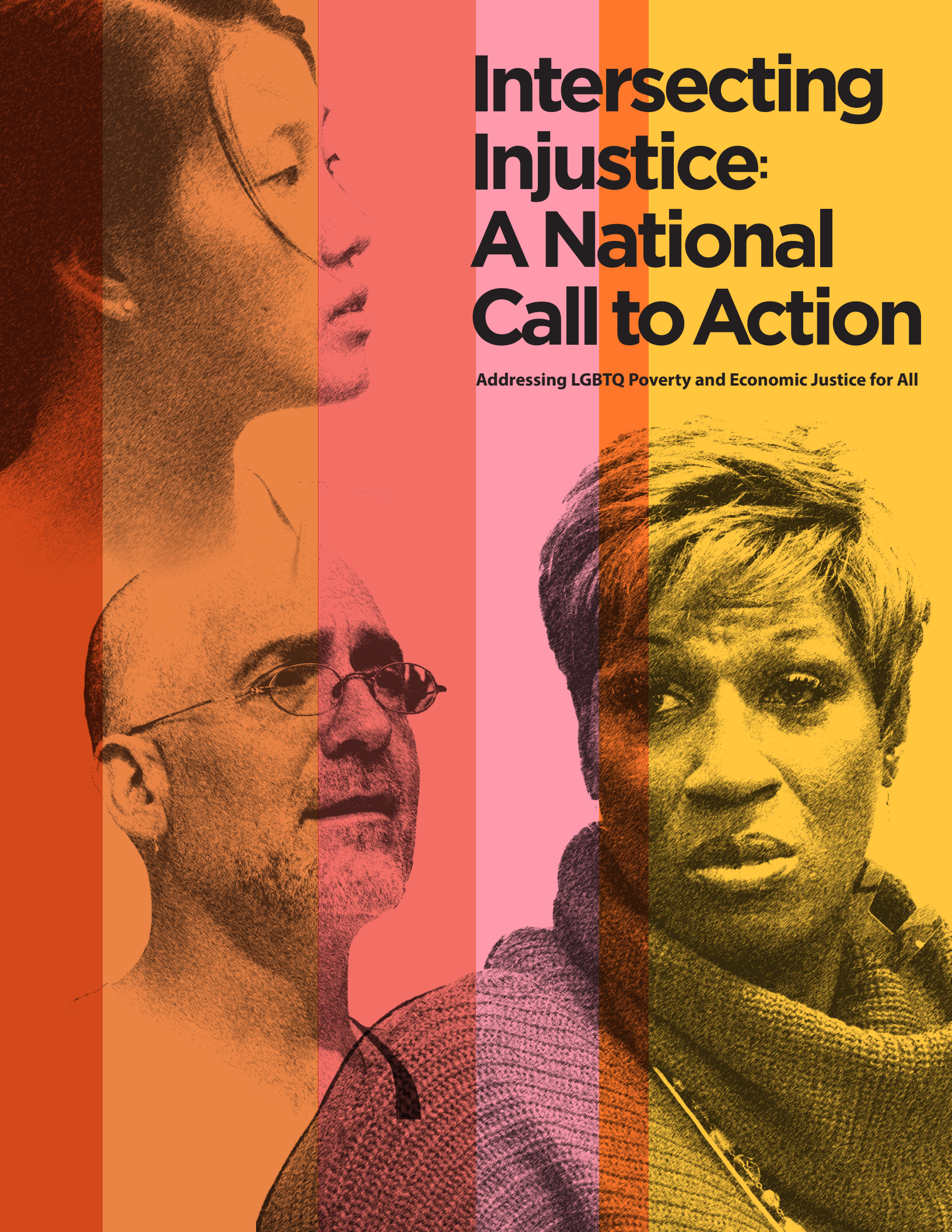
Intersecting Injustice: A National Call to Action

Addressing LGBTQ Poverty and Economic Justice for All



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Preface

The LGBTQ Poverty Collaborative Project has been years in the making. What began as a convening in Washington, DC, in 2013 with several national LGBTQ organizations turned into local convenings and focus groups in cities across the country with community members and advocates; collaboration and input with organizations and individuals nationwide; and, ultimately, the report that you are reading today.

Initially, this report was imagined as an opportunity to make the case to a friendly federal administration that LGBTQ economic justice must be prioritized and centered in any efforts to end poverty or fight for LGBTQ equality and justice. And then the 2016 presidential election happened.

As a result, this report was refocused and reimagined as a response to our current historical moment, in which the federal government is controlled by a deeply hostile administration that is actively seeking to dismantle programs and policies that took years to build—programs and policies that have tangibly benefitted LGBTQ communities, communities of color, low-income communities, and those who exist at the intersection of these communities. This is also a moment, however, where a new energy has emerged to critically reconsider how policies and programs aimed at addressing poverty and LGBTQ justice have not fully addressed the structural inequality that has led us to this current historical moment. State, local, and national advocates are primed to resist and fight back—by reimagining what justice really looks like, in a variety of intersecting contexts—and we hope this document, and ongoing efforts to build upon it, can assist in those efforts.

With this report, we aim to provide supportive federal, state, and local government officials and community advocates across the country with concrete programmatic and policy suggestions to meaningfully address LGBTQ poverty and economic justice. We also aim to make the case clearly, with data and collective stories, that LGBTQ people are more likely than their peers to live in poverty—and, as a result, that LGBTQ poverty must be recognized and addressed as the crisis it is.

Although LGBTQ poverty and economic justice has historically been ignored and pushed to the sidelines by government officials and even many of our own community leaders and organizations, we know that LGBTQ people across the country are living in poverty at disproportionately high rates, and that the policy and programmatic interventions that have been attempted thus far have not done enough.

In this report, you will find detailed data on experiences, sample policies, and programs that we hope will help highlight the need for this shift in focus and prioritization toward working to combat LGBTQ poverty. For example, research has shown that transgender people are four times as likely to have a household income under $10,000 and twice as likely to be unemployed as cisgender (non-transgender) people in the United States.[1] Existing data reveal that while LGBTQ people tend to have received more education, on average, than the general population, they make less money than their non-LGBTQ counterparts.[2] Indicators of economic disparities including food insecurity, housing instability, low-wage earning potential and capacity, and unemployment or under-employment are all heightened for LGBTQ communities.[3] Where identities and injustices intersect, on the basis of race, age, ability, immigration status, gender identity, and sexual orientation, the vulnerabilities and disparities are even more stark—with LGBTQ people of color being most consistently vulnerable to disparate treatment and outcomes across the board.

Mirroring broader patterns of poverty in the United States, LGBTQ people of color— particularly transgender and gender nonconforming people of color—experience the highest rates of poverty, discrimination, and violence.[4] Black same-sex couples are significantly more likely to

live in poverty than other Black married couples and are roughly three times more likely to live in poverty than white same-sex couples.[5] In the area of food insecurity, thirty-seven percent of Black LGBTQ individuals experienced a time in the last year when they did not have enough money to feed themselves or their family. While transgender people overall are more than twice as likely as the general U.S. population to be living in poverty, trans people of color are three times as likely as the general U.S. population to be living in poverty—and the unemployment rate among trans people of color is four times higher than the average U.S. unemployment rate.[6] Similarly, rates of violence and criminalization—while higher for LGBTQ communities overall than non-LGBTQ communities—is particularly high for LGBTQ communities of color, specifically trans communities of color.[7]

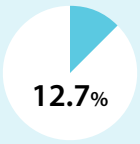
More than one in four LGBTQ individuals—approximately 2.4 million people—experienced a period over the last year when they did not have enough money to feed themselves or their family, as compared to eighteen percent of non-LGBTQ individuals.[8] Forty-three percent of LGB adults aged eighteen to forty-four who are raising children live in poverty, and approximately 650,000 LGBTQ people participate in the Supplemental Nutrition Assistance Program (SNAP). A survey of people experiencing homelessness in San Francisco revealed that twenty-nine percent (at all age levels) identified themselves as gay, lesbian, bisexual, or transgender and it has been estimated that as many as forty percent of homeless young people identify as LGBTQ.[9]

LGBTQ people experience vulnerability all across the lifespan, from childhood to older age. Research has revealed that one in five children being raised by same-sex couples are living below the poverty level.[10] This is particularly true in households where both partners are people of color. LGBTQ young people—who are often kicked out of their homes as a result of family rejection, or must leave in order to survive—are especially vulnerable to economic disparities, by being forced into homelessness or placed into foster care at very high rates.[11] On the other end of the age spectrum, LGBTQ elders are more likely than their non-LGBTQ peers to rely on non-biological peer family support and caretaking as they age—leaving them generally more vulnerable to poverty, housing instability, and a number of negative health outcomes.[12]

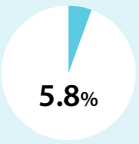
Although no report could present a complete picture of LGBTQ poverty, and we acknowledge that this report has several limitations, we are attempting to raise and uplift these issues so that organizations working on behalf of LGBTQ communities actively prioritize the needs of those of us who are living in poverty, and that poverty and economic justice organizations incorporate and center the needs of LGBTQ communities in their work as well. We view this as a living, growing document, and one that is far from complete. We hope, however, that the information provided within this report can help inform, educate, and empower policy makers to act now and act boldly. We also hope, perhaps most importantly, that this report inspires government, nonprofit and private actors to directly fund and support the vital work that LGBTQ people living in poverty are themselves engaged in, on behalf of their communities across the country.

BASIC U.S. POVERTY STATISTICS[13]

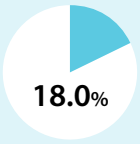
POVERTY



Overall Poverty Rate
(40.6 million people)
Percentage of people living below the poverty line—in 2016, this was $24,340 for a family of four

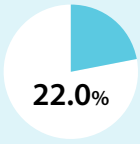


Half the Poverty Level
(18.5 million people)
Percentage of people living below half the poverty line—in 2016, this was $12,170 for a family of four

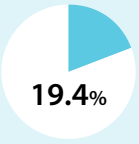


Child Poverty Rate
(13.3 million people)
Percentage of children under age 18 living below the poverty line in 2016

Women's Poverty Rate
(22.9 million people)
Percentage of women and girls living below the poverty line in 2016

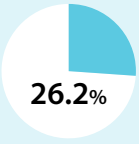


African American Poverty Rate
(9.2 million people)
Percentage of African Americans who fell below the poverty line in 2016

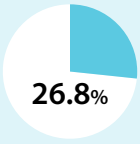


Hispanic Poverty Rate
(11.1 million people)
Percentage of Hispanics living below the poverty line in 2016

White Poverty Rate
(17.3 million people)
Percentage of non-Hispanic white people living below the poverty line in 2016



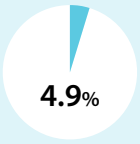
Native American Poverty Rate
(700,000 people)
Percentage of Native Americans living below the poverty line in 2016



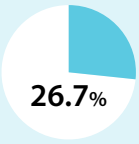
People with Disabilities Poverty Rate
(4.1 million people)
Percentage of people with disabilities ages 18 to 64 living below the poverty line in 2016

These statistics come from Talk Poverty, a project of the Center for American Progress.
CAP is an independent, nonpartisan policy institute.
For updated information, see https://talkpoverty.org/poverty/

CREATING GOOD JOBS



Unemployment Rate[14]
Percentage of all workers who were unemployed in 2016

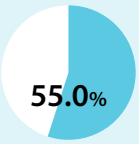


Unemployment Insurance Coverage[15]
Percentage of unemployed workers who received unemployment insurance in 2016

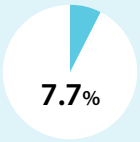
Continued ➤

PROMOTING FAMILY ECONOMIC SECURITY

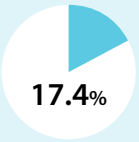
Overall Poverty Rate[16]
(40.6 million people)
Percentage of people living below the poverty line—in 2016, this was $24,340 for a family of four



Affordable and Available Housing[17]
Number of apartments or other units that were affordable and available for every 100 renter households with very low incomes in 2015. Very low-income households are those with incomes at or below 50% of the area median income



Savings and Assets[18]
Percentage of households that used high-cost, high-risk forms of credit to make ends meet during 2015. This includes payday loans, automobile title loans, refund anticipation loans, rent-to-own, and pawning



Lack of Health Insurance Coverage[19]
Percentage of people under age 65 and below 138% of the poverty line who did not have health insurance at any time in 2016

MEASURING POVERTY[20]

There's no single agreed method on defining and measuring poverty. Here In the United States, the Official Poverty Measure has been **used for more than fifty years. It has its roots in the U.S. Department of Agriculture food consumption survey** that set out **a subsistence diet and budget. The Official Poverty Measure builds off this, taking the cost of a subsistence diet and multiplying it by three with the rationale being that the provision of food uses about one-third of the income of people living in poverty.**

In 2016, a family of four making less than $24,250 was considered below the poverty line.

However, the Official Poverty Measure ignores the effect of differences in the cost of living, depending on where people are residing and working. Hence, the U.S. Census Bureau and the Bureau of Labor Statistics developed the Supplemental Poverty Measure, which differs from the Official Poverty Measure in four key respects:

- **It accounts for regional cost of living differences;**
- **It includes the value of non-cash assistance to the poor, such as Supplemental Nutrition Assistance Program (SNAP, formerly known as food stamps) and Section 8 housing vouchers;**
- **It calculates expenses incurred by the working poor, such as transportation and child care as well as out-of-pocket medical costs; and**
- **It is a relative measure of poverty, based on the thirty-third percentile of national expenditures on necessity items versus an absolute measure of poverty.**

NOTES

[1] Sandy E. James et al., *The Report of the 2015 U.S. Transgender Survey* (Washington, DC: National Center for Transgender Equality, 2016), http://www.ustranssurvey.org/reports.

[2] M. V. Lee Badgett, *Money, Myths, and Change: The Economic Lives of Lesbians and Gay Men* (Chicago, IL: University of Chicago Press, 2001); Rhonda J. Factor and Esther D. Rothblum, "A Study of Transgender Adults and Their Non-transgender Siblings on Demographic Characteristics, Social Support, and Experiences of Violence," *Journal of LGBT Health Research* 3, no. 3 (2007): 11–30; and Patrick J. Egan, Murray S. Edelman, and Kenneth Sherrill, *Findings from the Hunter College Poll: New Discoveries about the Political Attitudes of Lesbians, Gays and Bisexuals* (New York, NY: Hunter College, The City University of New York, 2008).

[3] Movement Advancement Project, *Paying an Unfair Price: The Financial Penalty for Being LGBT in America,* November 2014, http://www.lgbtmap.org/file/paying-an-unfair-price-full-report.pdf.

[4] Center for American Progress and Movement Advancement Project, *Paying an Unfair Price: The Financial Penalty for LGBT People of Color in America,* April 2015, http://www.lgbtmap.org/policy-and-issue-analysis/unfair-price-lgbt-people-of-color.

[5] Angeliki Kastanis and Bianca Wilson, *Race/Ethnicity, Gender and*

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[7] Jason Lydon, C*oming Out of Concrete Closets: A Report on Black & Pink's National LGBTQ Prisoner Survey* (Boston: Black & Pink, 2015), http://www.blackandpink.org/wp-content/upLoads/Coming-Out-of-Concrete-Closets.-Black-and-Pink.-October-21-2015..pdf; Center for American Progress and Movement Advancement Project, *Unjust: How the Broken Criminal Justice System Fails LGBT People,* February 2016, 69, https://www.lgbtmap.org/file/lgbt-criminal-justice-poc.pdf; and Emily Waters, *Lesbian, Gay, Bisexual, Transgender, Queer, and HIV-Affected Hate Violence in 2016* (New York: National Coalition of Anti-Violence Programs, 2017), https://avp.org/wp-content/uploads/2017/06/NCAVP_2016HateViolence_REPORT.pdf.

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Foreword

Vanita Gupta

Intersecting Injustice arrives at a moment when hard-won gains toward legal equality for LGBTQ people are under aggressive counter-attack. Social safety net programs that provide a threadbare lifeline to millions of vulnerable people in the United States are facing harsh budget constraints and—even worse—an ideological attack on their very existence. It is a challenging time to call for attention to the reality of devastating poverty within LGBTQ communities.

But I believe that the current political moment gives us an opportunity to directly engage people in the United States on how we are falling short of the promises of living our values of equality and opportunity.

Securing these promises for everyone in this country has long been the work of The Leadership Conference on Civil and Human Rights, and it is work that is deeply personal to me. I am the daughter of immigrants who were drawn here by the promise of opportunity. My husband's family fled violence in Vietnam and found refuge here. The promise of equality encouraged my sister to come out as a lesbian, and I try to do everything in my power to justify her faith that in this country she will continue to be able to live and love as she chooses, freely and without fear.

Many people who have not experienced poverty do not understand the ways in which it limits people's choices and leaves them vulnerable. Early in my career as a civil rights attorney, I fought for the freedom of dozens of people from a single Texas town—mostly African Americans and a few white and Latino people whose partners were African American, almost all of whom were living in or near poverty—who were convicted by predominantly white juries and sentenced to decades in prison based on the testimony of a single shoddy undercover agent. A local newspaper reported on the "sting" in 1999 under the headline "Tulia Streets Cleared of Garbage."

The injustice was devastating. Dozens of lives were destroyed and a community was torn apart based on the word of an officer who had been investigated for misconduct and racial bias. It took lawyers and activists years to secure pardons and a measure of justice for our clients. It was a case of racism and official misconduct, but it was also a study in how quickly lives can spiral out of control for people with little income.

Years later, when I was at the U.S. Department of Justice, I worked to bring attention to the unjustifiable and frequently unconstitutional treatment of poor people. I was proud to lead the department's Civil Rights Division during the administration of President Barack Obama; we worked hard to move the nation closer to its ideals—a long-term project that individuals and groups have been engaged in throughout this country's history. Today, tragically and unfortunately, the Justice Department is led by Jeff Sessions, who is trying to reverse progress toward LGBTQ equality and resurrect policies that effectively criminalize poverty. And while these grave circumstances are in no way easy to deal with, I am proud that The Leadership Conference is mobilizing to take action against these challenges.

One possible response to the political assaults now facing LGBTQ communities would be a defensive retrenchment focused on holding on to recent gains. But this report points toward another possible response. We can expand our awareness of the ways that people in our communities were being marginalized even before the latest political setbacks, and we can seek ways forward that are grounded in a commitment to solidarity with those who live in intersections of identity that place them at heightened risk, including LGBTQ people who are women, people of color, transgender, and/or elders. We know that no community is monolithic, and that we should strive to recognize this fact not just in theory but also in practice so

that everyone has multiple ways in which their personal identity can present opportunities for organizing and fighting back.

Intersecting Injustice documents the extent to which the portrayal of LGBTQ people in popular culture and in the public imagination—and even the understanding of LGBTQ people within civil and human rights movements—is distorted and incomplete. This report offers a fuller understanding of the complexities of U.S. culture by centering the voices of people who live in poverty and those who work directly with them. Importantly, this report provides alternatives to despair by highlighting promising practices and specific policy proposals around which communities can organize.

At the Justice Department, and now at The Leadership Conference, I have been motivated by the simple truth that all people deserve to be treated with dignity and respect. Everyone deserves the opportunity to thrive—to learn, earn a living, prosper, love deeply and freely, and live in a safe and decent place.

The Leadership Conference believes that all those who share this vision have a responsibility to do their part to try to create an America that truly is as good as its ideals. We must stand up against the irresponsibility of those who would use economic distress as a tool to pit whole communities against each other.

The work of The Leadership Conference for more than half a century has demonstrated over and over again that it is possible to build strong coalitions that advance justice and decency. We are seeing the progress that we have made slow down or, worse yet, be reversed with the tenure of Jeff Sessions and others in the current presidential administration. But in the long run, they will not be able to undo our progress, because as Rev. Dr. Martin Luther King Jr. reminded us, the moral arc of the universe is long, but it bends toward justice.

Making that kind of progress requires persistent action that draws on deep reservoirs of hope and resilience, the kind of resilience demonstrated by the hundreds of people who lent their voices to *Intersecting Injustice*. The Leadership Conference and I welcome this contribution to our larger movement's shared knowledge and strength and celebrate the resource that is this terrific report.

Executive Summary

The Vision

It's been nearly fifty years since the Stonewall uprising, a series of demonstrations in New York City led by the most marginalized members of LGBTQ communities—among them a number of fierce transgender people of color, young people experiencing homelessness, gender nonconforming women, and men engaged in sex work. The uprising grew out of our community's frustration at being forced into dark corners and erased from mainstream society. In the decades since, many advocates have stood on the shoulders of those who rose up at Stonewall, building community and fighting for the needs of people living at the intersections of multiple marginalized identities.

At the same time, other LGBTQ advocates have cultivated an image of our community that is wealthy, white, male, and monogamously partnered. This intentional cultivation was in some part a response to conservative attacks on our community that painted us as anti-family, but in equal parts it was a call to our community to assimilate into the cultural norms defined by our detractors and a perpetuation of racism and class bias.

The reality of our community belies this carefully curated image. U.S. LGBTQ communities have seen some remarkable gains in the half century since Stonewall, yet for the most marginalized in our community, much has remained the same. LGBTQ people—especially LGBTQ people of color and transgender and gender nonconforming people—are more likely to be living at or near the poverty level. We have more need for social safety net programs, like Medicaid, Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), Social Security Disability Insurance (SSDI), and employment and housing programs, yet we face pervasive discrimination when attempting to access such programs. We lack explicit and broad nondiscrimination protections at the federal level, and even where those protections exist, people living at the intersections of multiple marginalized identities continue to be shut out from the services and supports we need.

In order to meaningfully meet the needs of our community, it is vital to prioritize racial and economic justice. This report is meant to help coordinate that prioritization across the LGBTQ movement. By collating the stated priorities of activists, advocates, service providers, and LGBTQ people living in poverty across the United States, we've provided a roadmap for those looking to deepen their understanding of how to advocate effectively for LGBTQ economic justice.

The Process

As a small network of advocates, most of whom are focused on advocacy at the federal level, we knew we wanted to center the voices and needs of LGBTQ people who are living in poverty and people who are directly providing services to low-income LGBTQ people. Here's how we did that:

- We hosted eight convenings in cities across the country where there is both high economic inequality and a high proportion of LGBTQ people. At each convening, we invited local activists, advocates, and service providers to join us, and asked them to bring along the local leaders they thought would want to share their expertise—whether that expertise derived from lived experience or from their work.
- We spoke to focus groups of people in rural areas who are LGBTQ and living in poverty or working with LGBTQ people living in poverty, to hear how experiences differ in rural areas.
- In all, we spoke to over two hundred people; more than thirty of them have continued to be involved in the writing, editing, and review process for this report.
- Input from the convenings and focus groups was incredibly varied and nuanced, but several themes developed that were echoed at nearly every session. We used those themes to organize the sections of this report. We did our best to include all of the information that we received at the convenings and focus

groups in the report, then filled in details both by researching and by following up with participants for additional information.
- Once a draft was written, we shared it with all participants who were interested in providing feedback, then integrated feedback wherever possible.
- This report is the final product of this process, but we recognize that even with more than three hundred contributors, there are significant gaps in our information. We hope that this document will be part of a living movement that continues to adjust its priorities over time in response to changed experiences in our community.

The Values

Throughout the convenings and focus groups, the report drafting process, and the review process, we kept the following values in mind:
- Centering the experience and needs of people who are most impacted by poverty, including people of color, people with disabilities, immigrant communities, youth and elders, people in rural communities, transgender and gender nonconforming people, families, currently and formerly incarcerated people, people living with HIV/AIDS, people engaged in the sex trade, and people experiencing homelessness.
- Recognizing the difference that geography plays in the experience of living in poverty (e.g., urban vs. suburban vs. rural, cold weather vs. warm weather, and progressive vs. conservative local and state governments).
- Elevating the resilience of marginalized communities.
- Remembering that we can't wait: Our process will be imperfect, but we must move forward because people who are living in poverty cannot wait for us to create the perfect agenda.

Using This "Call to Action"

The guide is separated into nine chapters, using the themes that were lifted up by participants during the convenings and focus groups. The chapters, explained in more detail below, are:
- Jobs and Working Conditions
- Social Services and Benefits
- Housing and Homelessness
- Schools and Education
- Health and Wellness
- Hunger and Food Security
- The Criminalization of Poverty
- Financial Inclusion and Exclusion
- Federal Economic Policy

In each of these chapters you'll find an overview of the issue area, explaining how LGBTQ people are disproportionately impacted and differently impacted; promising practices and programs identified by participants in the convenings and focus groups; stories of people who have a lived experience related to the issue area; and concrete policy recommendations to help guide advocacy at federal, state, and local levels.

Each chapter is meant to be useful as a standalone document, but effective economic justice advocacy can't be accomplished in silos. From a practical perspective, if a person living in poverty experiences food security but can't access housing or work, economic justice has not been achieved.

We urge you to explore the full report and to especially consider issue areas that you haven't begun to include in your advocacy.

In solidarity,
The LGBTQ Poverty Collaborative

Overview of Chapters and Recommendations

Introduction

Trans, gender nonconforming, and nonbinary Black and Brown people are disproportionately impacted by high rates of homelessness, trauma, criminalization, under-employment and incarceration, which is inextricably linked to chronic poverty and reinforced by state-sanctioned violence.

Structural systems of oppression reinforced by state-sanctioned violence create insurmountable financial conditions and violent realities for Black and Brown trans people, who are often disowned from family and community and disproportionately impacted by higher rates of homelessness, poverty, and underemployment. These conditions force many to engage in life-threatening activities in order to survive. Most times these life-threatening activities place Black trans women under heightened levels of police contact that criminalizes their mere existence.

Cisgender queer folk bask in the sunlight of complicity as benefactors, gatekeepers, and enforcers of state-sanctioned violence. If cisgender queer folk are truly invested in collective liberation, dialogs, policies, and actions that serve to address poverty must go beyond intersectionality to a space of a linear perspective that examines all the intersections of violence our communities face happening at the same time and in real time.

We must work from a place where we aim to develop sustainable solutions for ending poverty that also dismantle white supremacy, capitalism, patriarchy, settler colonialism, neoliberalism, transphobia, and fatphobia, all while acknowledging who has access and how that access must be leveraged to create opportunities for Black and Brown trans bodies to thrive.

We must also acknowledge the ways race, class, gender, ability/disability, and other factors impact how poverty shows up in our lives and in the lives of our community members.

Recommendations from this section include:

- Meaningful conversations about poverty must be rooted in sustainable solutions and must occur in tandem to conversations about dismantling state-sanctioned violence, white supremacy, capitalism, neocolonialism, anti-Blackness, transphobia, and more, and be led by those most disproportionately impacted.
- The voices, experiences, and leadership of poor people are not here to be commodified, exploited, or tokenized. Poor people must be paid for their labor.
- Those in our community with access and resources must understand what that looks like, recognize how that power works, and toil everyday to leverage spaces that affirm, celebrate, and encourage meaningful engagement that builds sustainable socioeconomic growth and development in Black and Brown trans communities.
- We cannot solve poverty without also addressing white supremacy, housing insecurity, hunger, trauma, violence, discrimination, neocolonialism, transphobia, anti-Blackness, classism, and more. These issues work in tandem to reinforce each other, therefore we must work collectively to dismantle them all. Those who benefit from them must be on the front line tearing them down.
- Trust that Black and Brown trans people know exactly what they need to thrive. Believe Black and Brown trans folk when they tell you their experience. Listen, learn, and follow the leadership of Black and Brown trans people.

Jobs and Working Conditions

Discrimination affects every aspect of employment for LGBTQ people, including barriers to getting hired and asserting employee rights. This is especially true for transgender people, immigrants, and people with criminal records. When applying for a job, documentation and background check requirements automatically bar many LGBTQ people from getting a fair shot at the job application process. In addition, employer discrimination against LGBTQ people prevents many from being hired. Even when LGBTQ people are hired, between fifteen and forty-three percent of LGBTQ workers report experiencing discrimination while on the job, with even higher numbers among transgender workers.

For a variety of reasons, including fear of harassment, getting fired, or being reported for

lacking documentation, LGBTQ people often cannot assert their rights as workers, which can create dangerous and toxic work environments. Without the ability to access worker rights and protections, LGBTQ workers are vulnerable to harassment, threats, and assault from employers and other employees, since many feel unsafe using existing reporting mechanisms.

Recommendations in this section include:

- Advance nondiscrimination protections for LGBTQ people in all levels of government and defeat anti-equality measures.
- Invest in LGBTQ communities to ensure that LGBTQ people have access to jobs and create one-stop career centers that prioritize helping LGBTQ people get hired.
- Develop and implement policies that foster inclusive, discrimination-free workplaces.

Social Services and Benefits

As a result of systemic discrimination and inequity, LGBTQ people—especially those who are people of color, transgender, and/or gender nonconforming—are more likely to need access to public benefits such as social security benefits, disability benefits, SNAP benefits, and public housing. Ironically, application and eligibility requirements, coupled with discriminatorily applied discretion on the part of enrollment officers, means that these benefits are out of reach for some of the people who need them most.

Transgender and gender nonconforming people, immigrants, and people experiencing homelessness or housing instability may have difficulty accessing identity documents, making access to all public benefits more difficult. Eligibility requirements sometimes categorically exclude people with criminal records, especially people who have a history of drug or sex offenses. Furthermore, narrow definitions of family in eligibility policies for public benefits can also exclude members of an LGBTQ person's family from eligibility for public benefits.

In order to improve access to public benefits for LGBTQ people and their families, federal and state governments must adopt inclusive nondiscrimination policies that center the needs of low-income LGBTQ people and LGBTQ people of color. These policies must encompass public accommodations, shelter services, health, employment, and housing, and must mandate cultural humility training for service providers and public benefits enrollment staff. In addition, in order to be most effective all nondiscrimination protections must—at a minimum—be inclusive of race, disability, language access, sexual orientation, and gender identity and expression, and must ensure the protection of nonbinary and gender nonconforming people. All public benefits programs must also be fully funded, with adequate budgets for mandatory competency training.

Recommendations in this section include:

- Legal nondiscrimination protections must center and prioritize the needs of LGBTQ people living in poverty and LGBTQ communities of color.
- Government legislatures and agencies should create free, easy, and equal access to important identity documents for those who face barriers in accessing them—including transgender people, people with criminal records, immigrants, and those who are or who have been homeless.
- Social and legal services providers must be LGBTQ-inclusive, and center the accessibility of their services to low-income LGBTQ communities.
- LGBTQ communities face unique barriers in accessing public benefits and those barriers should be addressed and removed.

Housing and Homelessness

LGBTQ people, especially those who are people of color, transgender, and/or gender nonconforming, are disproportionately likely to experience homelessness and housing instability —as much as forty percent of young people without stable housing may identify as LGBTQ or gender nonconforming. Exiting housing instability may be particularly difficult for LGBTQ people, who lack nondiscrimination protections in housing in many states. Accessing programs is even more challenging for people with criminal records and people with disabilities.

The U.S. Department of Housing and Urban Development (HUD) does include nondiscrimination protections inclusive of sexual orientation and gender identity in its housing

and homelessness programs. However, even where housing protections do exist, homelessness programs and public housing programs—such as housing choice vouchers and the Housing Opportunities for Persons with AIDS program—are critically underfunded and lack sufficient units to meet the needs of the community.

Housing and homelessness programs that center the needs of LGBTQ people and others who live at the intersections of multiple marginalized identities have been more successful in shifting outcomes. For example, community investments in "housing first" programs, cooperative housing ownership, and community land trusts have resulted in improved access to housing and have started to reverse decades of segregation.

Recommendations in this section include:

- Federal and state governments should adopt comprehensive homeless bill of rights measures that include protections against discrimination based on housing status, disability, sexual orientation, and gender identity or expression.
- The presidential administration and local governments should allocate more funds to housing programs, as research finds that stable housing is crucial to a person's access to employment, health services, and other types of support.
- HUD should continue and improve on pilot programs that focus on wraparound services and strengthen the Continuum of Care Program.
- HUD should prioritize providing homelessness assistance funds to communities that employ alternative tactics to the criminalization and policing of homelessness.

Schools and Education

Schools represent a place where many young people spend most of their upbringing, making it an especially influential and critical space for a young person's development. Yet schools are a hostile environment for many young LGBTQ people, especially those living in rural areas and in low-income neighborhoods. Young LGBTQ people experience higher levels of bullying and harassment in schools than their non-LGBTQ peers. This is particularly damaging for young LGBTQ people who are bullied at home or are experiencing homelessness, who often rely on schools as a place of reprieve and safety.

Understandably, young LGBTQ people often fight back against injustices or do not come to school because of the hostile environment, which make them vulnerable to interaction with police and the criminal legal system. Since LGBTQ people disproportionately experience homelessness and truancy is illegal many states, young LGBTQ people are more likely to interact with the criminal legal system.

Recommendations in this section include:

- Eliminate barriers to educational programs based on criminal record, access to documentation, and economic status.
- Address the school-to-prison pipeline by eradicating school-based policing, zero-tolerance school disciplinary policies, and other "push-out" policies that result in an increased risk of involvement in the criminal legal system.
- Increase collaboration and coordination between schools and mental, social, and health service providers in communities, in order to address all aspects of young people's health and well-being.
- Decouple school funding from real estate taxes and impose a school funding system that is equitable in every jurisdiction.

Health and Wellness

There are profound health differences between people living in poverty and those who are not. Poverty is a social determinant of health often associated with an increased risk of a variety of health issues, including cardiovascular disease, diabetes, cancer, mental health and behavioral health conditions, and other chronic conditions. These health disparities are intensified for people living in poverty who are transgender and/or people of color because the disparities are rooted in additional stigma and discrimination. For these reasons, it is vital to adopt a holistic approach to care, improve access to care services, and lower the cost of health insurance.

LGBTQ people living in poverty disproportionately face barriers in accessing health care, including stigma, discrimination, lack of money, harassment, and mistreatment. These issues are exacerbated for people who are incarcerated and people

who live in rural areas, who are further limited in accessing affordable and culturally competent health-care services.

Recommendations in this section include:

- Advocate for a more holistic approach to care that considers all social determinates of health, including socioeconomic status, physical environment, and social support networks.
- Increase access to affordable medication, community programs, housing opportunities, and culturally competent medical services for people living with HIV/AIDS.
- Address barriers in accessing health care by increasing the number of free mobile clinics and testing centers, increasing insurance coverage for unemployed and underemployed people, and clarifying confusing insurance policies.

Hunger and Food Security

The Universal Declaration of Human Rights includes the right to food that is accessible both physically and economically. The right to accessible food is not achieved in the United States, where more than twenty-three million people live in low-income areas that are considered "food deserts," or places without access to affordable, quality, nutritious foods. This often leads to health disparities associated with poor nutrition. Since LGBTQ people of color report experiencing poverty at higher rates than do non-LGBTQ people, they are also disproportionately impacted by the issue of hunger and food insecurity.

The issue of hunger and food insecurity is affected not only by poverty levels but also by environmental racism and structural barriers to public assistance. People of color often live in neighborhoods and areas with environmental issues, including lack of access to clean water, exposure to dangerous pollutants and toxins, and inadequate infrastructure. Since developers do not generally revitalize or invest in these neighborhoods, food deserts are widespread and common in areas affected by environmental racism. There are also physical, structural barriers in accessing healthy food and clean water for people who live in food deserts. Although some food-related assistance programs exist, many LGBTQ people do not access them for a variety of reasons, including a lack of education surrounding eligibility, concern about immigration status, and low levels of LGBTQ cultural competency among government employees.

Recommendations in this section include:

- Implement community garden cooperative initiatives, "gleaning" programs, and food delivery initiatives as ways to reduce structural barriers in accessing healthy food and water.
- Improve, expand, and maintain important food-assistance programs such as SNAP, TANF, and Women, Infants, and Children (WIC) benefits.
- Increase LGBTQ people's access to food-related assistance programs by addressing eligibility, immigration, and cultural competency concerns.

The Criminalization of Poverty

LGBTQ people and people living with HIV/AIDS, especially LGBTQ people of color, are disproportionately impacted by laws and policies that criminalize people for activities resulting from or associated with poverty and addiction, such as the criminalization of homelessness, the criminalization of underground economies, and the so-called war on drugs. Laws and policies that reduce poverty and make housing, health care, and drug treatment more available reduce criminalization in these populations.

LGBTQ people face significant discrimination by law enforcement and other actors in the criminal legal system on the basis of their sexual orientation, gender identity, and/or gender expression. This discrimination increases exponentially for LGBTQ people who hold other marginalized identities, such as LGBTQ people of color and immigrants. Low-income LGBTQ people and LGBTQ people experiencing homelessness or housing instability are particularly at risk for arrest, both because poverty itself is criminalized—through laws that prohibit sleeping, sitting, loitering, lying down, begging, sharing food, and camping in public—and because people who spend more of their time outside are more likely to have interactions with law enforcement and are therefore more likely to be criminalized for behaviors such as drug use and sex work.

Once involved with the criminal legal system or the immigration detention system, LGBTQ people may have significant difficulty paying the

costs associated with these systems, including the fees and fines associated with arrest, such as cash bail, legal expenses, and community supervision fees.

LGBTQ people who have been released from incarceration often have distinct needs, such as access to identity documents with an updated gender marker. At the same time, collateral consequences of criminal legal system involvement such as criminal background checks in employment and housing may exacerbate existing difficulties accessing jobs and housing, especially in states that lack nondiscrimination protections inclusive of sexual orientation, gender identity, and gender expression.

Recommendations in this section include:

- Eliminate or reduce fees and fines associated with arrest, conviction, incarceration, and community supervision, including cash bail.
- Federal, state, and local governments should prohibit discrimination in policing and meaningfully hold officers who violate those laws accountable.
- Federal, state, and local governments should decriminalize life-sustaining activities, such as sleeping or sitting in public, and should be prohibited from arresting people who are currently homeless.
- States and localities should decriminalize sex work and drug use.
- Stop the detention of LGBTQ people and people unable to pay bond.
- Develop pre-arrest alternatives to incarceration and divert people to community-based services.
- The U.S. Department of Justice and state and local departments of corrections should pilot LGBTQ-specific reentry programs and require LGBTQ competency training for community corrections officers.
- End all bans on access to SNAP, welfare, and other social safety net benefits for people with criminal convictions.

Financial Inclusion and Exclusion

For many, the ability to build wealth is contingent upon access to banking and credit—the ability to borrow funds that can be paid back over time in order to make large purchases, from the purchase of a refrigerator or car to the purchase of a home or business. Unfortunately, discrimination on the basis of sexual orientation and gender identity in banking and credit remains legal in many states.

Access to banking and credit is particularly complicated for many LGBTQ people because of an increased incidence of homelessness and housing instability, an inability to afford the initial and continuing costs of banking (e.g., service fees and account minimums), and a lack of physical access to banks for those who live in low-income neighborhoods. Furthermore, transgender people and immigrants often have a particularly difficult time accessing the identity documents required to secure banking services.

LGBTQ people have compensated for these structural inequities in ways that both ameliorate and exacerbate income inequality. Like other low-income people, many unbanked LGBTQ people rely on payday loans and other high-interest short-term loans to make ends meet. At the same time, LGBTQ people have invested in creating LGBTQ-competent resources such as Financial Empowerment Centers that ensure that they can make choices about their finances that are informed by the best available information.

Many participants in the convenings and focus groups stressed the parallel needs to increase access to banking services and protections within the banking system—including consumer protections through the Consumer Finance Protection Bureau—while also building alternative structures outside of existing pathways to wealth, such as increasing the number of worker cooperatives and employee-owned businesses, investing in LGBTQ-specific venture capital, and refocusing financial reforms on community rather than individual wealth. All of these interventions would be more effective if more data existed on the experiences of LGBTQ people in existing and emerging financial systems.

Recommendations in this section include:

- Expand federal and state nondiscrimination laws and policies to include sexual orientation and gender identity/expression protections in banking and credit.
- Expand access to Financial Empowerment

Centers so that all consumers have the information they need to make the best choices they can about their financial lives.
- Increase support for LGBTQ-owned businesses and worker cooperatives.
- Include LGBTQ people in data collection and research efforts related to financial empowerment and economic inequity.

Federal Economic Policy

This report closes with a policy guide that is framed by an examination of federal economic policy and its role in cementing wealth disparities in the United States. Focusing specifically on the history of U.S. economic policy, we explore how the federal government raises and spends its funds through taxes. At one point, corporate taxes for the wealthiest were at ninety-four percent, but after President Ronald Reagan's administration, the tax rate on the wealthiest plunged to twenty-eight percent. These cuts allowed those in power to divide and conquer the country: By drastically reducing the amount of funds available for federal spending, the country's wealthiest residents started and perpetuated the rhetoric that taxes on the middle class were mostly benefiting those living in poverty. Since then, the wealthiest residents continue to enjoy a tax rate ranging from just thirty to forty percent while the federal government "struggles" to fund social welfare programs.

Because of this history, a majority of people in the United States believe that poverty is caused by individual failures. In reality, poverty is perpetuated by systemic oppression that is deeply embedded in current U.S. federal economic policy. In an effort to chip away at the structures of inequity, advocates have turned to the tax code to help alleviate some of the financial difficulties faced by poor and low-income people. A number of tax credits and deductions, including the Earned Income Tax Credit, have helped lift millions of people above the poverty line every year.

Recommendations in this section include:
- Federal agencies should provide increased access, public education, and funding to these tax credits and deductions.

Introduction

Lourdes Ashley Hunter

"Every breath a trans person of color takes is an act of revolution" —LOURDES ASHLEY HUNTER

Lourdes Ashley Hunter leading the Islan Nettles Rally in New York City, 2014

In this introduction, I will expound upon how poverty among Black and Brown trans folk is inextricably linked to state-sanctioned violence. I will also share the ways cisgender queer folk bask in the sunlight of complicity as benefactors, gatekeepers, and enforcers of state-sanctioned violence, and highlight the critical importance of leveraging access and resources in order to create opportunities for Black and Brown bodies disproportionately impacted by state-sanctioned violence as a means to shift the narratives of poverty in our lives.

Framework

I am a Black, trans, nonbinary person of Indigenous heritage. I am disabled, fat, and dark-skinned. I was born into poverty on the east side of Detroit, Michigan, in 1976. I have been disproportionately impacted by state-sanctioned violence and have experienced chronic poverty and housing insecurity my entire life. I am forty-one years old. By some estimates, the average life expectancy of Black trans women is less than thirty-five years old. Some say that I am living on borrowed time. I live in a society that has proven time and time again that my life is disposable.

I am a researcher, community organizer, and scholar. I have earned a BA in Social Theory, Structure, and Change with concentrations in Race, Class, and Gender Studies from SUNY Empire State College, where my research focus was how psychological abuse and the lack of familial and social support impact the socioeconomic growth and development of trans and gender nonconforming people of color. I earned a Master of Public Administration from Rutgers University, where my research focus was how social justice movements led for and by trans and gender nonconforming people of color can shift from a traditional nonprofit framework to an analysis and praxis that addresses systemic oppression as well as supporting leadership development while centering healing and cooperative economics. I am currently a doctoral

Lourdes Ashley Hunter delivering a speech at the White House at the LGBTQ Leaders of Color Summit, 2015

student at Georgetown University studying philosophy, policy, and economics. My current research focuses on the political and socioeconomic impacts of state-sanctioned violence in poor, trans communities of color and the ways we navigate and dismantle oppressive systems while building sustainable change.

For too long Black trans women have not been in a position to write thought pieces, have opportunities to expand scholarly research, discover new ways to build community and skill sets, or be celebrated for exploring meaningful ways to change and challenge the world. It is critical for people like me to see vibrant, dynamic, colorful reflections of ourselves affirmed, uplifted, and celebrated in all areas, especially in art, culture, social justice, politics, and academia. For over twenty-five years I have worked as a transformative thought leader and change agent for grassroots initiatives that affirm, uplift, and celebrate the lived experiences, narratives, and leadership of communities disproportionately impacted by state-sanctioned violence. I have led and participated in the successful development and implementation of culturally competent best practices at government agencies such as the New York City Department of Homeless Services, the New York City Human Resources Administration, and the New York Police Department. My keen leadership in spearheading collaborative efforts with high-level agencies including the Office of the United Nations High Commissioner for Human Rights, the White House Anti-Violence Task Force, the White House Office of Public Engagement, the White House Office of National AIDS Policy, the U.S. Department of Justice, and the Federal Bureau of Prisons has set the tone for courageous conversations elevating nuance and context that centers communities disproportionately impacted by state-sanctioned violence.

I am a healer and curator and currently serve as Executive Director of the Trans Women of Color Collective, a grassroots global initiative led by transgender and nonbinary people of color working to create and curate spaces where communities most disproportionately impacted by state-sanctioned violence can explore the root causes, heal from trauma, see affirming reflections of ourselves, and be the authors of our own stories and narratives through art, culture, and social justice. None of this great work has been through a paid job earning a living wage. This work is a labor of survival. Despite my level of education and experience I have never been gainfully employed with a thriving wage. Far too often Black and Brown folk, disabled folk, nonbinary folk, undocumented folk, and fat folk have had to risk their own lives just to save their own lives.

If cisgender LGBTQ folk are truly invested in collective liberation, dialogues about poverty must go beyond intersectionality to a space of a linear perspective. When I say linear perspective, I am referencing a space that examines all of the intersections of violence our communities face happening at the same time and in real time. I am speaking of a place where we work to develop sustainable solutions for ending poverty that also dismantle white supremacy, capitalism, patriarchy, settler colonialism, neoliberalism, transphobia, and fatphobia, all while acknowledging who has access and how that access can be leveraged. We must also acknowledge the ways race, class, gender, ability/disability, and other factors impact how poverty shows up in our lives and in the lives of our community members. We cannot have fruitful conversations, dialogues, or actions about ending poverty until we abandon the notion that collective liberation will happen through incremental progress, top-down economics, or respectability politics, or that it will be led by those with access, who

are white and/or cisgender. We must center those who are disproportionately impacted by state-sanctioned violence in social justice, political, and economic movements. We must center their voices, their healing, their leadership, their ideas, and their liberation.

Homelessness and Poverty

I currently live in Washington, DC, where the highest percentage per capita (almost three percent, or 14,550 people) of trans people in the United States live.[1] Trans people of color—more specifically Black trans people—struggle to obtain socioeconomic stability. According to the 2015 report *Access Denied: Washington D.C. Trans Needs Assessment,* the average income for fifty-seven percent of trans women of color is less than $10,000 per year.[2] In our nation's capital, Black trans people have an unemployment rate of fifty-five percent, and seventy-four percent of Black trans women have experienced housing instability.[3] The diagram below, from the Sylvia Rivera Law Project, illustrates the cycle of poverty that systems of inequality create for trans people.

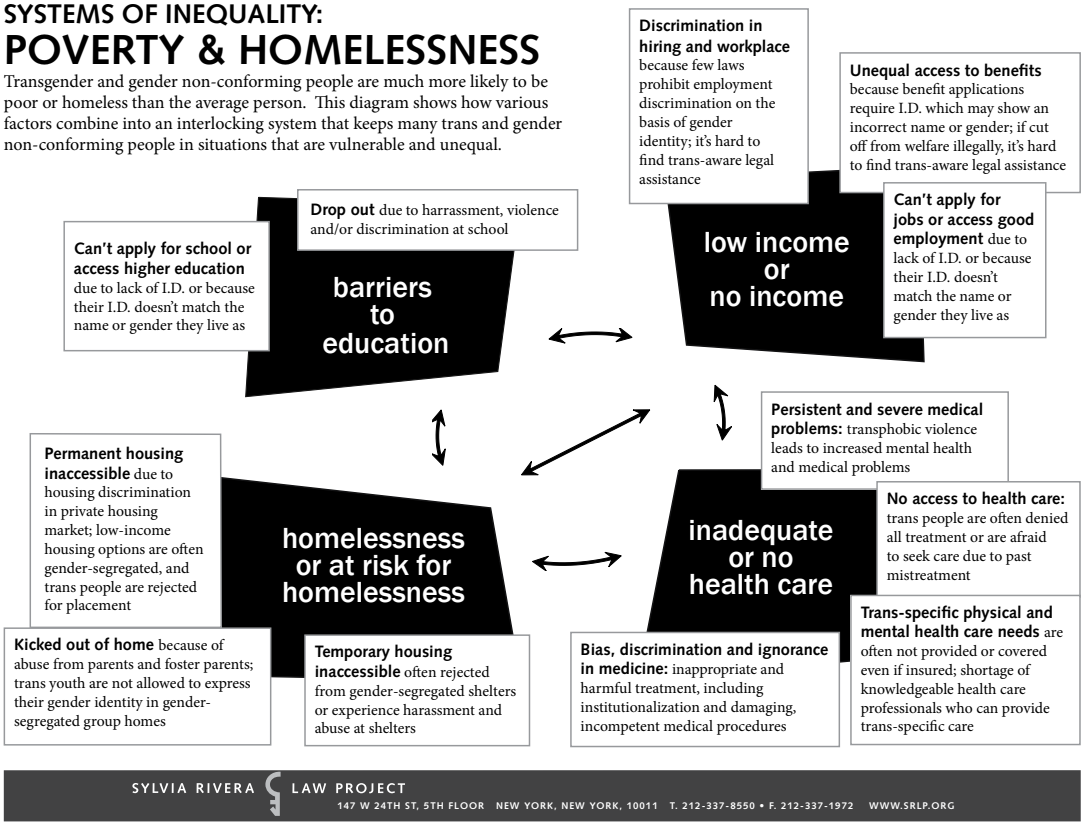
Social Constructions of Gender

Social constructions of gender reinforce state-sanctioned violence, which contributes immensely to the ways poverty manifests in the lives of Black and Brown trans people. Social constructions of gender shape and dictate how society says people must perform and act out gender roles and norms. Even before babies are born, their entire lives are coordinated according to their physical anatomy. From blankets and bonnets to strollers and booties, all are selected blue for boy or pink for girl. From the color the child's room is painted to the toys that will be selected for the child to play with, all fall in line with the sex that baby was assigned at birth. That child will also be conditioned to perform within the roles and norms assigned to that gender. Humans are rewarded for performing successfully in their assigned roles and chastised, teased, punished, abused, and murdered when their performance is identified as "other"

SYSTEMS OF INEQUALITY:

POVERTY & HOMELESSNESS

Transgender and gender non-conforming people are much more likely to be poor or homeless than the average person. This diagram shows how various factors combine into an interlocking system that keeps many trans and gender non-conforming people in situations that are vulnerable and unequal.



"Flow Chart: Disproportionate Poverty," copyright © Sylvia Rivera Law Project, https://srlp.org/resources/flow-chart-disproportionate-poverty.

or is seen as being outside those assigned norms. Robert Anderson echoes this analysis in his article "Way Out West: A Comment Surveying Idaho State's Legal Protection of Transgender and Gender Non-Conforming Individuals":

> It is common knowledge to anyone born in the United State that the moment a child is born, even before a child is even given a name, the state assigns a sex (either female or male) and gender (either girl or boy) to the new baby; then this distinction is memorialized in a legal birth certificate. While the state codification of the American binary construction of sex and gender does not affect the vast majority of Americans, for a minority of United States' citizens, this legal status does not reflect their true sexual or gender identity. This often leaves them outside of the law, as the law will only recognize their assigned birth sex; or their identity may not be covered within the scope of the law, as the law often only identifies gender and sex as binary.[4]

Historically, those who do not conform to socially constructed norms of gender are seen as "other" and treated as outcasts. Transgender people who identify and express their gender differently from that which they were assigned at birth and/or conditioned to perform fall within this realm of social outcasts.

Since the age of six, I have taken agency and autonomy in the celebration and affirmation of my gender identity and expression. Far too often transgender children are not affirmed in their identities and it impacts every aspect of our lives. So many of my contemporaries have been rejected by family and society, discarded and murdered in the streets simply for existing in their truth. I have read about countless trans teens who struggled to take agency over their lives and decided that it was not worth living. Blake Brockington, a Black trans teen, was only nineteen in 2015 when he decided that his life was no longer worth living. Many of us are violently attacked simply for living authentically in our truth. I am deeply committed to curating reflections of who I am as I continue to create spaces for people like me to thrive, because society has done everything imaginable to convince me that Black trans people are disposable.

Social constructions of gender are reinforced in every aspect of all our lives. Social classifications of gender have been legally reinforced by structural systems of oppression and state-sanctioned violence that significantly impact the socioeconomic growth and development of trans and gender nonconforming people of color. According to *It's War in Here: A Report on the Treatment of Transgender and Intersex People in New York State Men's Prisons,* which was released in 2007:

> As a group, transgender and gender non-conforming people are disproportionately poor, homeless, criminalized, and imprisoned. Discrimination against transgender people in housing, employment, healthcare, education, public benefits, and social services is pervasive, pushing transgender people to the margins of the formal economy. With few other options, many low-income and poor transgender people engage in criminalized means of making a living, such as sex work. Transgender people also encounter pervasive violence and physical brutality at the hands of family members, community members, and police because of entrenched social stigma and prejudice.[5]

As indicated by Robert Belovics and James Kirk in a 2008 article: "Today, transgender individuals are employed in every industry and profession throughout the world. As a community, however, transgender people face enormous amounts of employment discrimination, leading to high rates of unemployment and underemployment."[6] To understand how familial and social acceptance is interconnected with socioeconomic growth and development it is vital to examine how discriminatory practices by social systems work to oppress and disenfranchise transgender individuals of color.

Structural systems of oppression reinforced by state-sanctioned violence create insurmountable financial conditions and violent realities for Black and Brown trans people, who are often disowned from family and community and disproportionately impacted by higher rates of homelessness, poverty, and underemployment,

forcing many to engage in life-threatening activities in order to survive. Most times these life-threatening activities place Black trans women in heightened levels of police contact that criminalizes our mere existence. According to a 2009 report from Amnesty International:

> Transgender people, particularly low-income transgender people of color, experience some of the most egregious cases of police brutality reported to AI [Amnesty International]. AI's findings suggest that police tend to target individuals who do not conform to gender stereotypes that govern "appropriate" masculine and feminine behaviors. Race plays an important factor in determining the likelihood of an LGBT person being targeted for police abuse, indicating that such abuses likely stem from racism as well as homophobia and transphobia. . . . AI has also received reports of cruel, inhuman and degrading treatment of LGBT individuals during arrest, searches and detention in police precinct holding cells. AI heard reports of officers searching transgender and gender variant individuals in order to determine their "true" gender. AI has documented allegations of misconduct and abuse of LGBT individuals in holding cells and detention centers, including the inappropriate placement of LGBT individuals in situations which compromise their safety. In particular, transgender individuals are often placed in holding cells according to their genitally determined sex, rather than their gender identity or expression, placing them at greater risk of verbal, physical and sexual abuse at the hands of other detainees.[7]

Employment Barriers

I vividly remember the experiences of being forced to engage in street-based sex work when I graduated from high school in 1994. I was simply trying to pay for the overnight stays at drug- and crime-infested hotels on Woodward Avenue or 8 Mile Road in Detroit. I was just trying to buy food and stay safe. I deferred my dreams of pursuing educational and career goals so that I could survive just one more night. There were absolutely no opportunities for Black and Brown trans women to enter the workforce in Detroit or anywhere. There was no support, guidance, funding, or interest from local or national LGBTQ community organizations directed toward the survival of Black and Brown folk. Many LGBTQ organizations continue to engage in "gatekeeping" that adversely impacts trans communities of color. This discriminatory practice rooted in anti-Blackness and transphobia contributes to heightened contact with police that reinforces the criminalization and chronic poverty of Black and Brown folk struggling to survive.

When I moved to New York City in 2002 I was assigned to live at several Department of Homeless Services men's shelters, despite identifying as transgender. For twenty-one months I experienced sexual assault, discrimination, and harassment from the staff, security personnel, and other residents. There were many times when I was raped in the shower and, when I reported this violence to the shelter staff, they blamed me and then informed my abuser. So many Black and Brown folk avoid shelters because they are places of extreme violence. But I had no choice. Sometimes I slept on the train or in Union Square. I began to use the restroom at a McDonald's to wash every morning, just to avoid the violence I faced. These treacherous conditions placed me in situations that not only contributed to the chronic poverty and trauma I was experiencing, but also reinforced the violence sanctioned by the state that I was enduring.

The lack of state and federal workplace protections for transgender people contributes to the disproportionate impact of poverty on the lives of Black and Brown trans folk. In "Transgressions of Inequality: The Struggle Finding Legal Protections against Wrongful Employment Termination on the Basis of the Transgender Identity" Anton Marino asks:

> What happens, however, when the way we construe our inborn identity is in direct conflict with the way others perceive our identity? To members of the transgender community, this conflict is inescapable, and the law has provided little protective recourse for such conflicts as they arise within the workplace—resulting in a gravely uncertain situation for transgender employees.[8]

Transgender Community Policy Briefing curated by Lourdes Ashley Hunter at the White House, 2016

Transgender people face many challenges when accessing culturally competent workplaces and face termination just for living in our truths.

> As recently as 2009, the United States District Court for the District of Indiana declined to grant Title VII protections to a transgender claimant wrongfully terminated from her employment because she refused to conform to a male sex-specific physical presentation while working. Without question, the workplace has maintained its status, since the Seventh Circuit's decision in Ulane, as a battleground on which the fight for transgender equality continues to be overwhelmingly disastrous.[9]

Federal and state workplace protections alone will not shift the narrative of poverty in the lives of Black and Brown folk. The transgender community is seen by mainstream society as a part of the lesbian, gay, and bisexual community but history points to the fact that transgender people are often left out of basic policy advances that support cultural competence and best practices for the entire LGBTQ community. This lack of inclusion shows up in the form of gatekeeping, respectability politics, and trickle-down incremental progression tactics employed by many cisgender queers who have political power and social capital. These tactics are indicative of the lack of trans inclusion in policy advances that have been the platform issues championed by the mainstream gay community, such as the repeal of "Don't Ask, Don't Tell" and the advancement of marriage equality. These tactics also show up in other fields dominanted by nonprofit organizations. Many Black and Brown trans folk have been tokenized, exploited, commodified, and disposed of by many LGBTQ service organizations that are not truly invested in building the capacity, skills, or socioeconomic power of Black and Brown trans communities. Many contribute to the chronic poverty we experience by not paying a living or thriving wage, not investing in professional development, not creating spaces that are affirming and welcoming, and not hiring Black and Brown trans people into leadership roles.

Policing and Criminalization

I have always seen the police and the entire criminal legal system as agents of the state, enforcers of white supremacy, and an enemy to my existence. When trans people are housed in detention centers the impacts of poverty and state-sanctioned violence are exacerbated. While housed in general population in male detention centers, Black and Brown women are more likely to become victims of violence and sexual assault by male inmates.

> Prison officials are required to protect prisoners. …Prison officials who display a "deliberate indifference" to this duty violate the Eighth Amendment prohibition of cruel and unusual punishment. The U.S. Supreme Court adopted a narrow definition of "deliberate indifference" in the case *Farmer v. Brennan,* which involved a male-to-female transsexual who was badly beaten and raped by her male cellmate in a maximum-security prison.[10]

Detention centers and prisons are not safe for any person. When transgender individuals are inappropriately housed in detention centers and prisons it is a deliberate act of violence. In *Farmer v. Brennan,*

> The Court declined to adopt an objective rule that would hold a prison official liable for violence inflicted on a prisoner when the risks are obvious enough that the official "should have known" the prisoner was in danger. Instead, the Court ruled that, to violate the Eighth Amendment, an official must have actual subjective knowledge that the prisoner is at risk of violence and deliberately fail to act on that knowledge.[11]

City jails have a responsibility to inmates and taxpayers to provide adequate safety and housing for all inmates, including transgender inmates held in detention. In New York City, there is legislation that protects transgender individuals from discrimination when accessing city services. Although Local Law No. 3 prohibits discrimination based on gender identity when accessing city services, the policy does not include appropriate housing for transgender individuals in city detention centers.[12] According to *It's War In Here*, "In men's facilities, transgender women, gender non-conforming people, and intersex people are frequent and visible targets for discrimination and violence, and are subject to daily refusals by correctional officers and other prisoners to recognize their gender

SYSTEMS OF INEQUALITY:
CRIMINAL JUSTICE

This diagram illustrates how overpolicing and profiling of low-income people and of transgender and gender non-conforming people intersect, producing a far higher risk than average of imprisonment, police harrassment, and violence for low-income trans people.

"Flow Chart: Disproportionate Incarceration," copyright © Sylvia Rivera Law Project, https://srlp.org/resources/flow-chart-disproportionate-incarceration.

identity." Housing trans people in facilities that are not aligned with their gender identity is an act of violence.

The below diagram from the Sylvia Rivera Law Project illuminates how systemic criminalization is inextricably linked to the poverty that trans people face.

Violence in Schools

Trans, gender nonconforming, and nonbinary Black and Brown people are disproportionately impacted by high rates of homelessness, trauma, criminalization, under-employment, and incarceration, which is inextricably linked to chronic poverty reinforced by state-sanctioned violence. The transgender community is growing larger and youth are affirming their gender identity and expression in bold and audacious ways. Many trans youth seek out support, as they are oftentimes misunderstood or abandoned by their families and communities

Transgender youth are bullied and harassed in schools at much greater rates than lesbian and gay youth. Many trans youth report being physically attacked at school because of their perceived gender identity, sexual orientation, or gender expression. Transgender children who are not supported at school and/or at home are more likely to score lower than their counterparts and are at a greater risk of dropping out due to increased pressure to conform. The 2009 report *Harsh Realities: The Experiences of Transgender Youth in Our Nation's Schools* conducted by GLSEN (the leading national advocacy organization for LGBTQ students, founded under the name Gay, Lesbian and Straight Education Network) reported that ninety percent of trans students had heard derogatory remarks, such as "dyke" or "faggot," sometimes, often, or frequently in school in the past year. Ninety percent of trans students also had heard negative remarks about someone's gender expression sometimes, often, or frequently in school in the past year. Less than a fifth of trans students said that school staff intervened most of the time or always when hearing homophobic remarks (sixteen percent) or negative remarks about someone's gender expression (eleven percent). School staff also contributed to the harassment. A third of trans students had heard school staff make homophobic remarks (thirty-two percent), sexist remarks (thirty-nine percent) and negative comments about someone's gender expression (thirty-nine percent) sometimes, often, or frequently in the past year.[13]

Transgender youth who drop out of school have a more difficult time attending college, getting a job, developing a career, and maintaining stable housing. Many trans youth report finding themselves homeless and on the streets due to the lack of familial and social acceptance and are more likely to participate in unsafe and illegal activities for survival, putting them at a greater risk for compromised health, policing, criminalization, profiling, and heightened police contact.[14] Without a job, stable housing, health care, or education, the stage has been set through state-sanctioned violence to reinforce chronic poverty in trans people's lives. It is clear that there is a need to create affirming spaces for Black and Brown trans folk to have the opportunity to access affordable housing, employment, and educational institutions free from discrimination and violence.

Shifting the Narrative

Islan Nettles, a Black trans woman, was twenty-one years old when she was pummeled to death outside of a New York City police station in August 2013. She was simply walking down the street with her friends. Exploring a career in fashion, volunteering at a community center, having just moved into a new apartment, Nettles was living her best life and it was all taken away on that fatal night. Unlike when Michael Brown or Trayvon Martin were murdered, there was no national outcry, there were no riots in the streets or call to action to end violence against Black trans women. Nettles's murder, much like the murder of many trans women of color who have been brutally killed in the past fifteen years in the United States, was at the hands of Black men.

Even though the police pulled a bloodied James Dixon off the body of Islan Nettles, he was not charged with her murder. It was more than two years later, after his rearrest when he was questioned by detectives, that he stated that he murdered Nettles simply because she was transgender. He was never charged with murder or a hate crime and took a plea deal, escaping

Lourdes Ashley Hunter delivering a keynote address at the Black Life Matters Conference, Arizona State University, 2015

a twenty-five-year prison term for manslaughter. Black cisgender men are murdering trans women of color and no one is holding them accountable. The physical violence we face is inextricably linked to the violence we face that is sanctioned by the state and reinforced through cultural norms, social constructions of gender, and transphobia.

I am committed to creating and curating spaces where poor Black and Brown trans folk, nonbinary folk, disabled folk, youth, elders, and undocumented folk have opportunities to heal. The Trans Women of Color Collective is a direct response to the state-sanctioned violence we face every day in our communities. Led by and for trans and gender nonconforming people of color, we work in tandem to create, curate, and produce affirming spaces where our community has the opportunity to come together, leverage resources, and be affirmed, loved, and supported by people who look and experience life just as we do. We are answering our own call to action to shift the narrative of state-sanctioned violence and how it impacts all of our lives. We are building our own community centers, shelters, and programming, and delivering vital services, thus creating the change we seek.

At the Trans Women of Color Collective, our work centers healing and restorative justice by elevating the narratives, lived experiences, and leadership of our community members in the trenches and at the forefront of creating healing spaces; building socioeconomic growth, development, and power; and, most importantly, leading with love. As we build economic growth and development for our community, we are enhancing the capacity of future leaders by equipping them with the tools to navigate the systems that are designed to kill them. Investing in the lives of Black trans youth is a revolutionary act. We are showing the world that there is a place where we belong, that our community members have a home, that we are loved by our chosen family, and that our lives have tremendous purpose. We believe that everyone deserves to exist in a world where they are celebrated in their truth.

If we are to shift the narrative of poverty in the lives of those most impacted, here are a few takeaways:

- Conversations about poverty that are meaningful and rooted in solutions must occur in tandem with conversations about state-sanctioned violence, white supremacy, capitalism, neocolonialism, anti-Blackness, transphobia, and more, and must be led by

those most disproportionately impacted.

- Our voices and our experiences are not here to be commodified, exploited, or tokenized. We must be paid for our labor. We are our experience and our lives have tremendous value.
- LGBTQ people with access and resources must understand what that looks like, recognize how that power works, and toil every day to leverage their power to create spaces that affirm, celebrate, and encourage meaningful engagement that builds sustainable socio-economic growth and development in Black and Brown trans communities.
- We cannot solve poverty without also addressing white supremacy, housing insecurity, hunger, trauma, violence, discrimination, neocolonialism, transphobia, anti-Blackness, classism, and more. These issues work in tandem to reinforce each other. We must work collectively to dismantle them all, but those who benefit from them must be on the front line tearing them down.
- Trust that Black and Brown trans people know exactly what they need to thrive. Believe Black and Brown trans folk when they tell you their experience. Listen and learn from Black and Brown trans people. We know who we are.

NOTES

[1] Andrew R. Flores et al., *How Many Adults Identify as Transgender in the United States?* (Los Angeles: The Williams Institute, 2016), http://williamsinstitute.law.ucla.edu/wp-content/uploads/How-Many-Adults-Identify-as-Transgender-in-the-United-States.pdf.

[2] Elijah Adiv Edelman et. al, *Access Denied: Washington, DC Trans Needs Assessment Report* (Washington: DC Trans Coalition, 2015), https://dctranscoalition.files.wordpress.com/2015/11/dctc-access-denied-final.pdf.

[3] Edelman et. al, *Access Denied.*

[4] Robert Anderson, "Way Out West: A Comment Surveying Idaho State's Legal Protection of Transgender and Gender Non-conforming Individuals," *Idaho Law Review* 49, no. 3 (2013): 596–97.

[5] Sylvia Rivera Law Project, "*It's War in Here": A Report on The Treatment of Transgender and Intersex People in New York State Men's Prisons,* 2007, 11–12, https://srlp.org/files/warinhere.pdf.

[6] James Kirk and Robert Belovics, "Understanding and Counseling Transgender Clients," *Journel of Employment Counseling* 45, no. 1 (March 2008): 29, http://doi.org/10.1002/j.2161-1920.2008.tb00042.x.

[7] Amnesty International, *Stonewalled: Police Abuse and Misconduct against Lesbian, Gay, Bisexual and Transgender People in the U.S.,* September 2005, 3–5, https://www.amnesty.org/en/documents/AMR51/122/2005/en/.

[8] Anton Marino, "Transgressions of Inequality: The Struggle Finding Legal Protections against Wrongful Employment Termination on the Basis of the Transgender Identity," *Journal of Gender, Social Policy, & the Law* 21, no. 4 (2013): 866.

[9] Marino, "Transgressions of Inequality," 886.

[10] National Center for Lesbian Rights, *Rights of Transgender Prisoners,* June 2006, 2, http://ncflr.convio.net/site/DocServer/RightsofTransgenderPrisoners.pdf?docID=6381.

[11] National Center for Lesbian Rights, *Rights of Transgender Prisoners,* 2.

[12] "Gender Identity/Gender Expression: Legal Enforcement Guidance," NYC Human Rights, accessed December 21, 2017, http://www1.nyc.gov/site/cchr/law/legal-guidances-gender-identity-expression.page.

[13] Emily A. Greytak, Joseph G. Kosciw, and Elizabeth M. Diaz, *Harsh Realities: The Experiences of Transgender Youth in Our Nation's Schools* (New York: GLSEN, 2009), http://www.teni.ie/attachments/c95b5e6b-f0e6-43aa-9038-1e357e3163ea.PDF.

[14] Gretak, Kosciw, and Diaz, *Harsh Realities.*