

Testimony of Ted Rucci  
3L, Quinnipiac University School of Law

On Behalf of  
[Quinnipiac University School of Law Q Alliance,  
Yale Law School Outlaws, and  
UConn Law School Lambda Law Society]

**In Support of House Bill 6599**

Judiciary Committee  
March 21, 2011

Good afternoon distinguished committee members. My name is Ted Rucci and I am a resident of Hamden and a third-year law student at the Quinnipiac University School of Law. The testimony that I will offer today in support of Raised House Bill 6599 is truly a joint effort, because I am here today on behalf of all three of Connecticut's LGBT law student organizations: Quinnipiac University School of Law Q Alliance, Yale Law School Outlaws, and UConn Law School Lambda Law Society. All of us support this bill for four primary reasons: the Civil Rights that it protects, the Consistency that it requires, the Comprehensiveness that it offers, and the Clarity that it provides.

1. Civil Rights and the Bar.

The goal of this legislation is straightforward – it is about protecting the civil rights of all people in Connecticut by prohibiting discrimination based on gender identity or expression. As law students and aspiring members of the Connecticut bar, this bill is important to us. We spend many hours in class each day and many more at home each night, reading about laws crafted by legislators, executed by public officials, and interpreted by courts. We are often called upon in class to answer a very straightforward question – was justice done? By passing HB 6599, this Legislature will send a clear a message that when it comes to civil rights in Connecticut, no one should go without. By passing this bill, this Legislature will make certain that justice is done.

Of course, the legal community's support for this bill extends well beyond Quinnipiac's, Yale's, and UConn's law students – to lawyers throughout Connecticut and the country. As you will hear today, the Connecticut Bar Association's Section on Human Rights and Responsibilities vigorously supports this legislation. Similarly, in fall 2009, the American Bar Association's then president, Carolyn B. Lamm, issued a statement supporting the Employment Nondiscrimination Act, a federal bill protecting lesbian, gay, bisexual, and transgender individuals from workplace discrimination.<sup>1</sup> In her testimony, she noted the prevalence of discrimination against members of the LGBT community and the ABA's consistent support for antidiscrimination legislation protecting this community.

## 2. Consistency Among Courts.

The rights of transgender people in Connecticut today are, at best, precarious. HB 6599 would reinforce these rights with the much-needed support of the Legislature. As this Committee is no doubt aware, Connecticut's Commission on Human Rights and Opportunities issued a declaratory ruling in 2000 prohibiting discrimination against people based on gender identity and expression. However, this ruling is not binding on Connecticut's courts. A state court could easily rule that discrimination against a transgender person is not prohibited under state law – that discrimination based on gender identity and expression is not “sex” discrimination and is therefore not a violation of the law.<sup>2</sup> No state court has done so, but the point is that they could. The CHRO ruling would not stop them.

Likewise, the Connecticut District Court's determination in the 2008 case of *Morales v. ATP Health & Beauty Care, Inc.*<sup>3</sup> – that the prohibition on “sex” discrimination under Title VII and Connecticut's Fair Employment Practices Act includes discrimination against transgender individuals – is also not binding on Connecticut courts. Here, too, a state court easily could go the other way. HB 6599 would ensure consistent treatment of transgender people in Connecticut's state courts.

## 3. Comprehensive Protection.

HB 6599 would fill important gaps in legal protections for transgender individuals in Connecticut, and would also bolster existing rights for Connecticut's citizens. As this Committee is aware, the CHRO's declaratory ruling prohibiting discrimination based on gender identity and expression extends only to matters of housing, employment, public accommodations, and credit. The CHRO's ruling does not extend to a host of other activities covered by Connecticut's antidiscrimination laws, including education; licensing; utilities; auto insurance; and state services, contracts, and financing. Transgender people deserve all of their civil rights – not some of them. HB 6599 would ensure that they get them.

HB 6599 would also strengthen existing protections for those who are lesbian, gay, bisexual, and heterosexual who do not conform to gender stereotypes. While people within each of these groups currently enjoy legal protection based on their sexual orientation, none of them are protected from an employer or a landlord who discriminates against them for acting “too feminine” or dressing “too masculine.” HB 6599 would fill this gap by expanding Connecticut's nondiscrimination laws to include gender identity and expression.

## 4. Clarity for Employers and Others.

Lastly, HB 6599 would put employers, business owners, landlords, and other members of the community on notice that they cannot treat a person negatively because of that person's gender identity or expression. “Sex” discrimination is illegal in Connecticut, and most employers know this.<sup>4</sup> But they probably do not know that, according to the CHRO, the word “sex” applies not

only to biological sex but also to gender identity and expression. HB 6599 would ensure that employers and other members of the community clearly understand what is required of them under the law.

In conclusion, Connecticut law should not allow a person to be discriminated against merely because of who they are. The people of Connecticut deserve better, and our laws ought to do better. We urge this Committee to do justice and approve HB 6599.

Thank you very much for your time and the opportunity to present this testimony.

On Behalf of:

[Quinnipiac School of Law Q Alliance  
Yale Law School Outlaws  
UConn Law School Lambda Law Society]

By: \_\_\_\_\_

Ted Rucci  
3L, Quinnipiac University School of Law  
760 Mix Avenue  
Hamden, CT 06514

---

<sup>1</sup> See Letter to Hon. George Miller and Hon. Howard O. McKeon (Oct. 5, 2009), at [http://www.abanet.org/poladv/letters/additional/2009oct05\\_endah\\_1.pdf](http://www.abanet.org/poladv/letters/additional/2009oct05_endah_1.pdf).

<sup>2</sup> Cf. *Etsitty v. Utah Transit Authority*, 502 F.3d 1215, 1222 & n.2 (10th Cir. 2007) (“[D]iscrimination against a transsexual based on the person's status as a transsexual is not discrimination because of sex under Title VII. . . . If transsexuals are to receive legal protection apart from their status as male or female, . . . such protection must come from Congress and not the courts.”). *But see* *Schroer v. Billington*, 577 F. Supp. 2d 293, 308 (D.D.C. 2008) (“In refusing to hire [plaintiff] because her appearance and background did not comport with the decisionmaker's sex stereotypes about how men and women should act and appear, and in response to [plaintiff's] decision to transition, legally, culturally, and physically, from male to female, [defendant] violated Title VII's prohibition on sex discrimination.”).

<sup>3</sup> *Morales v. ATP Health and Beauty Care, Inc.*, No. 3:06CV01430 (AWT), 2008 WL 3845294 at \*8, \*12 (D. Conn. Aug. 18, 2008).

<sup>4</sup> See, e.g., CONN. GEN. STAT. § 46a-60(a) (2011); Connecticut Commission on Human Rights, *Employment*, at <http://www.ct.gov/chro/cwp/view.asp?a=2524&Q=315886&chroPNavCtr=#45585>.

