contact Calvin Lewis at calvin.lewis@usdoj.gov no later than five business days prior to the event.



Pulse Nightclub Mass Shooting: Leveraging Diversity to Aid Victims

Thursday, October 24, 2019
12:00 to 1:30 p.m.

Welcome

David Heath,
DOJ Pride Board of Directors

Opening Remarks

Regina Lombardo,
ATF Acting Deputy Director

Kimberly L. Poyer,
FBI Section Chief, Victim Services Division

Keri E. Farley,
FBI Section Chief, Counterterrorism Division

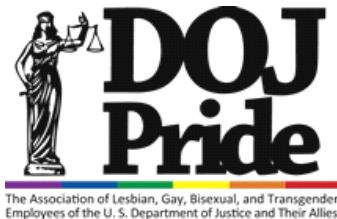
Video Message

Christopher Wray,
FBI Director

Panel Discussion

SMAPA David Cotton-Zinn, Moderator
SA Brett Kalina
IA Ashley Evans
SSA Binnie Phan
SSA Jesus Chevere
SA James Atwater
CRSCS Mildred Duprey de Robles

The better we know our communities, the better we can protect them. The Community Relations Unit at FBI Headquarters and FBI community outreach specialists in field offices across the country create and strengthen relationships locally and nationally with minority groups, religious and civic organizations, schools, non-profits, and other entities. These partnerships have led to a host of crime prevention programs, enabling families to stay safe from fraudsters and cyber predators, businesses to protect themselves from hackers and economic espionage, schools and workplaces to safeguard against violent rampages and illegal drugs, and all citizens to become alert to potential acts of terror and extremism.



June 30, 2021

The Honorable Merrick B. Garland
Attorney General of the United States
U.S. Department of Justice
Robert F. Kennedy Main Building
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Garland:

On behalf of DOJ Pride, congratulations on your appointment as the 86th Attorney General of the United States. Welcome back to the Department of Justice, and happy LGBTQ Pride Month!

DOJ Pride was founded in 1994 to represent the thousands of lesbian, gay, bisexual, transgender, and queer (LGBTQ+) employees and contractors, as well as their allies, who serve the Department each day with professionalism and distinction. We have a history of collaborating with Department leadership to identify and address issues that affect the Department's LGBTQ+ employees. We write today to express our desire to work with you and your leadership team to foster a welcoming and inclusive workplace here at the Department.

During the last administration, LGBTQ+ employees experienced an extreme decline in morale and increased discomfort in their work environment. The current administration has taken admirable steps in reversing previous policy and embracing the contributions of LGBTQ+ employees. DOJ Pride is interested in maintaining open channels of communications to continue these positive steps and address employee concerns.

DECLINING MORALE

DOJ Pride surveyed its membership in October 2018 to assess members' perspectives on working for the Department. The results indicate that morale was low among LGBTQ+ individuals employed in the Department.

Only 31% of respondents agreed that "the Department of Justice values its LGBTQ employees," and only 43% agreed that "the Department of Justice does not discriminate on the basis of sexual orientation or gender identity or expression." Perhaps the starker result was that fewer than 10% of respondents agreed that "the Department of Justice attracts and retains the best LGBTQ talent." Given the crucial role the Department fulfills in our society—enforcing the nation's laws and administering justice—we have been concerned that so many employees who dedicate themselves to the Department did not think the Department values them, or that it attracts

the best and brightest of the LGBTQ+ community.

These statistics point toward a set of issues the Department must address, including morale, recruitment, retention, and fair treatment. We understand that Assistant Attorney General Lee Loftus will be serving as your office's liaison to the Department's affinity groups, and we look forward to raising and discussing these issues with him and others in leadership.

THE ADMINISTRATION'S RECENT CHANGES

President Biden has taken decisive steps to improve the environment for LGBTQ+ communities in the Federal Government.

- **First openly gay and transgender Senate-confirmed officials nominated and confirmed.** Representation matters – particularly in leadership positions. And we are thrilled to see Pete Buttigieg¹ and Dr. Rachel Levine² among those nominated and confirmed to serve at the highest levels of government. We hope to see more LGBTQ+ individuals in senior leadership positions in the Department of Justice and across the Federal Government, especially LGBTQ+ people of color.
- **Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation.** President Biden signed this Executive Order (EO) that mandates that agencies apply the Supreme Court's finding in *Bostock v. Clayton County* expansively. In *Bostock*, the Court held that discrimination "because of . . . sex" in the employment context covers discrimination on the basis of gender identity and sexual orientation. The EO requires agencies to apply that reasoning to other civil rights laws that include sex as a protected category, including those touching on education, housing, and refugee policy. We look forward to learning more about the EO's implementation in the Department of Justice and across the Federal Government.
- **Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.** On January 20, 2021, President Biden signed this EO that revokes, in its entirety, the prior administration's Executive Order 13950 of September 22, 2020 (Combating Race and Sex Stereotyping). As a result of this new EO, Justice Management Division has rescinded its October 8, 2020 interim guidance that implemented EO 13950 and prohibited certain diversity and inclusion trainings and events. Pursuant to Assistant Attorney General Lee Loftus's January 21, 2021 memo, Department components should resume Diversity and Inclusion (D&I) training, programs, activities, and events, including public-facing training or programs. We look forward to hearing more about what the Department of Justice and the Department's many components will be doing to provide training programs to employees on LGBTQ+ issues.

¹ Pete Buttigieg is the first openly gay person confirmed to a Cabinet position: Secretary of Transportation.

² Dr. Rachel Levine is the first openly transgender person confirmed to a Senate-confirmed position: Assistant Secretary of Health at the Department of Health and Human Services.

- **Proclamation on LGBTQ Pride Month 2021.** On June 1, 2021, President Biden issued this Proclamation recognizing June 2021 as LGBTQ Pride Month. In the Proclamation, President Biden calls for the country to “reaffirm our commitment to standing in solidarity with LGBTQ+ Americans in their ongoing struggle against discrimination and injustice.”

Department leadership has taken welcome steps towards improving the environment for DOJ’s LGBTQ+ community.

- **Issuance of an Equal Employment Opportunity Statement.** On May 16, 2021, the Department issued a new Equal Employment Opportunity statement ensuring “that no applicant for employment or employee of our Department is denied equal opportunity because of race, color, religion, national origin, sex - including gender identity, sexual orientation, or pregnancy status - or because of age (over 40), physical or mental disability, protected genetic information, parental status, marital status, political affiliation, or any other non-merit based factor.” We welcome this unambiguous statement of the Department’s values and assurance to all employees that they will be able to pursue equal employment opportunities.
- **Recognition of LGBTQ+ Pride Month and hosting recognition event.** On June 21, 2021, the Department gathered for a live virtual program recognizing LGBTQ Pride month with keynote remarks from Dr. Rachel Levine. We appreciate your support and remarks at the event and for the role DOJ Pride had in organizing this event.

We applaud these changes!

LOOKING FORWARD

DOJ Pride Board members are ambitious. We are eager to develop a multi-prong approach to improving representation and morale at the Department. We urge you to take these immediate steps to ensure that the Department is a welcoming and inclusive place for LGBTQ+ people:

- Root out all forms of discrimination, harassment, and mistreatment of LGBTQ+ employees at the Department.
- Hold further activities and events to celebrate LGBTQ+ history and to educate Department employees on legal protections available to LGBTQ+ individuals. Activities and events like this would create a sense of empowerment and visibility within the Department.
- Develop recruitment activities, in collaboration with all of the Department’s employee resource groups, to encourage our nation’s most talented individuals to apply to work at the Department.

We expect these efforts to increase morale and create a stronger community within the Department. We look forward to working with your team to make these immediate steps a reality.

* * *

Congratulations again on your appointment as Attorney General of the United States. We look forward to working with you and your staff to advance our mutual interest in making the Department of Justice a vibrant and effective workplace that is supportive, fair, and inclusive of all. Our membership greatly appreciated your remarks at this month's Pride observance event. We hope this event—and this letter—are just the beginning of our collaboration. DOJ Pride is eager to be a resource for, and a partner with, your office in supporting and empowering LGBTQ+ communities at the Department of Justice.

Respectfully,

Derek Julius (CIV)
President of DOJ Pride

Lindsay Dunn (CIV)
Nicholas Girard (ATR)
David Heath (USAO-CT)
Paul Killebrew (CRT)
Donald Lewis (BOP)
Michael Miller (FBI)
Kasey Odell (BOP)
Kris Anthony Pérez Hicks (ATR)
DOJ Pride Board of Directors

cc:

Assistant Attorney General for Administration Lee Lofthus
Office of the Deputy Attorney General
Office of the Associate Attorney General