



Assembly Approves Gender Rights Bill

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By an overwhelming vote of 108-33, the New York State Assembly on June 3 approved a bill affording civil rights protections to the transgender community.

The Gender Expression Non-Discrimination Act (GENDA) would bar bias based on gender identity and expression in employment, housing, public accommodations, and access to credit. It would also amend the 2000 hate crimes statute to include gender identity and expression as protected categories.

In late 2002, then-Governor George Pataki signed the state's gay rights law, a measure that some LGBT leaders, particularly in the transgender community, faulted for not protecting gender identity and expression. In the five years since, the battle to expand the state human rights law to embrace transgendered and gender-variant New Yorkers has been hard-fought.

You have this overwhelming sense that you are part of history and that you are walking in history," said Moonhawk River Stone, an Albany gender rights activist who was on hand in the Assembly as the vote was taken. "It's just this full-hearted overwhelming feeling."

"I and the others who came from all over the state to witness the historic vote gave each other congratulatory hugs and shed tears of joy," said Joann Prinzivalli of White Plains, the state director of the New York Transgender Rights Organization (NYTRO).

"I'm numb, I'm pleased, I surprised, I'm impressed," said Melissa Sklarz, also with NYTRO, who witnessed the vote. "I always heard that Albany was the place where good ideas go to die, and I figured even our LGBT elected officials would move the marriage bill, but that our bill would not happen. I'm thrilled that everyone who said they would help helped."

Some trans leaders, including Sklarz, voiced anger last summer when the Assembly moved quickly to approve the marriage equality bill introduced less than two months earlier by then-Governor Eliot Spitzer.

In the end, the margin on GENDA proved far more decisive than even the comfortable marriage win last year, which had an 85-61 tally in the 150-member Assembly.

The Republican-led Senate has shown no signs of taking up GENDA - in fact many LGBT advocates argue that Democrats will have to win the two seats needed to give them the majority in order to enact either GENDA or marriage equality as law.

But, State Senator Tom Duane, an out gay Chelsea Democrat, said he "hasn't given up hope" that both measures could in the end be taken up even if the GOP holds onto the Senate once its leaders recognize the enormous shifts in public opinion in recent years.

Duane acknowledged that the current Senate likely needs first to clear "the hurdle" of accepting gender identity and expression in the long-pending Dignity for All Students public school anti-bullying measure (DASA) before embracing full civil rights protections for the transgender community. He voiced confidence that if other disagreements over DASA can be resolved, the

Republican leadership would okay the gender language.

When asked about that analysis, Alan Van Capelle, executive director of the Empire State Pride Agenda (ESPA), the statewide LGBT lobby, pointed out that as the Republican majority in the Senate has shrunk in recent years, support for gay issues "has thinned" in their ranks. The majority seems not to be tacking to the political center as it might be expected to as the Democrats gain seats.

"We haven't gotten anything from the Senate in three years," he said.

The trans activists were quick to offer praise for other key players in the Assembly GENDA fight.

"Dick Gottfried was wonderful," Sklarz said of the Chelsea Democrat who was the lead sponsor on the bill and responsible for steering the Assembly through the roughly one-hour floor debate.

Sklarz also credited two other Manhattan Democratic assemblymembers, Deborah Glick, an out lesbian from the West Village, and Daniel O'Donnell, an out gay Upper West Sider, for their role in the floor debate.

Stone, who was the first trans board member at ESPA, offered insight on the dynamics of Tuesday's debate, in which opposition was led by Mike Cole, a Republican who represents Erie and Niagara Counties, and Peter Lopez, another Republican who represents portions of the Hudson Valley and the Catskills.

"Those wonderful people that really speak powerfully for our community -- Deborah and Danny were very powerful in responding to Lopez and Cole," Stone said. "Dick Gottfried really held his own with the bathroom questions. That was the sticky part."

Gottfried said, in fact, that most of the opposition to the bill focused on what he described as far-fetched hypotheticals involving the use of bathrooms, locker rooms, and showers.

According to Sklarz, "Gottfried reminded them that this is about civil rights, not about weird shower situations you might dream up."

Cole, Gottfried added, also raised concerns about whether elementary school students should be exposed to gender-transitioning teachers.

But Gottfried saw a silver lining in the fact that the opposition confined itself largely to concerns about the what-ifs at the margins, no matter how distastefully articulated.

"I think in some ways it showed that a broader attack was counterproductive, if they had tried to attack the broad concept of civil rights for transgendered people," Gottfried explained. "They all felt the need to say they agreed that it was important to protect the rights of transgendered people, they just had this problem or that one. Of course, it's hard to know how sincere they were."

From Glick's perspective, the floor debate was more elevated than she expected.

"There were very few of the way-out, hypothetical, bizarre comments that we've gotten before," she said. "It was a respectful discussion, limited in what in the past has been a series of peculiar comments."

Glick was also impressed by the breadth of the win.

"I was somewhat surprised at the strength of the vote upstate, on the island, and then of course the suburbs and the city," she said. "It was a bipartisan consensus."

Eleven of the 102 votes came from Republicans -- a number representing about a quarter of the GOP caucus.

Among those who spoke up in favor of the bill on the floor -- in addition to Gottfried, Glick, and O'Donnell -- were Democrats Linda Rosenthal from the Upper West Side, Park Sloper Jim Brennan, and Sam Hoyt of Buffalo, and Republican Joel Miller of Poughkeepsie. Miller was among the four Republicans who voted in favor of the marriage equality bill last June.

"Miller's political identity and expression is different from what he was assigned when he was elected," Gottfried quipped.

Gottfried praised a Rochester Democrat, Joseph Morelle, whom he described as "one of our more moderate, conservative members." Morelle expressed concerns about workplace issues during last week's Democratic conference discussion, but had also been checking in with Rochester area employers.

"And he spoke very eloquently that it did not create problems for employers," Gottfried said of Morelle's comments during the floor debate. "I was very happy to hear him speaking. I would say he pulled in a few votes."

Van Capelle, citing leadership by Rochester-based Kodak on the gender rights front, said that the example of Morelle vindicates the efforts the group's Pride in the Workplace program has made.

Prinzivalli said the high profile role of upstate legislators in speaking out for the bill "showed that the need for GENDA is not just about people who live in New York City, but affects people throughout the whole state."

The advocates also praised EPSA's aggressiveness during the past year in moving the bill forward. Sklarz said that trans activists last summer made clear that ESPA needed to do four things to advance the debate in Albany -- make the bill a priority, hire trans staff, put a trans leader on its board, and spend money on a public opinion poll.

"They did all four," Sklarz said. "When the polling came out and 78 percent said they favored civil rights protections for transgendered people and New Yorkers were more supportive in the suburbs than in the city that was very important."

"The State Assembly has been the vanguard for justice and equality for New York State and this vote reaffirms that tradition," ESPA's Van Capelle said, noting in particular the impact of Lower East Side Democratic Assembly Speaker Sheldon Silver "being willing to entertain a topic such as transgender civil rights."

"Transgender New Yorkers are in constant fear that they will lose their jobs, get kicked out of their home, or simply be denied service when they go into a restaurant," he added. "It goes without saying that these members of our community should be able to go about the business of living their lives openly and without fear."

Stone keyed in on that fear, remembering that the 2000 hate crimes law, which did not include protections for trans New Yorkers, was approved the same month that Amanda Milan, a 26-year-old transgendered woman, was murdered outside of the Port Authority building on 42nd Street.

Speaking of his work as a psychotherapist, Stone said, "When I have clients who have their application at a fast-food restaurant ripped up and thrown at them as they're screamed at I consider that a hate crime, and that needs to be redressed."