

**Written Statement of David J. Johns**  
**Executive Director, National Black Justice Coalition**  
**To the Subcommittee on Diversity and Inclusion**  
**Committee on Financial Services**  
**“There's No Pride in Prejudice: Eliminating Barriers to Full Economic Inclusion**  
**for the LGBTQ Community”**  
**November 9, 2021**

Dear Chairwoman Joyce Beatty, Ranking Member Ann Wagner, and Members of the Subcommittee:

Thank you for the opportunity to submit written testimony for the legislative record of this hearing entitled “There's No Pride in Prejudice: Eliminating Barriers to Full Economic Inclusion for the LGBTQ Community.” I write to urge each distinguished United States Representative serving on the House Financial Services Committee to do all you can to ensure all of us have equal and equitable access to economic opportunity and inclusion in our nation.

It is frequently said that when white America catches a cold, Black America contracts pneumonia. If there is one thing I want this committee to hear me say is that while the beautifully diverse Black community is burdened by the problems caused by racism, Black people with intersectional identities, specifically Black people stigmatized as a result of our racial **and** sexual identities, gender orientations, and gender expressions are often confronted with additional, nuanced challenges too often neglected and ignored. 2021 is on track to become the deadliest year in history for violence against Black transgender individuals, and Black trans, queer, and non-binary/non-conforming people find themselves at the intersection of multiple forms of discrimination resulting from anti-Blackness and anti-LGBTQ+ sentiments that manifest in a higher incidence of police interactions<sup>1</sup>, workplace discrimination<sup>2</sup>, and large-scale economic challenges<sup>3</sup>. I applaud you for your desire to better understand the economics of intersectionality by holding this critical hearing.

My name is Mr. David J. Johns, and I honor serving as the Executive Director of the National Black Justice Coalition (NBJC). NBJC is the nation’s most preeminent civil rights organization focused on empowering Black lesbian, gay, bisexual, transgender,

---

<sup>1</sup> <https://www.them.us/story/black-lgbtq-men-police-discrimination-health-effects>

<sup>2</sup> <https://legacy.npr.org/documents/2017/nov/npr-discrimination-lgbtq-final.pdf>

<sup>3</sup>

<https://www.urban.org/urban-wire/covid-19-action-centers-black-lgbtq-people-can-address-housing-inequities>

queer+ and same-gender-loving (LGBTQ+/SGL) people, families, and communities. I am a proud, Black, same-gender-loving man from Inglewood, California, currently living in the nation's capital. As the quarterback of the team at NBJC, I have had the opportunity to meet and collaborate with members of the Black LGBTQ+/SGL community from across the country. Listening to the stories of their exclusion from the American Dream, despite continuing to labor to build this country, has left me even more committed to the work of justice, equity, and liberation for all of us—especially the most marginalized among us. I am reminded of the labor my ancestors poured into this very institution, one brick clad in sandstone at a time. It was inconceivable to many of them that we would ever represent our community inside the building we built with our blood, sweat, tears, trauma, and pain—forced and for free. The conversation around income inequality and economic exclusion for Black people, families, and communities begins with the legacy of Slavery but did not end there. Our nation has failed to adequately acknowledge and repair the damage done to Black people and families over our centuries in the United States—and currently fails to recognize the combination of identities that make up the Black community in ways that would assist in bridging the economic and wealth gaps.

According to the Center for American Progress, nearly 1 in 3 Black trans, queer, non-binary/non-conforming people report avoiding public spaces such as stores or restaurants to avoid experiencing discrimination; 2 in 5 have moved away from family to prevent discriminatory experiences, and; 1 in 5 avoid travel. We are also more likely than our white counterparts to experience discrimination within LGBTQ+ spaces.<sup>4</sup> While we occupy communities throughout the country, most Black trans, queer, and non-binary/non-conforming people are disproportionately concentrated with other Black people. In addition to small, rural, and isolated communities, we live in coastal communities and in the South, where it is still legal to discriminate against us.

Annually, NBJC hosts our Black Institute as a part of Creating Change, the nation's largest convening of trans, queer, non-binary, and non-conforming/non-binary advocates. This year's Black Institute was virtual and yielded one of our largest Institutes. Many of the stories shared by your constituents were heartbreaking. A unifying thread tethering together the stories shared at the Black Institute is that because of our intersectional identities, not to any fault of our own, Black LGBTQ+/SGL people face challenges accessing the experiences and opportunities required to be economically secure in the United States, and these challenges show up in our lives early.

---

<sup>4</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5846479/>

## Investing in School & Community Support for Black LGBTQ+/SGL students

Nearly all of the 200 attendees shared stories of advocating for access to opportunities in their early years as public school students. These stories have informed the work of NBJC as well as the focus of my doctoral research. My dissertation, titled “By Any Means Necessary: Supporting the Learning & Development of Black LGBTQ+/SGL Public School Students in the United States,” is a response to the lack of attention paid to the experiences, contributions, and needs of Black queer, trans, and non-binary/non-conforming public elementary and high school students. The dissertation also calls for increased investments in school- and community- based support for Black LGBTQ+/SGL students and national, interoperable data sets that acknowledge that many of us have intersectional identities that shape how we experience public institutions like schools in powerful ways. The most extensive national, public datasets used to inform conversations about and investments in public schools do not ask questions about students' sexual orientation, gender identity, or gender expression—missing critical opportunities to better understand the experiences of Black trans students with disabilities for example. Conversely, health-based data sets that may ask school-age children questions about sexual health and wellness do not ask students about their experiences with public institutions like schools. Siloed approaches to understanding and seeking to support students results in failed opportunities to close enduring gaps. These failures also help to explain the Black/white achievement and opportunity gaps.

Both Black Institute attendees and students I have engaged through my research, paint vivid pictures of being denied access to opportunities early—to no fault of their own. Given that public students who identify as or are assumed to be trans, queer, and non-binary/non-conforming do not have the same protections as their non-trans, non-queer, and non-binary/non-conforming peers, we should not be surprised by this phenomenon.

I often think about Hope,<sup>5</sup> an Afro-Latinx trans student who describes her middle and high school years as “treacherous.” While many of us recall adolescence fondly and with a smile, Hope’s reflections include stories of being deadnamed by teachers who demanded that she perform labor not required of her non-trans, non-Afro-Latinx peers. For example, when she was beaten in a school hallway by three male-identified classmates, surrounded by peers who laughed at the sight of blood painting her face and the floor, she was suspended and told **she** could prevent the abuse by changing her identity. As a former classroom teacher, I know that students cannot demonstrate what they know or have learned if they do not feel safe. We know, based on data NBJC collected with our colleagues at the GLSEN, that Black trans, queer, and

---

<sup>5</sup> Hope is a pseudonym to protect their confidentiality

non-binary/non-conforming students find schools to be hostile and unwelcoming spaces, which often results in them being failing to develop the skills, experiences, and relationships needed to be successful in both schools and life.<sup>6</sup>

What is important to note here is that much of what I have described thus far impacts Black students, generally. Public schools in the United States are not designed to support the positive, holistic development of Black students, which is reflected in the data on educational output since such data has been collected. In addition, the lack of data collected on (and more significant challenges with language and stigma concerning) sexual orientation, gender identity, and gender expression in surveys makes it challenging to determine the number of Black LGBTQ+/SGL students (and adults) or to explore the diversity of experiences within the Black community. More inclusive data allows lawmakers, educators, and administrators to identify best solutions that remove the barriers to equity and ensure that every student (and adult) has the skills, relationships, experiences, and credentials needed to be self-sufficient and a full participant in social, political, and economic economies.

### **Addressing Housing and Other Economic Inequities for Black LGBTQ+SGL People, Communities, and Families**

As you know, schools are essential for preserving democracy and what happens to students in schools has a profound impact on life opportunities and outcomes. Reports from Urban Institute describe how economic inequality shows up in adolescent years when Black LGBTQ+/SGL youth are forced to begin their journey into adulthood early. As a result of familial and social rejection based on gender identity, gender expression, and sexual orientation, LGBTQ+ young adults are at more than double the risk of homelessness compared to non-LGBTQ+ peers. An estimated one in three youth in foster care and 40 percent of youth experiencing homelessness identify as LGBTQ+. Black LGBTQ+/SGL youth are significantly overrepresented among both LGBTQ+ homeless and foster youth. Young people experiencing housing instability are less likely to successfully attain secondary and post-secondary certificates, credentials, and degrees, making it difficult to find success as an entrepreneur or obtain a good job—one with family-sustaining wages and opportunities for advancement, at a minimum.

Employment discrimination is one of the many tactics used to deny Black people and families the opportunity to build wealth in America. Black people with multiple marginalized identities, such as Black LGBTQ+/SGL, disabled, immigrant, and poor, experience discrimination at even higher levels.

---

<sup>6</sup> Erasure and Resilience, <https://nbcj.org/wp-content/uploads/2020/11/Erasure-and-Resilience-Black-2020.pdf>

Studies affirm that employers are less likely to reach out to candidates *they perceive* to be trans, queer, or non-binary/non-conforming candidates for interviews<sup>7</sup>. In addition to the discrimination we face due to race, Black LGBTQ+/SGL people are often paid less for doing the same job and given fewer job opportunities than our non-Black, non-LGBTQ+ counterparts.<sup>8</sup>

At the Black Institute 2021, members of our community described being denied interviews, being laid off or let go, and being denied promotion opportunities. Many question how much the discrimination they experienced resulted from their racial/cultural attributes or their sexual orientation, gender identity, or gender expression. Black same-gender loving and bisexual women shared stories of discrimination resulting from hairstyles, the pitch of their voices, gender presentation, and stereotypes about “attitudes”. Tiffany<sup>9</sup> shared a story about being written up for lack of professionalism after having her hair freshly twisted only to see her non-Black colleagues celebrated for unsuccessfully attempting similar hairstyles. When discrimination **only** occurs due to race, gender, sexual orientation, or gender identity (thanks to the recent United States Supreme Court *Bostock* decision), filing an EEOC claim is an option; however, when one experiences employment discrimination based on both race **and** sexual orientation or more, the pathway to a federal legal remedy for the harm done is more complicated, if plausible at all.<sup>10</sup> We must close the legal loophole created by not protecting people discriminated against due to marginalized intersectional identities. Obtaining and maintaining a job is fundamental to consistently feeding, clothing, and housing oneself and one’s family. Employment should not be made unattainable based on the prejudices and biases of employers.

I thank those of you who voted for the Equality Act. Once codified, the Equality Act will aid in addressing this legal loophole. To support this process, I ask you to continue applying pressure to your Senate colleagues to ensure this critical bill makes its way to the president's desk.

The Equality Act is also important when considering how homeownership and housing stability facilitate economic stability in the United States. More than half of states throughout the country still lack laws that explicitly ban housing discrimination against

---

<sup>7</sup> <https://gap.hks.harvard.edu/discrimination-against-queer-women-us-workforce-resume-audit-study>

<sup>8</sup>

<https://www.americanprogress.org/issues/economy/reports/2019/12/05/478150/african-americans-face-systematic-obstacles-getting-good-jobs/>

<sup>9</sup> Tiffany is a pseudonym to protect their confidentiality

<sup>10</sup> Protected classes and protected locations are different across states and localities and most do not include intersectional protections. The Biden-Harris administration is currently interpreting existing civil rights laws to include intersectional protections, but this can be changed depending on the administration and federal courts.

LGBTQ+ Americans. LGBTQ+ individuals often face discrimination when working with real estate agents, when requesting loans for housing, and when seeking shelter while experiencing homelessness. For instance, 44 percent of LGBTQ+ people of color report that bias has affected their ability to rent or purchase a home to some degree, while only 32 percent of white LGBTQ+ respondents said the same. Additionally, 26 percent of LGBTQ+ people of color report experiencing discrimination in an apartment community, while 14 percent of white LGBTQ+ respondents reported the same. *According to the Center for American Progress*, the combination of race, sexual orientation, and gender identity exacerbate housing discrimination for Black LGBTQ+/SGL people.

NBJC's Deputy Executive Director, Victoria Kirby York, experienced housing discrimination when moving from Florida to Maryland. After meeting with a realtor to tour a condo in Gaithersburg, Maryland, they were assured the apartment was available and possessed the qualifying credit score. During the post-tour conversations, the two women referenced each other as spouses, which made it clear to the realtor that they were not friends splitting the rent. The realtor immediately ceased conversations between the property owner and the couple. After that painful experience, Victoria and her wife, a homelessness prevention social worker, decided to purchase a home. During their housing search, the couple received dramatically different home mortgage interest rates from banks.

As you know, an APR of 4.25% versus 3.25% makes a significant difference in how much an FHA loan will cost after 30 years. Their credit score and financial situations did not change during this process—only the person and institution processing their applications. The Equality Act would provide a federal remedy for couples like the Yorks and single members of our community seeking housing security and stability. While protected based on race exist, federal law does not explicitly protect same-gender loving couples or spouses from housing discrimination.

It is also worth noting that in addition to Black LGBTQ+/SGL people being less likely to own a home, we are also more likely to experience food insecurity and discrimination from housing institutions.<sup>11</sup>

People denied access to learn and develop in schools they must attend face more challenges in accessing stable, supportive, and affordable housing, making it hard to find and advance in a good job or thrive as an entrepreneur. Poverty and toxic stress caused by housing, food, and employment instability and insecurity increase the

---

<sup>11</sup> <https://www.pnas.org/content/116/19/9293>

likelihood of significant physical, mental, and emotional challenges. We have witnessed this sequence of actions cripple communities for generations. I hope to contribute to the record a clear understanding that all of this is exacerbated when Black LGBTQ+/SGL people are healing from religious trauma or the damage done by the American Psychological Association contributing to racism, homophobia, transphobia, and related systemic inequalities,<sup>12</sup> or the vestiges of transatlantic enslavement. Leveling the playing field to ensure that every American has the opportunity is essential to preserving our democracy and is especially important for Black LGBTQ+/SGL people, communities, and families who disproportionately struggle economically, often to no fault of their own.

Data from a 2020 Center for American Progress survey shows that 33 percent of Black LGBTQ+ individuals reported experiencing discrimination in the previous year and that discrimination had a significant impact on their lives and everyday experiences. We are more likely to experience poverty than both our white LGBTQ+ and non-LGBTQ+ counterparts. Twenty-six percent of Black LGBTQ+/SGL people reported receiving assistance from the Supplemental Nutrition Assistance Program (SNAP) in the past year; 20 percent of white LGBTQ+ respondents said the same.<sup>13</sup> Twenty-four percent of Black LGBTQ+/SGL people reported that they avoided getting necessary services for themselves or their families to prevent discrimination; 17 percent of white LGBTQ+ respondents said the same.<sup>14</sup>

While facing compounded challenges, without targeted support, Black LGBTQ+/SGL people raise children and care for aging and elderly members of our families at higher rates than our white LGBTQ+ counterparts. The proportion of LGBTQ+ people raising children is likely to increase over time as younger generations of LGBTQ+ people are even more likely to be heading to or want a family. In a 2018 survey commissioned by the Family Equality Council, 77% of LGBTQ+ Millennials reported already being a parent or considering having children, representing a 44% increase over LGBTQ+ in older generations. Black LGBTQ+/SGL people are also more likely to experience hiring bias, on-the-job discrimination, unequal pay, benefits, and taxation, which can make family planning or management especially difficult, if plausible at all.

I often think about the decisions that some Black trans, queer, and non-binary people make daily, often forced to prioritize safety over simply being. At this moment, I am

---

<sup>12</sup> <https://www.apa.org/about/policy/racism-apology>

<sup>13</sup>

<https://www.americanprogress.org/issues/lgbtq-rights/news/2021/07/13/501484/black-lgbtq-individuals-experience-heightened-levels-discrimination/>

<sup>14</sup>

<https://www.americanprogress.org/issues/lgbtq-rights/news/2021/07/13/501484/black-lgbtq-individuals-experience-heightened-levels-discrimination/>

thankful for a job that while it sometimes invites strangers to think they have the power to approve of how God purposed for me to show up in the world or issue death threats in response to advocacy centered on ensuring that all Black people can be treated fairly and without prejudice, I do not have to consider interviewing with nails this nicely manicured.

I am only partially joking. I have been kicked out of rideshares after refusing to answer questions about my painted nails or male companion. Before the recent Bostock decision and the coronavirus pandemic, I worried about placing pictures of my male friends on my desk, at work, for fear that supervisors might assume they were my partners, which could invite further challenges or erect additional barriers to my success and safety. I celebrate that there has been considerable progress in the time since I first began my career on Capitol Hill as a Congressional Black Caucus Fellow working with Congressman Rangel (D-NY), in 2006; this hearing is evidence of movement in the right direction; however, much more must be done.

### **Black Trans Lives Matter and Deserve Economic Opportunities and Supports**

The combination of race, gender identity, and gender expression discrimination is magnified in the lives of Black transgender people in the United States. According to the 2015 US Transgender Survey<sup>15</sup>, Black transgender people face the most severe economic and housing effects among LGBTQ+ communities:

- Twenty percent were unemployed, twice the rate among Black people in the general US population and four times the rate of the general US population.
- Thirty percent were experiencing poverty, more than three times the rate of the general U.S. population.
- Forty-two percent had experienced homelessness in their lives, compared with 30 percent in the overall sample.
- Twenty-two percent had experienced homelessness in the past year, specifically because they are transgender.
- Forty percent experienced some form of housing discrimination or instability, including eviction or being denied a home or apartment because they are transgender.

Our Black trans siblings are experiencing a silent epidemic of violence in the shadows of an enduring legacy of violence against Black people. We need more intra-community conversations about the diversity that has always existed within our community, and we need more elected and appointed leaders to stand against the policy violence enacted in legislation targeting trans children—denying them access to the clubs, sports, and experiences we celebrate as required for holistic development—or fundamentally changing the relationship between patients, their families, and medical providers. The

---

<sup>15</sup> <https://transequality.org/sites/default/files/docs/usts/USTS-Black-Respondents-Report.pdf>



same is true for state elected officials to refer to our babies as “trash”<sup>16</sup> when not a single one of them asked to be born or to be burdened by the weight of social and political constructs constituted without their consultation.

I hope that somewhere in between these words, I have made clear the need to eliminate barriers to full economic inclusion for Black trans, queer, and non-binary/non-conforming people in ways that are often ignored when the needs of the larger (white) LGBTQ+ community are considered. To advance the conversation and for policy consideration, please consider the following recommendations to make economic opportunity accessible for everyone in our country:

- Encourage and support your United States Senate colleagues to pass the Equality Act, which would modernize our nation’s civil rights laws and make them more inclusive - adding sexual orientation and gender identity to existing federal protections.
- Add “socioeconomic class” and “source of income” discrimination protections in existing and future federal civil rights laws. Adding “source of income” to our nation’s civil rights laws would compel property owners to treat housing vouchers for low-income people the same as they treat cash, reducing discrimination against those living in poverty as they seek housing. People living in poverty, including those who are houseless, experience discrimination due to their socioeconomic status in education, healthcare, the criminal justice system, and more with no legal remedy.

Nearly 40% of Black LGBTQ+ adults have a household income below \$24,000 per year, according to UCLA School of Law’s Williams Institute. Adding “source of income” and “socioeconomic status” to our nation’s civil and human rights laws would restore dignity and access to opportunity for the members of the Black LGBTQ+/SGL community most at the margins.

- Codify legal remedy for discrimination resulting from combined identities (e.g., Black and LGBTQ+/SGL).
  - Ensure that civil rights legislative language for publicly funded programs is expansive and explicit enough to allow victims to seek legal remedy in the wake of discriminatory interactions with police, ICE, and other criminal justice personnel (i.e., probation officers).
  - Mitigate the stigma of prior convictions by codifying “Ban the Box” provisions to prohibit federal contractors and employers from asking about prior convictions on job applications and requiring them to evaluate an applicant’s qualifications before conducting a background check.
- Fund federally supported survey collection that considers both race/ethnicity and sexual orientation, gender identity, and gender expression, along with the ability

---

<sup>16</sup> <https://nbjc.org/nbjc-condemns-nc-lt-governor-anti-lgbtq-remarks/>

to quickly filter data to identify essential intersections--combinations of identities that might be experiencing increased harm or distress. The Census Bureau's Pulse Survey, which tracks the coronavirus pandemic's impact on people in the United States, collects data on sexual orientation and gender identity. This data helps us better understand experiences and address disparities.

- Pass the Economic Justice Act to provide critical investments in childcare, community healthcare, jobs, entrepreneurship, infrastructure improvements at HBCUs in predominantly Black communities, homeownership, Medicaid expansion, address maternal mortality rates, and offer renter and low-income housing tax credits to address historical and systemic discrimination against Black people in America.
- Pass the federal Safe Schools Improvement Act and the Student Non-Discrimination Act to reduce school discrimination and bullying.
- Increase funding for informal education/out-of-school programs and activities that specifically support the positive, holistic learning and development of Black LGBTQ+/SGL students and other students with intersectional identities.
- Increase support for professional development for school staff and youth workers that addresses the intersections of identities and experiences of Black LGBTQ+/SGL students.
- Increase student access to curricular resources that include diverse and positive representations of Black, LGBTQ+, and Black LGBTQ+/SGL people, histories, and events.
- Increase government employment opportunities through targeted recruitment efforts at congressional district-hosted job fairs, where applicable, and commitment to anti-racist, nonbiased hiring, training, and support processes.
- Decriminalize and legalize sex work and cannabis, along with retroactive expunging of records. Both prohibitions have a disproportionate impact on Black LGBTQ+/SGL people and families making it hard to obtain and maintain employment while also penalizing people for survival-based work and using natural medicine, respectively.
- Increase federal protection against wage discrimination based on race, ethnicity, national origin, sexual orientation, and gender identity/expression and increase access to good jobs, as previously defined, with good benefits for Black LGBTQ+/SGL workers.
- Ensure that student loan debt relief legislation includes reparations.

- Allocate additional funding and remove licensure requirements for kinship care guardians to ensure they receive equitable financial support compared to licensed caregivers. Federal caregiver licensure requirements have been cited as why some states have not addressed existing disparities, despite federal appeals court rulings and the 2018 Families First Act.
- Fund the recruitment and support of Black LGBTQ+/SGL parents in becoming foster and adopted parents to Black children stuck in the child welfare system.
- Fund free access to healthcare for programs for displaced and unhoused youth.
- Reduce racial inequity in the federal government by removing barriers to accessing federal programs and services such as lack of promotion of programs in communities of color, lengthy forms filled with jargon and unfamiliar terms, online applications that are difficult to find and complete, lack of paper forms for those without computers or broadband access in general use locations like grocery and convenience stores, and unnecessary requirements that limit the number of people in need that can apply.

These recommendations above are illustrative, not exhaustive. I look forward to being a resource to the members of the Subcommittee as you continue this process, including by connecting you and members of your staff to constituents who can better color the canvas I have contributed to today.

I sincerely appreciate the historic occasion of this House Hearing entitled “There's No Pride in Prejudice: Eliminating Barriers to Full Economic Inclusion for the LGBTQ Community” and the opportunity to submit this testimony.

.  
Most Sincerely,

David J. Johns  
Executive Director  
National Black Justice Coalition

Additional Resources:

National Black Justice Terminology Guide  
<https://nbjc.org/resource/terminology-workbook/>

National Black Justice Terminology & GLSEN, Erasure and Resilience

<https://nbjc.org/wp-content/uploads/2020/11/Erasure-and-Resilience-Black-2020.pdf>

Ring The Alarm: The Crisis of Black Youth Suicide In America, Taskforce Report

<https://nbjc.org/wp-content/uploads/2020/11/Ring-the-Alarm-TASKFORCE-REPORT.pdf>

Movement Advancement Project, A Broker Bargain for LGBT Workers of Color

<https://www.lgbtmap.org/workers-of-color>

Center for American Progress, The State of The LGBTQ Community in 2020 A National Public Opinion Study,

<https://cdn.americanprogress.org/content/uploads/2020/10/02103624/LGBTQpoll-report.pdf>