As our nation grapples with working toward a community where diversity is celebrated as a strength, and where people from diverse communities work better together to tackle the seemingly intractable problems that prevent us from thriving it is important to ensure that the unique needs of individuals who are marginalized as a result of racial/ethnic and sexual-minority oppression are addressed. While the modern Civil Rights Movement resulted in monumental legal advancement for a country 100 years past transatlantic enslavement, Black Americans continue to experience bias, prejudice, and discrimination. This reality is compounded for Black people who identify as lesbian, gay, bisexual, transgender, queer and same gender loving (LGBTQ/SGL). The National Black Justice Coalition (NBJC), the nation’s leading civil rights organization dedicated to the empowerment of Black LGBTQ/SGL people, including people living with HIV/AIDS, exists to support the needs of those living at the intersections of racial/ethnic and sexual minority identity. Since 2003, NBJC has been on a mission to lead Black families in strengthening the bonds and bridging the gaps between the movements for racial justice and LGBTQ/SGL equality. Unfortunately there are persistent divides that relegate Black LGBTQ/SGL people to the lowest rungs of most quality of life indicators ladders including: unemployment, health disparities and low college completion rates. These individual stresses also strain families and weaken communities, which ultimately impacts our national, economic and social security.

Since taking office in 2017, the current Administration has only amplified the aforementioned disparities—further complicating the lives of Black LGBTQ/SGL people and people from other historically marginalized communities. To help inform the public about the many ways the current Administration has failed to act in the best interest of Black LGBTQ/SGL people the NBJC has produced the 2018 Federal Government Report Card. This report considers the actions and priorities of each branch of government and is informed by the NBJC Public Policy Agenda.

There should be little surprise that the current federal government is failing on every major issue impacting

David Johns
Executive Director, NBJC

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Black LGBTQ/SGL people, families and communities. This current Administration has roll backed critical protections for transgender students and surged the “War on Drugs.” These priorities have been advanced while the Administration has bent over backwards to ensure tax cuts for the wealthiest Americans, while relentlessly pursuing efforts to repeal the Affordable Care Act, which has provided healthcare for millions. The administration has grossly underfunded the 2020 Census, adding a racist citizenship question that we know will result in undercounting and fewer federal resources for communities with disproportionate need. The 115th Congress has done little to stand up against or provide oversight over the current administration, which continues to break precedents and good faith daily. The lack of will to protect the American people will impact our collective futures for decades to come.

In his farewell address, President Barack Hussein Obama stated the following:

*Understand, democracy does not require uniformity. Our founders quarreled and compromised, and expected us to do the same. But they knew that democracy does require a basic sense of solidarity—the idea that for all our outward differences, we are all in this together; that we rise or fall as one.*

It is this spirit of solidarity that NBJC works to advance an intersectional public policy agenda that centers the most marginalized members of our community. We know that when prioritize the least of us—people of color, immigrant populations, people living with HIV, and people impacted by the criminal justice system—every single member of our nation will benefit. We celebrate, educate and advocate for the empowerment of Black LGBTQ/SGL people and our families as a means to achieve intersectional justice, which makes our nation stronger.

Brother Marcus Garvey told us that “*When all else fails to organize, conditions will.*” This wisdom informs the path before us, which requires that we not only absorb critical information but we move to strategic action. The challenges we face today may seem insurmountable; however, if we work better together to address the needs of the members of our community most often neglected and ignored we can win. It is our hope that this evaluation of our nation’s government not only informs you, but also inspires you to take action. That could be through exercising your right to vote, or registering others to vote. Consider running for office or making your voice heard at public political meetings and and in spaces where political decisions are being made. Whatever you do, do something. The future and stability of our democracy depends on it!

Yours in love and continued struggle,

David J. Johns  
Executive Director  

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**NBJC POLICY PILLARS**

- Health & Wellness
- Employment Non-Discrimination
- Family & Relationship Recognition
- Criminal Justice
- Housing
- Safe and Inclusive Schools
FEDERAL JUDICIARY

The Federal Judiciary Branch was created under Article III of the Constitution to administer justice fairly and impartially, within the jurisdiction established by the Constitution and Congress. The Constitution grants the President the power to nominate jurists to Federal District Courts, Appellate Courts, and the Supreme Court. The power to confirm these nominations is vested in the US Senate.

Since taking office, the current administration has successfully advanced the largest number of federal judges of any recent administration during the same time period.

The appointments made by this administration are intended to stack the Federal Courts with conservatives who will hear cases on hot-button topics such as abortion, LGBTQ rights, race-based affirmative action, labor practices and protections, voting rights, and immigration restrictions. With the announcement of Trump’s second Supreme Court nomination of Brett Kavanaugh in July 2018, this Administration has concretized efforts to seat conservative jurists that will negatively impact the trajectory of the nation for generations. What follows is a list of cases that will have significant implications for the health, wellness, and well-being of Black LGBTQ/SGL people, our families, and all Americans more generally.
Federal Judiciary Under Trump

Masterpiece Cakeshop v. Colorado Civil Rights Commission | Decided 2018
A same-sex couple wanted to buy a wedding cake and the cakeshop declined to serve the couple because of their sexual orientation. The couple filed a complaint with the Colorado Civil Rights Division contending that the bakery violated Colorado’s Anti-Discrimination Act. Following an investigation and hearings, the Colorado Civil Rights Commission determined that the bakery illegally discriminated against the couple. The baker appealed the decision. The Appellate Court affirmed the decision of the Commission. The Supreme Court reversed the Appellate Court’s decision and ruled in favor of the Colorado cake shop on the basis that the Colorado Civil Rights Commission’s ruling was infected by religious hostility. This ruling, in favor of cake-shop is narrowly tailored to this specific case; however, it still leaves the unanswered question of whether businesses can discriminate against people because of their sexual orientation.

Gill v. Whitford Decided 2018
Twelve Wisconsin Democratic voters sued to strike down the map of Wisconsin’s state legislature, arguing that it was gerrymandered to benefit the Republican party. The Democratic voters argued that the courts limit partisan gerrymandering based on the efficiency gap, which is a way to calculate how many votes for each party were “wasted” by a particular map, through packing and cracking. The process of packing and cracking is a means to give a particular party an advantage by spreading out or concentrating the vote of a particular demographic. The Supreme Court unanimously agreed that the voters failed to establish standing to bring their lawsuit. Partisan gerrymandering constitutes a genuine threat to voters’ First Amendment right to free association and expression. This ruling ensures partisan gerrymandering will continue until further litigated.

Abbott v. Perez | Decided 2018
Individual voters and organizations representing African-Americans and Latinos in Texas, filed a series of lawsuits arguing that Texas’ congressional and state house plans violate the US Constitution and Section 2 of the Voting Rights Act. Plaintiffs argued that when Texas redrew congressional and legislative plans, it did not act in good faith to achieve population fairness, and instead, intentionally diluted Latino and African-American voting strength. The Supreme Court declined to rescind Texas legislative and congressional districts on the grounds of discrimination. This ruling means that elected representation for minority voters in Texas will not remain inequitable.

Trump v. Hawaii | Decided 2018
Hawaii and several other states filed a lawsuit concerning the Trump Administration’s third travel ban, which called for an indefinite ban on some (or all) people from several countries (most of them majority-Muslim), from entering the US. Hawaii plaintiffs argued that the Trump Administration’s third travel ban exceeds the Administration’s power under the Immigration and Nationality Act, which is designed to restrict the president’s ability to “suspend the entry of … any class of aliens” and bars discrimination in the “issuance of an immigrant visa” based on nationality. The Supreme Court upheld a previous decision in favor of the Trump Administration’s travel ban affirming that the Administration has the authority to suspend entry for a “class” of aliens who “would be detrimental to the interests of the United States.” This decision allows for the stereotyping and discrimination toward immigrants with specific religious identity.
Janus v. AFSCME Council 31 | Decided 2018
Mark Janus was an Illinois resident working as a child support specialist for Health Care & Family Services. He, like many Illinois government employees, was required to pay mandatory AFSCME union fees. Janus stated, in court documents, that he is not anti-unions, but believes that he should be able to keep his job without being forced to pay union fees. In 22 states, state and local government employees who are not union dues-paying members are required to pay “fair-share” or “agency” fees for the union benefits they receive. The Supreme Court ruled in favor of Janus effectively undermining unions for teachers, firefighters, police officers, and other public employees throughout the US.

The following federal court cases are in line to be argued before the Supreme Court:

Whitford v. Nichols; Benisek v. Lamone; Common Cause v. Rucho
The Supreme Court recently sent three cases originating in Wisconsin and Maryland back to the lower courts without ruling on whether extreme partisan gerrymandering in state legislatures violates the Constitution. The four conservative justices on the current court—Roberts, Thomas, Alito, Gorsuch—have stated that such claims should not be able to be reviewed. The aforementioned cases and another from North Carolina raising similar issues could return to the Supreme Court. The addition of Kavanaugh or another ultra conservative justice could result in the court sending the message that it okay for parties to silence marginalized underserved communities.

Texas v. United States
Conservative state officials, with the support of Attorney General Jeff Beauregard Sessions’ Department of Justice, are suing to eliminate life-saving protections for millions of people with pre-existing conditions and other key provisions of the Affordable Care Act (ACA). The federal lawsuit hinges on the ACA’s individual mandate, or the requirement to get health coverage or pay a penalty. Before the ACA passed, insurers commonly refused coverage for people with cancer, heart failure, diabetes, arthritis and even less serious conditions. In addition, many people with HIV faced significant barriers to accessing health coverage. If this lawsuit succeeds, people who buy their own insurance, usually because they are self-employed or do not get coverage through their jobs or the government, and individuals with pre-existing conditions, will be additionally vulnerable.

Zarda v. Altitude Express; EEOC v. Harris Funeral Home Inc.
The 2nd Circuit recently ruled that the nation’s leading employment discrimination law, Title VII, prohibits discrimination based on sexual orientation. Those opposed to the protection of LGBTQ employees have already asked the Supreme Court to hear this case next term. In another case, the 6th Circuit ruled that Title VII protects against anti-transgender discrimination and declined to accept a claim of exemption from the law on the Religious Freedom Restoration Act. That case may well also be headed for the Supreme Court. These decisions have the potential to expand much-needed protections to vulnerable LGBTQ employees.

Prescott Et al v. Slide Fire Solutions
After a gunman massacred 58 people at a country music festival in Las Vegas, Nevada in October 2017, a lawsuit was filed against the manufacturer of the bump stocks that permitted the shooter to make legal firearms fire like an automatic weapon which is heavily regulated and not legally available for public sale. While the bump stock manufacturer originally claimed that the device was intended to assist “persons whose hands have limited mobility,” he later stated that the device was targeted to people who “love full auto.” A decision in favor of Slide Arm Solutions in the case can make it impossible to regulate bump stocks and semi-automatic weapons.
CALL TO ACTION

The destructive actions of the current administration and so many leaders elected to support and strengthen our communities and country demand that we make all voices heard. The stability and future depends on our civic and political engagement today. NBJC has provided important information with the hope that it will help you get involved in advancing an intersectional public policy agenda. Our collective liberation depends on our collective actions!

Know Your Federal Representation & Legislation

CONGRESS.GOV
Learn who represents you in Congress and what legislative proposals they are advancing on your behalf of Congress.gov.

WHITE HOUSE NUMBERS
Raise Your Voice. Own Your Power.
Comments: 202-456-1111
Switchboard: 202-456-1414

CALL YOUR MEMBER OF CONGRESS VIA THE CAPITOL SWITCHBOARD
202-224-3121

REGISTER TO VOTE TODAY!
NBJC has partnered with When We All Vote to mobilize our communities to register to vote and take action to ensure our elected officials are advancing an intersectional social justice agenda.

Because When We All Vote, we can change the world.