



United States
Department of
Agriculture

History of LGBT Equality

*2016 Out and Equal Workplace Summit
Government Leadership Day*



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We'wha (1849 - 96) a Zuni berdache, of New Mexico, dressed in women's clothing.



Two Spirit tradition

Mahu

Hawaiian term for people who embody both male and female spirit.

Photos Below:

Hina Wong-Kalu, a transgender native Hawaiian teacher and cultural icon.



Early 20th Century

- **1924** – The first homosexual rights organization in America is founded—the Society for Human Rights. The group exists for a few months before disbanding under police pressure.
- **1942** - Army regulations included for the first time a paragraph defining both the homosexual and "normal" person.
- **1948** – Dr. Alfred Kinsey publishes *Sexual Behavior in the Human Male* (1948) and *Sexual Behavior in the Human Female* (1953), also known as the **Kinsey Reports**, as well as the **Kinsey scale**.
- **1950** - A Senate report titled "***Employment of Homosexuals and Other Sex Perverts in Government***" is distributed to members of Congress.

PERVERTS CALLED GOVERNMENT PERIL

Gabrielson, G.O.P. Chief, Says
They Are as Dangerous as Reds

Special to THE NEW YORK TIMES

WASHINGTON, April 18—Guy George Gabrielson, Republican National Chairman, asserted today that "sexual perverts who have infiltrated our Government in recent years" were "perhaps as dangerous as the actual Communists."

He elevated what he called "homosexuals" to the same level as Communists.

BEGIN PURGING STATE DEPT. OF HOMOSEXUALS

BY WILLIAM MOORE

[Chicago Tribune Press Service]

Washington, April 20—A senate appropriations subcommittee today began the task of ridding the state department of homosexuals, subversives, wasters, and propagandists for international causes.



OUST 119 MORE SEX PERVERTS IN STATE DEPT.

House Member Suggests
Widened Drive

[Chicago Tribune Press Service]

Washington, March 25—An additional 119 homosexuals were released by the state department during 1951, a house appropriations committee report disclosed.

INQUIRY BY SENATE ON PERVERTS ASKED

Hill and Wherry Study Hears
There Are 3,500 Deviates in
Government Agencies

By WILLIAM S. WHITE
Special to THE NEW YORK TIMES.

Office Memorandum

TO : SY - Mr. Flinn
FROM : POD/C - Mr. Szluk
SUBJECT: Andrew C. FERENCE



UNITED STATES GOVERNMENT

~~CONFIDENTIAL~~

The SUBJECT was an Administrative Assistant, FSS-10, Paris. An investigation concerning homosexual tendencies was instituted and prior to an interview by a Security Officer, FERENCE submitted his resignation to the Service for reasons of...

Homosexuals were considered as dangerous a threat to national security as Communists.



Dr. Frank Kameny, dismissed from federal service in 1957



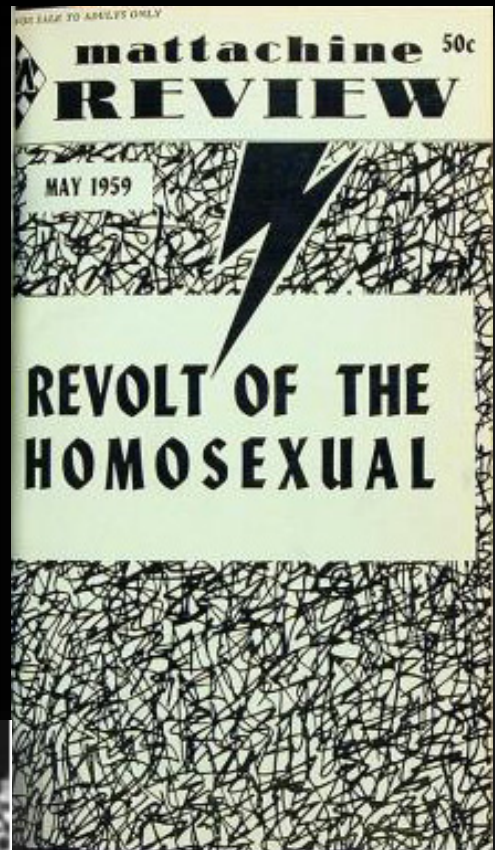
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Also in the 1950's...



Also in the 1950's...

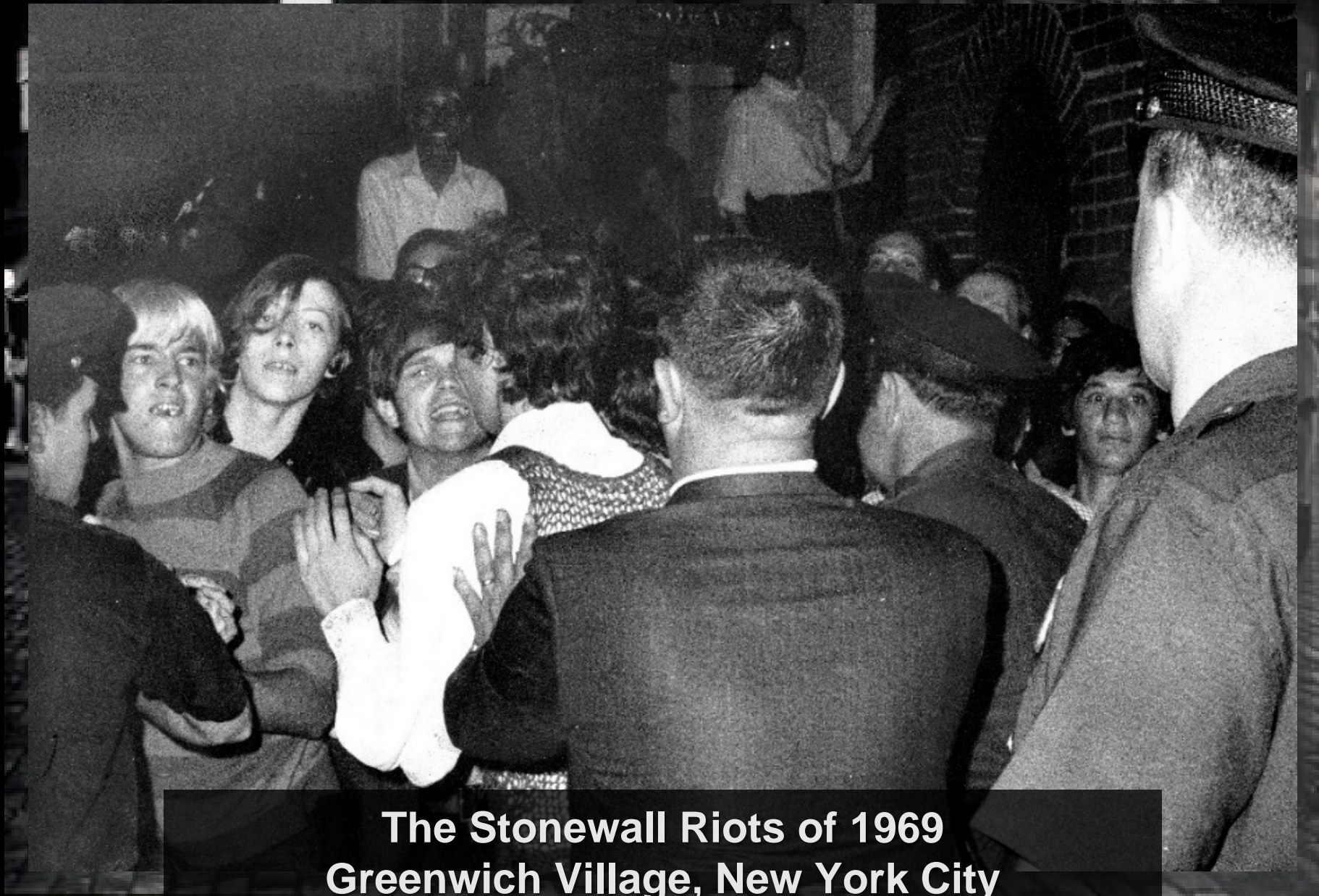




1964 Civil Rights Act

Title VII prohibits discrimination “on the basis of...sex”





**The Stonewall Riots of 1969
Greenwich Village, New York City**



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THE FIRST
GAY PRIDE
WAS A RIOT



SP-12-1972

1972 - John Hospers became the first openly gay man to run for President of the United States.



If each human being is to have liberty, he cannot also have the liberty to deprive others of their liberty.

— *John Hospers* —

1972 - Schoolteacher Jeanne Manford marched with her gay son, Morty Manford, in New York's Christopher Street Liberation Day march. This was the origin of the straight ally movement and of PFLAG.

1973 - American Psychiatric Association removing homosexuality from its handbook of disorders in 1973.

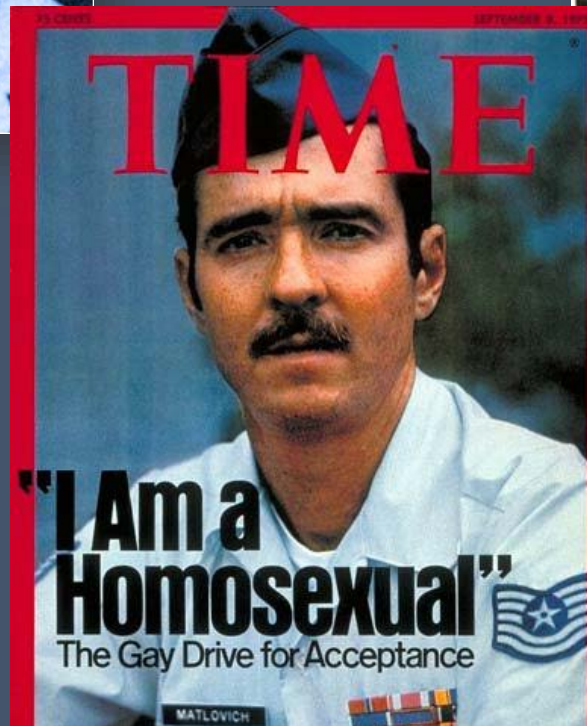
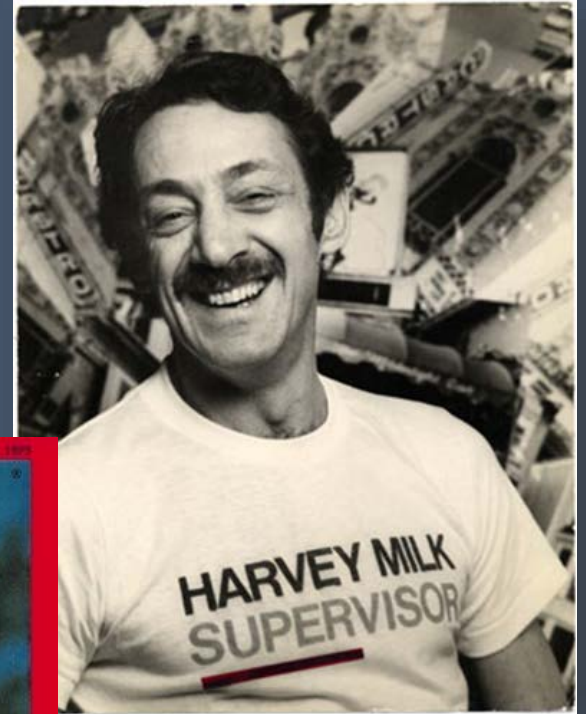


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lgbt
OHISTORY
MONTH

KATHY KOZACHENKO
FIRST "OUT"
ELECTED OFFICIAL



AIDS Epidemic



Historical Timeline

LGBT Employment Nondiscrimination

Civil
Service
Reform
Act
1978

Oncale
v.
Sundowner
1998

Lusardi
v.
McHugh
**2014-
2015**

Price
Waterhouse
v.
Hopkins
1989

Macy
v.
Holder
2012

Baldwin
v.
Foxx
2015

Civil Service Reform Act of 1978

Identified prohibited personnel practices which protect federal employees from non-merit based personnel actions.

Created the U.S. Office of Special Counsel (OSC), to investigate claims of prohibited personnel practices.

Personnel practices are prohibited on the basis of:

- Sex
- Conduct that does not adversely affect job performance

Price Waterhouse v. Hopkins - 1989

Title VII prohibits discrimination based on gender stereotyping – failing to act and appear according to expectations defined by gender.



Gender Stereotyping

- Failing to act and appear according to social expectations defined by gender.
- Social expectations about the “appropriate” appearance, mannerisms and behavior based on whether a person is female or male.

Oncale v. Sundowner - 1998

Sex discrimination consisting of same-sex sexual harassment is actionable under Title VII.

Macy v. Holder – 2012

Intentional discrimination against a transgender individual because that person is transgender is, by definition, discrimination based on sex and such discrimination violates Title VII.



Lusardi v. McHugh

U.S. Office of Special Counsel - 2014

U.S. EEOC - 2015

U.S. Department of the Army engaged in frequent, pervasive and humiliating gender-identity discrimination against Lusardi, a civilian Army employee, who transitioned from male to female.

U.S. Department of the Army violated federal sexual discrimination law with its actions against Lusardi.

Baldwin v. Foxx - 2015

An allegation of discrimination based on sexual orientation is an allegation of sex discrimination under Title VII of the Civil Rights Act of 1964.



1964 Civil Rights Act Title VII prohibits discrimination “on the basis of...sex”

- An allegation of discrimination based on sexual orientation is necessarily an allegation of sex discrimination.
- Discrimination against an individual because that person is transgender is, by definition, discrimination based on sex and violates Title VII.

Executive Orders

1998

- EO 13087 provides a uniform policy for equal opportunity in Federal employment and prohibits discrimination in employment because of sexual orientation.

2014

- EO 11478, as amended, prohibits discrimination in federal employment based sexual orientation or gender identity.
- EO 11246, as amended, prohibits discrimination by federal contractors based sexual orientation or gender identity.



Addressing Sexual Orientation and Gender Identity Discrimination in Federal Civilian Employment

A Guide to Employment Rights, Protections, and Responsibilities

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OPM Guidance

Employment of transgender individuals in the federal workplace

- Confidentiality and Privacy
- Dress and Appearance
- Sanitary and Related Facilities
- Names and Pronouns
- Record Keeping
- Insurance Benefits

At USDA, it didn't happen overnight....

- **1993** - Sexual orientation is included in Secretary of Agriculture's Civil Rights Policy statement for the first time.
- **2000** - Gay & Lesbian Employee Advisory Council (GLEAC) formed.
- **2009** - Secretary Vilsack issued a USDA Regulation creating a Special Emphasis Program for LGBT employees, essentially replacing GLEAC.
- **2014** - USDA adds gender identity and gender expression to its nondiscrimination protections for customers.
- **2016** - USDA creates and implements LGBT nondiscrimination training that is mandatory for all 100,000 employees.





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