

AFT 2121 Resolution Opposing DHHS Memo Attaching Trans and Intersex People

Whereas, the Department of Health and Human Services recently leaked a memo that indicates an attempt to redefine sex under federal law as “a person’s status as male or female based on immutable biological traits identifiable by or before birth;” and

Whereas, this attempted redefinition of sex does not even comply with scientific knowledge regarding sex and gender, which are neither genetically determined, nor immutable categories; and

Whereas, this definition would deny transgender and intersex people protection under federal civil rights law that prohibits discrimination on the basis of sex; and

Whereas, the proposal would limit equal access to health care, housing, education, and fair treatment under the law; and would functionally deny many trans people documentation of their identity, citizenship and immigration status, and the ability to travel freely; and

Whereas, for others, it would force them to choose between the life-threatening dangers of the closet and living in a state of constant exposure and vulnerability; and

Whereas, the memo sends a chilling message that the existence and identity of transgender people is not recognized by the government, and deepens ongoing attacks on the civil rights of all citizens, documented immigrants, and undocumented people; and

Whereas, the memo compounds the threats already facing unions and union members in the form expansion of Right to Work laws and the recent *Janus vs AFSCME* Supreme Court ruling; and

Whereas, as is stated in Section 3 of our bylaws: “No person shall be denied membership or otherwise discriminated against by Local 2121 on the basis of race, color, ancestry, national origin, ethnic group identification, religion, age, gender identity or expression, marital status, domestic partner status, sexual orientation, disability or AIDS/HIV status, medical conditions, status as a military veteran, or citizenship, social, political or economic status;” and

Whereas, AFT 2121 membership includes a broad cross section of members representing diverse gender identities; and

Whereas, we are a public institution rooted in a city that has been an historic epicenter for both LGBT communities and movements, and our institution seeks to provide an inclusive educational experience for our many trans* students, and so is imperative that our union take a stand for the wellbeing and rights of transgender and gender non-conforming members of our campus community; and

Whereas, standing by trans* communities impacted by the recent announcement is aligned with our union's aim, stated in our bylaws, to "promote the welfare of students and the advancement of community college education in the public interest;" and

Whereas, the Department of Health and Human Services proposal represents a challenge to the central principle of the labor movement: that unions stand for dignity, rights and equality for all workers; and

Whereas, the memo promotes a broader context of transphobia and a climate of fear that makes our tasks of organizing and building power with our members even more difficult; and

Whereas, the memo is a threat to worker solidarity across job categories, between unions and for all genders, ethnicities, races and abilities; now

Therefore Be It Resolved, that the AFT 2121 Delegate Assembly condemns in the strongest terms the leaked DHHS memo targeting trans* communities and seeking to redefine the terms of sex, gender, and civil rights law; and

Be It Resolved, that as union members who fight to protect our coworkers, our families and our communities, we oppose threats to transgender people expressed in the leaked memo, and we stand in solidarity with all LGBTQ people who may be experiencing heightened stress and forms of harassment and discrimination at this time; and

Be It Resolved, that the AFT 2121 Delegate Assembly asserts it is up to us as unionized educators to make a clear statement that the rights, safety, and wellbeing of trans* people is a labor rights issue, and one to which the labor movement needs to swiftly respond; and

Be It Finally Resolved, that the AFT 2121 Delegate Assembly will request and recommend that both our statewide union, the California Federation of Teachers, and the national American Federation of Teachers, take positions affirming the rights of trans* people and condemning the federal government's ongoing attacks on the civil rights of trans* people and communities.

Signatories/Co-Sponsors:

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