



## **HRC Shifts, Actively Pushing Barney Frank's ENDA**

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11/06/2007

Breaking its month-long posture of nuanced neutrality, the Human Rights Campaign (HRC) today endorsed the revised version of the federal Employment Non-Discrimination Act that provides protections for gay and lesbian Americans but does not include language barring bias based on gender identity and expression.

The group's new position was announced in tandem with a number of leading civil rights and labor organizations outside of the LGBT community.

At the same time, as it has done since out gay Massachusetts Democrat Barney Frank pulled transgender protections out of the bill - citing vote counts showing they would doom ENDA's chances - HRC also pressed the House to add the gender identification language back in by supporting, on the floor, an amendment from out lesbian Wisconsin Democrat Tammy Baldwin.

In a mid-day interview with Gay City News, Joe Solmonese, HRC's executive director, said the group shifted its position in the wake of action Monday evening by the House Rules Committee to move the measure forward for a floor vote, now scheduled for Wednesday.

Previously, the group had withheld support for the revised bill, pushing for the more inclusive original version, but critically also saying it would not oppose any version the leadership brought forward. The group has effectively moved from a passive "won't block" posture to one of affirmative support.

Now that the measure will get a House vote, Solmonese said, "we felt that in the long term interest of the community and the movement it should not be defeated."

HRC has been isolated over the past month, as roughly 300 other LGBT organizations nationwide, led by the National Gay and Lesbian Task Force (NGLTF) and the National Center for Transgender Equality (NCTE), had pressed members of Congress to defeat any measure that does not include transgender protections. On Tuesday, NGLTF's executive director Matt Foreman objected to HRC's posture in strong terms.

HRC's new position was laid out in a letter to all House members from the Leadership Conference on Civil Rights (LCCR), a coalition of progressive organizations, and signed by the American Federation of State, County, Municipal Employees, the NAACP, the National Education Association, the National Employment Lawyers Association, and the Religious Action Center of Reform Judaism, as well as LCCR and HRC. LCCR has an executive committee with members drawn from a broad range of groups including the ACLU, the American Federation of Teachers, People for the American Way, NOW, and the League of Women Voters.

In the letter, the signers pressed the House to also pass the Baldwin amendment, noting that their decision to support a bill not fully inclusive was an "extraordinarily difficult" one.

The groups, however, noted that many civil rights advances, beginning with the Civil Rights Act of 1957, have been incremental. Solmonese said that in a recent conversation with Georgia Democratic Congressman John Lewis, a leading figure in the 1960s African-American rights

struggle, the two discussed much the same topic.

The AFL-CIO on October 23 sent House members a letter taking the posture that HRC and LCCR have now adopted. The International Union, United Automobile, Aerospace & Agricultural Implement Workers of America-UAW sent members of Congress a letter on November 6 supporting ENDA, but making no mention of the gender issue.

**NGLTF's Foreman was uncompromising in rejecting what he termed "an inaccurate analogy" between incrementalism in the Civil Rights era and accepting a non-inclusive ENDA today.**

**"At no time during the African-American Civil Rights movement were light-skinned African Americans or dark-skinned African Americans left behind," Foreman told Gay City News. "What is being lost is that we need to be working for the best law, not a bill that can be passed today."**

According to Solmonese, the House vote Wednesday is likely to be tight, and at least three amendments including Baldwin's and one carving out religious exemptions will be heard. Most observers agree with an assessment a well-placed Democratic aide made to Gay City News last week - that the gender identity amendment lacks the votes to pass. That source said Baldwin will introduce the amendment, which will be debated for ten minutes, and then withdraw it prior to a vote. Both NGLTF and NCTE agreed that is the likely scenario, Foreman saying flatly there will be no vote on the amendment.

Baldwin's office on Monday declined to offer any prognostication.

**Asked whether NGLTF is urging members of Congress to vote no on ENDA, Foreman said, "We oppose this non-inclusive bill and we are horrified that members of Congress are being put in a position of wondering how to vote on the first piece of gay rights legislation to reach the floor of the House. We look forward to getting this ugly, divisive incident behind us, so we can go back to pass an inclusive law in '09."**

The Senate is watching progress in the House on ENDA this week before developing its game plan on the legislation, Solmonese said. The lead sponsor in the Senate is Massachusetts Democrat Ted Kennedy.

Several weeks ago, the White House issued an internal memorandum laying out a number of policy and constitutional objections to the measure, including the assertion that it would be in conflict with the 1996 federal Defense of Marriage Act.

**Asked whether NGLTF and other groups pressing for an inclusive ENDA had received House Democratic leadership's commitment to plan for an ENDA that includes gender identity language in 2009, assuming, as seems inevitable, that it does not become law under President George W. Bush, Foreman said, "We're still working on that. Its remarkable that House leadership had to delay this vote seven times. That clearly demonstrates the power of our grassroots community."**