

in newswweekly

volume 43 issue 43

14 opinion
30 calendar
32 arts
78 scene
86 travel
96 classifieds

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page 19

Court rules in favor of transgendered man

**CASE INVOLVES
MAN REFUSED A
BANK LOAN DUE
TO FEMININE
APPEARANCE**

BY ANTHONY GIAMPETRUZZI
in newswweekly correspondent

BOSTON — A gay legal group scored a victory for the transgender community last week when it persuaded a federal appeals court to confirm that sex discrimination laws reach situations where individuals are discriminated against because of how they are dressed.

The United States Court of Appeals for the First Circuit decided last week that federal law prohibiting sex discrimination in lending protects a loan applicant, in this case a feminine-appearing man, who was told to go home and change to appear more traditionally masculine.

"I am ecstatic that the appeals court reinstated the case. It was a humiliating experience to be told to

change how I look in order to apply for a loan," said Lucas Rosa, the plaintiff in the case. "No one should have to go through what I did simply to receive a routine service from a bank."

Rosa brought the case against Park West Bank after he was denied a loan on July 21, 1998. According to documents supplied by Boston-based Gay & Lesbian Advocates & Defenders, which represented him, Rosa visited the bank and, upon request, presented three pieces of identification, all of which contained photographs. The loan officer disregarded the pieces of identification and told Rosa to go and change to look like one of the more traditionally masculine appearing photographs.

Rosa responded by bringing a sex discrimination case against the bank under the federal Equal Credit Opportunity Act.

"This case was of huge importance to the transgender, lesbian and gay community because it is one of the first times that a federal court has recognized that discrimination because of gender expression

may actually be sex discrimination," said Jennifer Levi, the GLAD attorney who argued the case.

Levi explained that sex discrimination has traditionally been viewed as discrimination based on gender, specifically women. "To include someone because of the way they are dressed is also real."

According to Levi, sex discrimination based on gender expression is common, both in public accommodation and employment. "This is particularly true of retail stores, whether it be just going into the store or trying to use the changing room.

"We know that many people face discrimination, including gay, lesbian and transgendered people, because they do not meet sex stereotypes," said Levi. "Unfortunately, some courts have carved out an exception that excludes such people from coverage.

"This decision recognizes that federal law prohibits different treatment because of sex, including when it is different treatment of transgendered or gay people."