

Bathroom Reader

THE CIVIL RIGHTS OF TRANSGENDER EMPLOYEES



Is it legal to fire someone for being transgender? The growing judicial consensus says no. The 6th U.S. Circuit Court of Appeals ruled that Title VII of the Civil Rights Act of 1964 prohibits employment discrimination against transgender people. This includes discrimination that purports to be justified by the Religious Freedom Restoration Act.

The court's ruling reverses a lower court's summary judgment in favor of Thomas Rost, an owner of a funeral home in Detroit who fired his funeral director, Aimee Stephens, once she told him that she planned to transition from male to female and would be representing herself as a woman while at work.

The court disagreed with Rost's contention that being forced to employ Stephens "would impose a substantial burden on [his] ability to conduct business in accordance with [his] sincerely held religious beliefs."

Instead, the court viewed Rost's conduct as an act of sex

discrimination: "The unrefuted facts show that the funeral home fired Stephens because she refused to abide by her employer's stereotypical conception of her sex."

The ACLU of Michigan called the ruling "an important precedent confirming that transgender people are protected by Title VII of the Civil Rights Act... It also ensures that employers will not be able to use their religious beliefs against trans employees, ruling that there is no 'right to discriminate' in the workplace."

EL CHAPO IN THE COURTROOM



What does due process look like for a notorious drug lord who has escaped two high-security prisons in Mexico and who allegedly ordered the executions of witnesses and jury members?

The Special Administrative Measures that keep Joaquín "El Chapo" Guzmán isolated and subject to the tightest of security protocols also deprive him of the due process protections that would normally be afforded to a criminal defendant in the U.S.

But El Chapo is not your normal criminal defendant. His propensity for evading the law and his powerful influence both in and outside of prison make it uniquely difficult to try El Chapo under fair circumstances.

To keep key witnesses and jury members safe, U.S. District Court Judge Brian Cogan has decided that the defense will not know the names of key witnesses until the trial is underway; and the jurors who will ultimately decide Chapo's fate will remain anonymous and under armed guard.

Both of these decisions are arguably necessary, but they also preclude an effective defense or an impartial jury. There are conflicting opinions about whether or not we should be concerned with that.

"He was extradited, I think in part, because the Mexican government knew they didn't have or believed they didn't have the legal culture to hold him and convict him," said Michael Schneider, a court-appointed attorney with the Federal Defenders of New York who represented Chapo until August, when private counsel took over the job. "To bring him here and deny him everybody else's due process rights, we're saying we don't have it either."