

FOREWORD: WITH FAIRNESS FOR ALL

For years, the long journey toward full, universal human rights in our country has left at least one group of our friends, relatives, and colleagues behind. Across the country, it has been legal to fire someone, deny them housing, or throw them out of a restaurant simply because they are lesbian, gay, bisexual, or transgender.

In Delaware, we decided it was long past time to change those laws to reflect our state's (and, I hope, country's) values of kindness, decency, and fairness. And we did.

Although progress sometimes can be painfully slow, we have come a long way in just over four years. Shortly after I took office in 2009, we amended our laws, including the Discrimination in Employment Act, to prohibit discrimination based on a person's sexual orientation.

Then, in June 2013, I signed the Gender Identity Nondiscrimination Act, which affords transgender Delawareans the same rights to protection from discrimination and violence in a broad range of activities that most people already had and that every person deserves. The Act added the term "gender identity," which means a person's deeply held sense of their gender, to our state's hate crimes and employment, insurance, public accommodations, and housing nondiscrimination laws. We placed gender identity on the same legal footing as race, religion, ethnicity, and sexual orientation, among other characteristics.

Combined with the approval of marriage equality in our state, progress on same-sex marriage elsewhere across the country, and the rejection of the Defense of Marriage Act by the U.S. Supreme Court, 2013 will go down as a watershed year for civil rights in Delaware and across America. We have decisively moved forward in our country's never-ending quest for a more perfect union.

I believe that America embarked on a quest for full equality at its inception and that the effort to fully realize our founding ideals has been a catalyst for moral progress ever since. This striving has contributed, moreover, to America's remarkable growth and prosperity over the course of our history. The quest for full equality has led us to tap ever more fully the talents of our fellow Americans and has drawn the brightest and best from other countries to our shores.

In today's increasingly globalized and hypercompetitive economy, our country can only compete to our fullest potential through inclusion and by making our communities welcoming and safe for *everyone*. Or, as Ben Franklin articulated at the signing of the Declaration of Independence, "We must all hang together, or assuredly we shall all hang separately."

During the debate over Delaware’s gender identity bill, proponents of the new law effectively and correctly asserted that the best workplace environment is one that judges each of us on our merits, not on our identities. This was already recognized at a very practical business level at the time by the more than 70 percent of Fortune 100 companies with policies that protect employees on the basis of their “gender identity” and the nearly 200 Delaware businesses that had signed a statement of support for the passage of the law. They know that, to be truly competitive over the long haul, it is vital to harness the skills and talents of everyone, including transgender employees and job seekers.

Momentum to pass the law was built in large part by the personal stories of advocates, led by my young friend Sarah McBride, an intelligent and talented Delawarean who had recently graduated from college in Washington, D.C., and happens to be transgender. She had told Delaware’s first lady and me that she feared returning home without basic protections. Courageously, and with her loving parents at her side, she stood before the Delaware General Assembly to describe her personal struggles with gender identity and communicate her desire to live in the state she loved, without fear and, hopefully, with acceptance. Another friend, whose daughter also happens to be transgender and has faced bullying at her school in another state, wrote to me that she wanted to return to Delaware with her family but had decided against it because our laws would not protect her child and family from discrimination.

These stories were not unique to Delaware. They continue to be told across the country, not only by transgender Americans, but also in every segment of the LGBTQ community. I am proud to say that those stories have been heard in Delaware and that in Delaware we have responded.

Our recent victories should be celebrated, but they do not signal that we can relax our vigilance in rooting out discriminatory behavior or listening to the voices of those still crying in the wilderness. This continuing effort requires courage from elected leaders as well as private citizens—the courage to strive to change the status quo wherever injustice exists. We must persevere in the never-ending mission to ensure that everyone has a fair chance to work hard and participate in our—and their—community while living with dignity and in safety—and in happiness.

HON. JACK MARKELL
Governor
State of Delaware
Dover, Delaware