

**Gay and Lesbian Activists Alliance of Washington, DC
2020 Questionnaire for D.C. Council Candidates**

Patrick Kennedy

HEALTH

1. Will you support budgets that target funds to address LGBTQ health disparities, including in mental health and substance abuse treatment, and mandate data collection and timely reporting on these populations?

Yes. The first step in addressing these disparities is understanding them, and having them called out to the attention of policymakers and the general public. Once people truly understand the gravity of the disparities that exist, such as the astonishingly high rate of substance abuse and suicide or suicidal thoughts among LGBTQ youth, failing to address the problem amounts to knowing inaction – and it's morally indefensible.

We need better data in many cases to illustrate the finer points of the problems, and direct specific remedies. I was pleased the Council passed the LGBTQ Health Data Collection Amendment Act of 2018. In particular, through my work professionally with the National Center for Education Statistics, I am very familiar with school climate surveys and the Youth Risk Behavior Surveillance System.

The latter, in particular, marks great work on the CDC's part in cooperation with Local Education Agencies across the country to gather vital information – but it is limited by the number of LEAs that don't participate. The bill, to take one of its components, mandates full LEA participation from DCPS and public charters schools – which is vital to obtaining the most comprehensive base of information.

The Council needs to fully fund implementation of the bill and all of its associated sub-components. There are many worthy legislative initiatives that do not get implemented for lack of follow-through or funding; we can't afford this being one of them. Better and more timely reporting will also have the benefit of enabling the District to target resources more efficiently and effectively to high-need populations, driving better results and promoting a culture of accountability.

JUDICIARY AND PUBLIC SAFETY

2. Will you support Bill 23-435, the Tony Hunter and Bella Evangelista Panic Defense Prohibition Act of 2019?

Yes. It beggars belief that gay and trans panic defenses are still an accepted form of criminal defense anywhere in the year 2020, much less in the District of Columbia. I recall watching the hearing on this bill and listening to those who were against it largely focus their testimony on the right of criminal defendants to mount a defense. That's certainly a noble-sounding sentiment, but our system of criminal justice relies on jury trials – the right of those criminally accused to be tried by a panel of their peers. Dispensing justice impartially and fairly requires removing bias on the part of jurors to the greatest extent possible.

As it is contrary to that intent, it is not acceptable to permit defendants to manipulate juries emotionally and achieve verdicts contrary to the intent and letter of the law by playing to human biases rooted in our long history of societal prejudices around sexual orientation and gender identity.

Allowing these defenses also re-traumatizes victims when a case is brought and goes to trial. I recall the testimony of one person recounting, in relation to this bill, being assaulted in the locker room of a fitness center by a perpetrator vocalizing anti-gay slurs. When the perpetrator was arrested and brought to trial, the victim recounted watching the perpetrator's attorney mount a defense to the jury rooted in anti-LGBTQ stereotypes around public sex as well as false and unproven insinuations about the victim's motivations in particular. In this particular case, while the defendant was convicted of the underlying crime, they were acquitted of the hate crime enhancement.

It is a failure of the system that this type of defense was allowed to be offered, and though some might say that that anecdote reflects a particular failing by the judge in that case, the permissibility of gay and trans panic defenses in general provides a wide berth for these sorts of situations to occur. On the contrary, there is just not a legitimate countervailing reason to allow their continued permissibility, as a matter of practice.

Given the rising number of hate crimes experienced by members of the LGBTQ community during the Trump Administration, and the worrying decline in prosecutions of those crimes locally over the past couple of years, the time has long since passed to clear away these archaic and unequal barriers to prosecuting and holding accountable those who victimize other people on account of who they are.

3. Will you support revision of the DC Riot Statute, Section 22-1322 of the District's penal code, to correct its overly broad language that allows abuse of prosecutorial discretion against individuals who exercise their First Amendment rights?

Yes. The debacle of January 20, 2017 makes clear the need to update this vague statute so that police and prosecutors have clear direction on what does, and what does not, constitute rioting. The only people arrested that day who were convicted of anything were those who pled guilty as part of a plea agreement, which was fewer than 10%. Every defendant that held out was either found not guilty or saw their charges eventually dropped. The entire ordeal was an enormous waste of taxpayer dollars, with tremendous collateral damage (both financial and personal) for those who were caught in the dragnet of undiscerning prosecutors.

The District's experience with the massive legal settlements that arose from the Pershing Park arrests in 2002 should have foreclosed on the possibility of similar incidents in the future. Yet for all the positive changes in police practices that were made as a consequence of that case, and despite MPD's generally solid reputation and good work dealing with First Amendment demonstrations subsequently, it's clear that there will continue to be abuses so long as the existing statute remains vague.

There should be no quarter given to people who destroy property and public space. That's not a productive form of expression, but nor is guilt-by-association mass prosecution a legitimate form of enforcement. In the case of laws like the Riot Statute that always have the potential to exist adjacent to legitimate First Amendment activity, we can't be too careful as the Nation's Capital about ensuring the protection of people's rights.

HUMAN RIGHTS

4. Will you support a Gender Equity and Neutrality in the Official Code Amendment Act to update the D.C. Official Code as necessary to ensure that outdated terms are removed or replaced as well as to utilize language inclusive of the gender diversity of our population?

Yes. I was happy to see that Councilmember Grosso introduced B23-602, the "Gendered Terms Modernization Amendment Act of 2020" to achieve this goal, and I was also happy to see that the vast majority of his colleagues signed on as co-sponsors. I support the legislation and if I'm on Council, I will lend my efforts wherever necessary to push for it to be moved, passed, and signed into law this Council Period.

Some might see efforts like this bill as minor and largely symbolic steps, but I know that it took an enormous amount of work on the part of Councilmember Grosso and his staff to go through the entire, voluminous D.C. Code to flag and make conforming alterations to language in statute that is outdated and outmoded.

It's important that we do so because our laws and the way they are expressed represent the most basic codification of our values as a society. In some cases, outdated language might even serve as the basis for inequitable or unfair treatment

under the law depending on a judge's interpretation of a statute, so there is a practical as well as symbolic importance to this step.

5. Will you support Bill 23-0318, Community Safety and Health Amendment Act of 2019, to decriminalize consensual sex work for people 18 or older and create a task force to monitor the implementation and effects of the act?

I believe there is a pathway to make this bill work. Our current system of penalizing sex workers is not equitable, nor does the status quo benefit anyone, including skeptics. I address the issue of decriminalization as a matter of public health and public safety.

We need to address some of potential externalities that may follow adoption. Specifically, some anti-trafficking groups cite a potential increase in trafficking, given the increase in street selling since the passage of FOSTA-SESTA. Advocates for total decriminalization say eliminating criminal penalties would foster a better relationship between sex workers and law enforcement, and that change in the power dynamic would thus make it more likely that incidences of trafficking would be reported. However, would sex workers being trafficked still feel too threatened and intimidated to report their traffickers? These are some of the questions I will work to help resolve.

I want to ensure that this matter and its follow-through are considered thoroughly, as "success" in this case could amount to the District washing its hands of a problem that survival sex work represents only a symptom of: the deep, widespread, and enormously debilitating discrimination that exists in society toward members of the transgender community, particularly trans women of color. When we see unemployment rates north of 40% for trans women of color, and life expectancy south of 50, that points to an enormous problem that requires comprehensive solutions.

Harm reduction in the short-run is an entirely legitimate objective, but based on our track record as a country with decriminalization or deregulation initiatives, decriminalization in this context requires follow-through with meaningful effort to address employment discrimination. This needs to be considered in the context of targeting health, job training, and other resources to the trans community; that broader need should not be an excuse for inaction, but a mandate to act more thoroughly on the front-end as this legislation is being considered in order to ensure that it's not a one-off.

I also believe that stakeholder engagement around this topic has not been undertaken to the degree necessary to secure support and acceptance of this legislation. My passion, as someone running to be a ward councilmember from a background of many years as a community leader on the ANC level, is engaging in very difficult conversations at the grassroots level and achieving solutions from a position of maximum engagement and, to the greatest extent possible, common understanding.

I did that as an ANC chair successfully on enormously divisive issues like a Hospital helipad in Foggy Bottom, where GW Hospital sought to overturn a statute prohibiting construction of one at their campus adjacent to high-density residential buildings. An initial legislative attempt to implement one failed over vocal and widespread community opposition. I took responsibility as the top elected community leader, understanding the wider context, to convene a series of several multi-hour listening sessions with people on all sides of the issue over the course of the year. I negotiated an agreement to try and achieve the greatest possible degree of consensus on the issue between the Hospital and neighborhood interests, and ultimately I led the ANC to support the legislation, which enabled the Council to move forward with a change in law to make the helipad a reality today.

Elected officials have to make difficult and sometimes unpopular decisions at the end of the day about consequential issues. There's no getting around that no matter how skilled one is at trying to forge common ground. How one handles arriving at their decision can, however, determine whether you implement good policy and whether the public accepts the outcome.

All that is to say, I don't think that we are there yet with this legislation, and I think that was illustrated by the concern that some advocates of decriminalization had about proceeding with a ballot initiative on this topic. Given that the mayor has signaled her opposition to this legislation, it will take nine votes on Council to pass anything and we are presently not there, or close.

There are very real inequities that need to be addressed in relation to how our society treats sex workers and the welfare of those forced to engage in sex work, but achieving a solution in a political context requires a deliberate and strategic approach much like that which resulted in the successful passage of marriage equality legislation ten years ago.

That process took a degree of tactical patience, guarding for federal interference, and involved the quiet work of building out a base of allies, a process that inherently defied instant gratification and was enormously frustrating to those who felt like their basic rights were being held in abeyance. But the resulting legislation was the payoff: marriage equality became law in D.C. well before it was in most of the rest of the country, and it proved a durable achievement that wasn't overturned by a ballot referendum or Congress.

I would like to see a similar outcome on this issue, and bringing that about will take more due diligence and the commitment of political leaders, commitment that I aim to be in the position to offer, to have the difficult conversations necessary with Council colleagues and residents to forge progress.

6. Will you support increased funding for LGBTQ budget priorities, including fully funding the Office of Human Rights and establishing a new competitive community development grant program in the Office of LGBTQ Affairs?

Yes. I sponsored and secured passage of an [ANC resolution](#) in support of these asks last year. I am aware other cities devote far more resources to their equivalent of institutions like the DC Center and other LGBTQ-serving groups. We have an obligation to expand. Having visited Casa Ruby on several occasions and spent a considerable amount of time learning about, meeting with, and discussing the needs of service providers like Casa Ruby, Whitman-Walker, SMYAL, and the Wanda Alston Foundation, three things were very quickly clear. These groups do amazing, specialized work that can't be offered by non-LGBTQ focused providers; they positively impact the lives of a significant number of vulnerable people who would otherwise have nowhere else to turn; and they generally do so on shoestring budgets.

In the difficult budget climate that the District is likely to be in as a result of COVID-19, it's critical that we become more efficient and get better results across-the-board for what we spend. Where we have a cluster of service providers that do great work, and where those providers are rooted in the community that they serve and trusted by that community to an extent that government service providers won't be (especially true with the immigrant community that Casa Ruby serves that is deeply suspicious of interaction with government), we need to invest in them and help them thrive.

The District government's position too often confuses broader government spending on services that might be received by members of the LGBTQ community with services that are specifically geared to members of that community. The distinction is critically important when qualities like cultural competency are so often lacking in more generalized service delivery.

7. Will you support a study of employment of transgender individuals in the government of the District of Columbia as a first step to creating a truly inclusive workplace and the implementation of transgender employment initiatives?

Yes. The federal and District governments have historically served a very important role in providing employment opportunities for populations that have institutionally been discriminated against. It was true a century ago with African-American residents, and today it must also be true with transgender and gender-queer residents if we are to address the most glaring and acutely-felt discrimination issue of our time. More than just righting a societal inequity, better inclusion of transgender individuals in the workforce will unlock a degree of human potential for the benefit of society that has been squandered solely on the basis of misinformed prejudice.

To do so will require a conscious, concerted effort to promote and mandate welcoming workplaces, everything from avoiding misgendering and to ensuring that trans individuals have access to restrooms that they are comfortable using.

It also has to be about more than putting out a "help wanted" sign at the front window of the store. Given the legacy of employment discrimination, the District

government needs to be proactive about reaching out to organizations that serve transgender individuals in order to recruit people into the government workforce. It needs to set those individuals up for success with an investment in job training programs and by instilling a culture of tolerance and awareness in the broader workforce to ensure that government workplaces are supportive environments. And then, it should use its example (working with and through DOES) to promote similar practices among private sector employers.

YOUTH

8. Will you support improved services and treatment for homeless LGBTQ youth, including extended transitional housing?

Yes. Every councilmember should see the amazing work groups like SMYAL do for LGBTQ youth. I can't think of a more impressionable group of people, or one more in need, than those who have been effectively abandoned or made unwelcome by their own families. The shocking fact that 40% of youth experiencing homelessness identify as LGBTQ means that the District must step up and help.

The process of acculturating a young person who has had their life completely pulled out from under them to a stable, supportive home environment (much less one where they can live and function fully independently) is not necessarily a quick one, nor is progress always linear. We need to therefore support transitional housing for as long as it takes for LGBTQ youth, and work to fund additional beds in the care of service providers like SMYAL and Casa Ruby that know what it takes to serve at-risk LGBTQ youth and make a positive difference in their lives.

LGBTQ adults of all age levels come to Washington, D.C. because of our values of tolerance and compassion. We have to take care of them, and support organizations and programs that do.

SENIORS

9. Will you support improved services and treatment for LGBTQ seniors, including affirming senior housing and tenant based rental assistance and the Care for LGBT Seniors and Senior with HIV Amendment Act of 2019?

Yes. It's important that the District increase investments in affordable housing. We need to center investments on programs that create or preserve the greatest number of affordable units with a focus on those with the greatest need and select trusted providers who understand and appreciate the perspective of LGBTQ seniors.

What that means in practice is understanding the prejudices experienced by older generations of LGBTQ residents, and being sensitive to the fact that many continue to experience those prejudices today. To the extent that social isolation is a major

societal concern for seniors living alone, we should be especially attuned to its impact on LGBTQ seniors, many of whom had loved ones who passed away during the worst years of the AIDS epidemic. Still other dimensions to consider are the particular stigmatization that LGBTQ seniors in communities of color have experienced. All of that considered, it is no surprise – but no less a shame – that a disproportionate number of LGBTQ seniors experience depression, poverty, and poor health outcomes.

For all of those reasons, cultural competency is an important quality to insist on in housing providers serving LGBTQ seniors, especially so for those serving those who live with HIV. I'm very proud that my good friend and mentor Mike Silverstein has been a leading proponent of the Care for LGBTQ Seniors and Seniors with HIV Amendment Act of 2019, and I would strongly push for its passage on Council.

LGBTQ seniors and those living with HIV absolutely need to be treated as groups experiencing some of our greatest social need, and it is past time that we affirmatively and specifically protect the rights of those in a long-term care facility or those who have caregivers from discrimination on the basis of sexual orientation or gender identity. Just as we've become increasingly conscious as a society of the need to ensure our seniors can age gracefully, so too must we ensure that LGBTQ seniors can retire in dignity, and in welcoming environments after all that they have experienced in their lifetimes. The aging-in-place village model has successfully scaled across the District; we need to encourage the Department of Aging and Community Living to work with the Mayor's Office of LGBTQ Affairs, particular villages, and other service providers that work with seniors on programming efforts specifically geared to promote connections among seniors who identify as LGBTQ. We can build on the leadership and vision of Dr. Imani Woody and Mary's House for Older Adults in Ward 7 in creating more LGBTQ-affirming senior housing centers across the District.

Finally, solving these problems is an effort that will require continuous engagement and investment. It's not just about one budget cycle, it's about creating a more responsive policy framework by which future investments will be judged. To that end, I was proud to help lead an effort on our Commission to pass a [resolution](#) encouraging the addition of language to the District's Comprehensive Plan that would call out specifically the need to prioritize creating more LGBTQ-affirming older housing, additional transitional housing geared to LGBTQ youth, and improved health care and service delivery specifically for those in the LGBTQ community writ large. We have to change the framing of the conversation and commit to these steps as long-term policy goals.

HOME RULE

10. Will you oppose Trump administration efforts to nullify the legal identities of transgender individuals, such as by assigning a person's gender based on their "original" birth certificate?

Yes. There are things that this administration has done in the last three years which make it clear that, often, "the cruelty is the point." This is one of those cases. There is absolutely no public interest rationale for forcing people to live by their birth sex, or defining gender identity on the basis of genitalia at birth. Doing so is just a sop to misinformed prejudice and the bigotry of those who believe that some of the most vulnerable and persecuted people in our society don't have difficult enough lives.

A lot of government policymaking is about facts, figures, and legalities. The basis of it should be about values, and I just can't quite grasp the lack of empathy that it must take to sign off on something like this and sleep at night. My only hope is that society at-large will become more tolerant and empathetic in time to the transgender and gender-queer community, as it has otherwise on LGBTQ rights.

I just don't know how one can see the statistics, much less the faces, of trans people who are disproportionately the victims of suicide, emotional torment, hate crimes, joblessness, poverty, and debilitating health conditions (among other things) and think that the balance of equities nonetheless favors things like bathroom bills or defining "transgender" out of existence. It should only take a minor degree of perceptiveness, in fact, to see the connection between those policies and the negative outcomes.

Your record is part of your rating. Please list any actions that you have taken that may help illustrate your record on behalf of LGBTQ people.

The Ward 2 councilmember has a special obligation to be a full advocate for the District's LGBTQ community, since Ward 2 is the home of its historic epicenter. That's why it's important for me to build on the legacy and achievements of the allies that have served in this seat. Doing so takes an attenuation to the needs of the LGBTQ community today, which are unique from 1991 and 1975, the only two other years this seat changed hands. The needs are no less evident, however, despite the progress made over the last decade. If anything, the intersectional dimension of the fight for LGBTQ equality is more evident than ever – as is the need to tackle issues with that frame of mind.

I am proud to have a campaign team and base of supporters that includes many prominent members of the LGBTQ community in Ward 2 and elsewhere, including my campaign chair (David Bender), the balance of the current LGBTQ ANCs in the ward, the District's first openly out LGBTQ councilmember (David Catania), and the District's only current ward or citywide LGBTQ elected official (Jack Jacobson).

As an ally, I think it will be important to support – but more than that, empower and center – LGBTQ voices in the important policy debates and resource decisions that will have to take place in the years ahead. I am committed to that, because I see the role of a ward councilmember not as a central clearinghouse through which every accomplishment must flow or around which all attention must be centered, but rather as a leader who builds capacity in and empowers advocates in every community. As someone who has spent my formative years in public service as a community leader, and who has witnessed the power of advocacy and connections based at the ground level, I deeply believe in that model of leadership.

I believe that the next councilmember in this role needs to have the public's trust, and the ability to work with other people to get things done, themes that have been central to our campaign in a broad sense. The ability to build consensus and coalitions to support your objectives is central to the difference between someone armed solely with good intentions and someone who can make a difference. In evaluating the candidates, it's important to consider not just their statements of position but the level of priority that they attach to the issues you care about.

I believe that my record on the ANC demonstrates a genuine commitment to issues of concern to the LGBTQ community, and to achieving progress on their behalf. Whether it was [supporting](#) funding for LGBTQ-focused groups last summer, [suggesting](#) LGBTQ-affirming language in the Comprehensive Plan, or [insisting](#) that the District not allow taxpayer dollars to be spent on travel to locations with discriminatory laws targeting the LGBTQ community, I have been proud to take official actions in support of the principle of full LGBTQ equality.

One of the most enriching parts of this campaign experience has been learning more about, and deepening connections with, people and organizations in the community. Having the trust and support of people like Ruby Corado has meant a great deal to me, and puts a great obligation on me that I feel deeply. Going to functions for SMYAL and becoming a supporter, visiting Casa Ruby on several occasions, and meeting with LGBTQ leaders in a variety of settings and getting to know their perspectives has been maybe the most impactful part of my life in the past year. Regardless of the outcome of this election, I am more committed than ever as an advocate and an ally. Thank you, and I am grateful to have the opportunity to present my views for GLAA's consideration.