

ENDA: Gloves Come Off

by Lisa Keen

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Tensions continue to escalate this week over a plan by the Democratic leadership in the U.S. House of Representatives to move ahead on a version of ENDA that omits "gender identity" despite overwhelming opposition by LGBT groups around the country.

House Speaker Nancy Pelosi's office issued a statement late Friday evening, Oct. 12, saying the House Committee on Education and Labor would proceed with consideration of the Employment Non-Discrimination Act Thurs., Oct. 18. The statement said a floor vote on the measure will likely take place next week, perhaps as early as Tues., Oct. 23.

Pelosi's office said the bill will not include a prohibition on gender identity discrimination. That separate bill, the office said, would get a vote only after LGBT activists secured the votes for its passage.

"It's inexplicable—it's just inexplicable," said Mara Keisling, executive director of the National Center for Transgender Equality, about news that Pelosi would send the sexual orientation-only bill for a vote next week.

Keisling was among the representatives of a 284-member coalition of LGBT groups who met with Pelosi's staff on Friday evening. The groups have mounted an unprecedented campaign to oppose the sexual orientation-only ENDA bill. They say dropping gender identity from the bill both leaves out protections for transgender people and seriously diminishes protections for gay, lesbian and bisexual people in the workplace. And they have been urging LGBT individuals to call their members of Congress and oppose HR 3685, the version which includes sexual orientation only and accept only a bill which includes both.

But Speaker Pelosi, in an interview with The Washington Blade, a gay newspaper in Washington, D.C., said on Friday evening, "If we went into Congress saying 'all or nothing on all of our bills,' we might as well just go home, because it doesn't always happen all at once."

In a statement issued Saturday, Keisling took the gloves off, calling the sexual orientation-only ENDA the Human Rights Campaign's (HRC's) "vanity bill" and said it is one that "no one wants and no one thinks will become law." Keisling and others who oppose the two-bill strategy unveiled by Barney Frank late last month said that, even if the House passes the narrow version of ENDA, the Senate is not likely to approve it until next year at the earliest and President George Bush is likely to veto it.

Keisling said Pelosi's office called for the meeting last Friday, but apparently had come to an agreement already with HRC that the transgender protections would be considered only after LGBT activists secured the votes. In addition to Keisling, others at the meeting representing LGBT people were from HRC, the **National Gay and Lesbian Task Force**, the National Black Justice Coalition, the Leadership Conference on Civil Rights, the National Stonewall Democrats, People for the American Way, Gay and Lesbian Advocates & Defenders, the International Foundation for Gender Education and the National Center for Lesbian Rights. Keisling estimated that about 25 people attended the meeting.

Representatives of members of Congress at the meeting included staff from the offices of Speaker Pelosi; House Majority leader Steny Hoyer; Committee Chair George Miller; and Reps. Barney Frank and Tammy Baldwin.

Following Friday's meeting, Speaker Pelosi's office issued a very brief statement saying the House Committee would proceed with consideration of a sexual orientation-only version of ENDA in the coming week, with a floor vote on the measure expected the following week.

Rep. Barney Frank, one of only two openly gay members of Congress and chief leaders on gay civil rights legislation, took the unusual tack late last week of both defending his strategy through a lengthy statement on the floor of the House and holding a press conference to make his case. He expressed disappointment, frustration and anger over efforts by the coalition of LGBT organizations to "kill the bill" because it does not include protections for transgender people.

"We do not have the votes to pass the bill with transgender" protections, said Frank, in the press conference on Capitol Hill, which was piped telephonically to reporters with gay news organizations around the country. While there are those in the LGBT community who believe "we should kill the bill," said Frank, "I have a very profound difference of opinion."

Frank called the vote on the sexual orientation ENDA a "moment of truth" for the LGBT civil rights movement and for the Democratic Party. While it is responsible to work with everybody, said Frank, "you go forward" based on the reality of the situation.

"There are some people who can't handle the truth," said Frank, "and they should stop denouncing those who tell the truth."

The truth, according to Frank, is that a version of ENDA with gender identity does not have the votes to pass. He also said the narrow version of the bill cannot pass without its expansion of an exemption for religious organizations and its omission of a provision that would require employers to honor local and state laws regarding equal benefits for domestic partners.

Frank also lashed out at groups insisting on inclusion of gender identity, saying they had failed to lobby sufficiently for that inclusion and had been simply "talking to each other."

"People who are now demanding that we kill a bill to protect people against sexual orientation discrimination because we haven't done enough to protect people of transgender were silent on the issue awhile ago," said Frank.

While he agreed that President Bush is unlikely to sign any form of ENDA passed this year, he said voting on the measure now "puts [the bill] in better position" to pass in 2009, when many hope a Democrat will occupy the White House.

The House Committee is expected to take up HR 3685 on Thursday morning, sometime after 10 a.m. Eastern Time. If the bill clears committee, it could come up on the floor of the House as early Oct. 23. Until then, the coalition of LGBT groups is urging those who support a fully inclusive version of the bill to contact their members of Congress and urge that they oppose a sexual orientation-only bill.