

northwest

ENDA-Lite Examined

Activists will not accept compromised bill

by Sassafras Lowrey

The most important thing we can all do politically and socially is maintain our resolve to pass an inclusive ENDA and not accept a watered-down version," said Laura Calvo, a Latina lesbian who is an out trans person living in Portland.

News broke Sept. 27 that protections for the transgender community were to be dropped from the national Employment Non-Discrimination Act (ENDA) at the advice of U.S. Rep. Barney Frank, D-Mass., and House Speaker Nancy Pelosi, D-Calif. They issued statements arguing that the votes were not present to pass a fully inclusive bill.

According to the Equality Federation, nearly 300 organizations and more than 14,000 people have since contacted members of Congress about the importance of protecting the transgender community, creating a situation that pits queer organizations against politicians.

In a statement issued Sept. 28, Frank referred to the advancements of the bill as an "historic victory that supporters of civil rights have been working on for more than 30 years: the passage for the first time in American history by either House of Congress of legislation declaring it illegal to discriminate against people in employment based on their sexual orientation." In that same statement, he declared: "We do not have sufficient support in the House to include in that bill explicit protection for people who are transgender.... Moving forward on this bill now will also better serve the ultimate goal of including people who are transgender than simply accepting total defeat today." Frank proposed that a separate bill would come about at a later time to protect the transgender community.

That prompted backlash from the nationwide activist set.

Matt Foreman, executive director of the National Gay and Lesbian Task Force, said in a statement: "Never before have we seen our movement so galvanized and so united in an effort to make sure no part of our community is left behind. This is unprecedented."

This support from organizations and community members led to a decision Oct. 1 by leadership in the House to postpone movement on the bill to make an attempt at passing the broadest and most inclusive bill possible.

Basic Rights Oregon has been unwavering in its commitment to a trans-inclusive nondiscrimination bill. In a call for community action, BRO stated: "Your elected leaders need to know that supporters of LGBT equality do not support legislation that protects some community members and not others. There is no room for 'compromise' when the subject is equality for all."

Kevin Cathcart, executive director of Lambda Legal, expressed similar sentiments in a public letter to Frank. "It simply is wrong for lesbians, gay men and bisexuals to seek protection for themselves and leave transgender people in the dust. Transgender individuals have fought against discrimination along with gay people years before Stonewall and were prime actors at that epic moment in our joint civil rights history.... For gay people to sacrifice transgender people to get protection only for themselves would be wrong."

Frank is one of two out members of Congress. The other is lesbian U.S. Rep. Tammy Baldwin, D-Wis., who decided not to back Frank's new version of ENDA.

Some have expressed concern that without protections for gender identity, the bill would leave many gay men and lesbians vulnerable to discrimination as well. "Employers may argue that a law that prohibits sexual orientation discrimination but that intentionally eliminated the protections against discrimination based on gender nonconformity would provide no protection to employees judged by an employer to be nonconforming—that is, men who were judged too effeminate or women judged too masculine.... That loophole would be invoked against almost any lesbian, gay man or bisexual who sought protection against discrimination under ENDA," Lambda Legal suggested in a statement.

The Human Rights Campaign has come under fire from transgender activists because while it supports a fully inclusive nondiscrimination act, it is not partnering with other gay rights organizations that are calling for lawmakers to not pass anything but an ENDA with transgender protections. "From my view, it seems that HRC is trying to walk a political tightrope rather than coming solidly down on the side of principles. While that tactic is certainly valid, they have failed to provide the needed leadership to sway the majority of the community. Instead, they

are being received as standing alone," explained Calvo, who is chairwoman of the National Stonewall Democrats Diversity Committee and a member of the executive committee of the Democratic Party of Oregon.

That political tight-rope landed HRC in trouble with some groups, including the National Transgender Advocacy Coalition, which called for a picket of HRC's annual national gala Oct. 6 in Washington, D.C., where Pelosi was the keynote speaker. Other transgender activists and allies held a candlelight vigil at the HRC store in San Francisco's Castro district.

Donna Rose, the only transgender member of HRC's board, resigned Oct. 3 with this statement: "My participation on the HRC board has been a heavy burden. The relationship between HRC and the transgender community is one scarred by betrayal, distrust and anger.... The time is here for leaders to lead, for those who say they stand for community to act forcefully and with purpose.... I call on my brothers and sisters at the Human Rights Campaign, for Speaker Pelosi and Congressman Frank and for equality-minded leaders everywhere to lead by example and to do the right thing."

It is still legal to fire a person because of gender identity in 37 states. "Unemployment and underemployment is the single most significant issue facing transgender people today," said Rose. While local groups like BRO are adamant about supporting an inclusive ENDA, as a result of Senate Bill 2, transgender Oregonians already receive many protections.

"In Oregon, our Democratic governor and Legislature had the fortitude to protect all citizens,

despite facing huge opposition. They 'get it' and fully supported an all-inclusive anti-discrimination bill that goes a lot further than ENDA would with gender identity language," explained Calvo. However, she went on to express concerns that transgender Oregonians could still be endangered "if ENDA-lite moves forward." She indicated that it would complicate issues pertaining to "Social Security, IRS, passports and the Real ID Act."

President Bush has threatened to veto ENDA, which has been attached to a bill that would authorize additional spending for the war in Iraq.

The gay- and lesbian-only version of the bill passed a House committee Oct. 18 by a 27-21 margin. It now heads to the full House floor for a vote. Pelosi has promised to give a trans-inclusive version of ENDA a floor vote when the votes to pass it are secured. 10

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Laura Calvo, a member of the Democratic Party of Oregon's executive committee, suggests that excluding transgender people from the national Employment Non-Discrimination Act poses sweeping risks.

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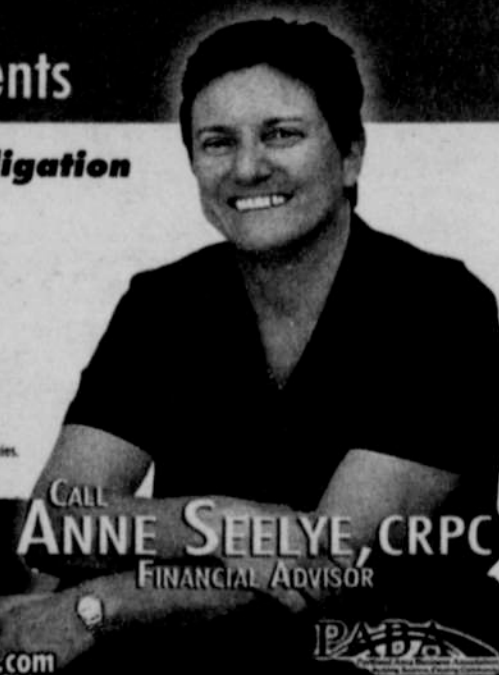
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