



Grassroots revolt against trans exclusion from federal job bill

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When the Democrats are the minority in Congress, they promise “a chicken in every pot” if voters elevate them to the majority. Once the Democrats hold numerical sway on Capitol Hill, however, many hopeful activists learn the hard way that their goose is cooked.

In a Sept. 27 back-room maneuver, House Democratic leaders cut transgender people out of the H.R. 2015, known as the Employment Non-Discrimination Act—ENDA. The wording in H.R. 2015 would have made it illegal to bar employment or promotions or to fire a worker based on sexual orientation or gender identity.

The new version—H.R. 3685—deleted protection against discrimination based on “gender-related identity, appearance, or mannerisms or other gender-related characteristics of an individual.

House Speaker Nancy Pelosi of San Francisco and Rep. George Miller, who chairs the House Education and Labor Committee where the House vote would have taken place, were behind the move to jettison this crucial job protection. Rep. Barney Frank of Massachusetts, a gay man, had the unenviable job of trying to sell the sell-out, relying on the language of Machiavellian pragmatism.

More teeth were also removed. The new bill excluded state and local governments from requiring domestic partner benefits.

In a statement Lambda Legal explained, “This version of ENDA states without qualification that refusal by employers to extend health insurance benefits to the domestic partners of their employees that are provided only to married couple couples cannot be considered sexual orientation discrimination.”

And it exempted religious-based employers—from hospitals to universities—from federal compliance.

However, even if H.R. 3685—ENDA-lite—had passed it was still considered only a symbolic vote, since a veto from the White House was a sure bet.

The bill in different forms has floated in the ebbs and flows of Democratic control of Congress and the White House since 1994. In 1996, when ENDA was first voted on in the Senate, it ran the gauntlet of yea's and nay's alongside the federal Defense of Marriage Act.

DOMA won and ENDA failed. DOMA barred any federal recognition of same-sex relationships.

Democratic President Bill “I feel your pain” Clinton made common cause with notorious anti-gay ideologue Jesse Helms to win passage of DOMA, and signed it.

Unprecedented unity

Democrats may have been unprepared for the firestorm of protest the Sept. 27 move to drop transgender from ENDA ignited. On the day of the announcement that gender identity had been stripped out of the bill, nine national lesbian, gay, bisexual and trans organizations united in opposition.

The groups included Pride At Work (AFL-CIO); Parents, Families and Friends of Lesbians and Gays; the **National Gay and Lesbian Task Force**; and the National Center for Lesbian Rights. Even the National Stonewall Democrats broke ranks with their own party to unite against the ENDA exclusion.

Angry individuals fired off a barrage of letters and emails to congressional representatives.

Activists set up 24-hour protests outside Pelosi's and Frank's offices on the West Coast and East Coast respectively. Pelosi was targeted by a demonstration outside her appearance as a feted guest of honor at the Human Rights Campaign national dinner on Oct. 6.

Within days, it was clear that HRC—which describes itself as one of the largest LGBT civil-rights organizations in the United States—was refusing to unite for transgender inclusion. Donna Rose, the only trans person on its Board of Directors, publicly resigned on Oct. 2 as a result. More resignations reportedly followed.

More than 90 national and state LGBT groups signed a letter that was hand-delivered to congressional representatives on Oct. 1. These groups include the National Black Justice Coalition, International Federation of Black Prides, Mautner Project, National Youth Advocacy Coalition, American Institute of Bisexuality and BiNet USA.

More than 150 organizations announced in an Oct. 15 news release that they'd formed United ENDA—a united front to win a fully inclusive ENDA.

The National Organization for Women issued its own news release, stating that it joined with “hundreds of civil, women's and human rights organizations” to demand passage of the inclusive ENDA bill, H.R. 2015.

Nancy Wohlforth, co-president of Pride At Work, summed up, “Transgender people face the highest rate of unemployment in our community and it would be unconscionable for us to sit idly by and see them stripped from this important piece of federal legislation.”

The National Center for Transgender Equality stated in a 2006 survey that 57 percent of trans people polled reported job discrimination and 60 percent earned less than \$15,300 a year.

The ENDA vote is currently stalled in the House Education and Labor Committee as the Democratic leadership regroupes in the face of unprecedented unity for job protection for transgender, transsexual and intersexual workers.