

## We Won! We Lost!

Barack Obama is headed to the White House, but California and other states turned back gay equality. What's next for the GLBT community?

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Elections are natural emotional rollercoasters, plunging from heady heights to profound lows.

For the GLBT community, 2008 was particularly high -- and painfully low.

Even as Barack Obama became the first African American to be elected to the presidency -- and with more the two-thirds of gays and lesbians voting for him -- Florida and Arizona voters approved amendments banning same-sex marriage and Arkansas took the retrograde step of effectively barring adoption and foster-parenting by gays and lesbians.

But the lowest moment had to be the passage of California's Proposition 8, a measure to end marriage equality for gays and lesbians in the state. As a result, thousands of gay and lesbian couples find the legality of their marriages no longer certain.

While demoralizing, the passage of Proposition 8 has also proved galvanizing, with protests sprouting across the country, including D.C. And as President-elect Obama begins his transition into the White House, the GLBT community faces a time of great opportunity on the federal level.

We asked the leaders of a number of national GLBT and HIV/AIDS organizations their thoughts on the new administration, what the community can achieve, and what the victory of anti-gay campaigns across the country means for the GLBT movement.

**METRO WEEKLY:** *From your perspective, what is the most immediate effect of the presidential election on the GLBT community?*

**REA CAREY, EXECUTIVE DIRECTOR, THE TASK FORCE:** **The most immediate effect is that for the first time in eight years there is a possibility for the enactment of pro-LGBT policies. It is now possible for us to move forward without fear of immediate veto threat or administrative ideology obstructing our efforts. We have an opportunity to see our work result in real change and tangible improvement in the lives of lesbian, gay, bisexual and transgender people in America.**

**JON HOADLEY, EXECUTIVE DIRECTOR, NATIONAL STONEWALL DEMOCRATS:** From before day one, Obama has had a fully inclusive approach to our community. Even his transition team serves as a model for things to come. Not only did he immediately put into a place a non-discrimination policy for the transition team that was inclusive of both sexual orientation and gender identity, but also he isn't pigeonholing his LGBT staff into LGBT roles. This sends a message that our issues will be addressed and we will be treated as full people.

PAUL KAWATA, EXECUTIVE DIRECTOR, NATIONAL MINORITY AIDS COUNCIL: For me, the election of Obama, and a Democratic Congress, means that Americans are ready for change on so many levels. Though Proposition 8 passed in California, it did not win by the margin that it probably would have even four years ago. We must take heart that our courts are starting to look favorably on gay rights, and that gay marriage was legal in California, even if for a short time. We are on the cusp of a new day. It is up to us as community organizers and LGBT leaders to continue the fight for our rights.

MARA KEISLING, EXECUTIVE DIRECTOR, NATIONAL CENTER FOR TRANSGENDER EQUALITY: Clearly we are excited that we are likely to see fewer proactive attacks against all LGBT people from an Obama administration. We have all spent the last eight years fending off very hurtful and unproductive policies, and knowing that meaningful advances in federal policy required difficult uphill battles. We are hopeful for the next four years.

H. ALEXANDER ROBINSON, CHIEF EXECUTIVE OFFICER, NATIONAL BLACK JUSTICE COALITION: The election of Barack Obama has important symbolic, political and policy implications. It reaffirms the promise of equality for all Americans. Sen. Obama campaigned on a platform of progressive change where the old political divides of race, gender, sexual orientation and abilities gave way to a movement of the people, for the people. Of utmost importance to our constituency, he has promised to develop and implement a comprehensive HIV/AIDS plan.

PATRICK SAMMON, PRESIDENT, LOG CABIN REPUBLICANS: I think out of the ashes of what is now the Republican Party there is a real opportunity to help rebuild the party in a way that makes it a party of the future rather than a party of the past. What remains to be seen is what President-elect Obama and the Democrats actually deliver on in terms of promises they've made.

AUBREY SARVIS, EXECUTIVE DIRECTOR, SERVICEMEMBERS LEGAL DEFENSE NETWORK: The Obama presidency will bring an exponentially greater level of support for LGBT issues and a greater awareness and understanding of our community. Sen. Obama ran opposing "Don't Ask, Don't Tell" (DADT) and the Defense of Marriage Act (DOMA) while openly supporting ENDA and expanded hate-crimes protections. Without shying away from those positions and while mentioning gays and lesbians in his rallies, Obama carried conservative states, including North Carolina, Virginia, Indiana and Florida. This -- along with the election of an African American to the presidency -- shows how far we have come.

*MW: Since the 1990s, a small number of GLBT issues have consistently emerged at the federal legislative level: "Don't Ask, Don't Tell", ENDA, partner immigration, hate crimes and marriage equality. With a Democratic Congress and president, which of those issues do you believe should be prioritized?*

**CAREY: The Task Force Action Fund has a number of legislative priorities...but our top legislative priority will continue to be passage of an inclusive ENDA. Leadership will likely move other legislation first, such as the hate crimes bill, and we look forward to working with them on those efforts as well. However, a key focus of our energy and expertise will be on creating federal employment protections based on sexual orientation and gender identity.**

HOADLEY: It's hard to say that only one should be a priority because we as a movement should be far enough long that we can walk and chew gum at the same time. While we're continuing on the work of building support for a comprehensive ENDA that is inclusive of both sexual orientation and gender identity, we can also be working on passing hate-crimes legislation.

We've learned a lesson from the Clinton administration: Even when we have friends in Congress and the White House, it doesn't necessarily mean passing legislation will be smooth sailing. We

still have a lot of groundwork that needs to be done. So let's hold Democrats accountable to their campaign promises, but let's also be willing to put some sweat equity into supporting a pro-equality legislative agenda.

KEISLING: Most see the federal hate-crimes bill as being maybe the ripest of the bills we are working on. During the past 18 months it has passed through both the Senate and the House of Representatives, held up only by a veto threat from the White House. We are very unlikely to see such a threat from the incoming president, so most of us are hopeful that the hate-crimes bill can pass. Beyond that, I think that we'll wait and see what ripens when, but internally at NCTE priorities include ENDA and ending unfair federal documentation requirements for transgender people, as well as stopping a Social Security Administration practice called "gender no-match letters" that needlessly outs transgender people at their jobs.

ROBINSON: Because HIV/AIDS continues to heavily impact the lives of black, gay men, and thereby our ability to organize and secure our future, access to health care and real reforms in our HIV-prevention efforts is a major priority. Certainly, employment is a high priority for African-American communities as a whole, and LGBT people face the threat of discrimination -- passage of ENDA would be a significant move in the right direction. Anti-gay bias crimes are a plague that must end and a federal bill would not only provide the resources to assist law enforcement in the prosecution of these cases, but it would send an important message about the equality of LGBT people.

Finally, black gay and lesbian families suffer the most when we face discrimination. Consequently, we believe that our movement must build the grassroots support needed to repeal DOMA.

SAMMON: Obviously, we're not going to be the ones setting the strategy here, we're going to be trying to get Republican support on whatever is put forward. My advice is throw out the old playbook -- let's stop looking through the prism of ENDA, hate crimes and "Don't Ask, Don't Tell." Maybe immigration equality will move forward, maybe domestic-partner benefits for federal employees. My concern is that the Democrats are going to treat the gays like a constituency, that we're going to get one bone thrown our way, one little reward, and then they expect us to be quiet. I hope that reward isn't hate crimes. While that's good legislation, I don't think anyone believes that passing the hate-crimes bill as it's currently written is going to have this transformative effect on the lives of gay and lesbian people.

SARVIS: While we at SLDN are of course focused on "Don't Ask, Don't Tell," there is a very full agenda for President-elect Obama, and we know we will not be first in line. To be successful in eliminating the "Don't Ask, Don't Tell" law, we need a partnership between the White House, Congress and our military leaders. We will work for more hearings on the Military Readiness Enhancement Act. It is important that it be done right this time.

**MW:** *Will Congress be able to pass a trans-inclusive ENDA?*

**CAREY:** **We believe that with the existing support for the bill built in past years, additional changes that have occurred in Congress, the support of the administration and the continued efforts by the Task Force Action Fund and others on Capitol Hill and at the grassroots, it is possible to pass a fully inclusive ENDA.**

HOADLEY: Yes, if we keep doing the work that needs to be done. The incoming Democrats and the returning sophomore Democrats support equality. Over the last year people have been working on increasing grassroots support. Congressman [Barney] Frank and other congressional Democrats held critical hearings on gender-identity discrimination in the work place. Congresswoman [Tammy] Baldwin and Congressman Frank created the Equality Caucus. These

are all signs that the work is happening that needs to be done and we're thinking smarter about doing the ground work that needs to be done to pass legislation.

KEISLING: Absolutely. We were so close last fall. Now, there are a lot of people doing a lot of work around ENDA and I am confident that if we all get the grassroots and D.C. work done that has to be done, we will have sufficient votes to pass ENDA and even overcome any possible parliamentary maneuver from our opponents. That being said, most of us do not expect ENDA to come up right away in this Congress, though I wouldn't want to venture a guess more specific than that.

**MW:** *How do you believe the landscape will change for GLBT federal workers under the new administration? Will Obama's pledge to extend domestic-partner benefits to federal workers come through?*

HOADLEY: The landscape is changing because we have an administration that believes that all people are entitled to equal protection under the Constitution. I expect that President-elect Obama's transition team's policies will be models for inclusion moving forward. And with President-elect Obama as a Democrat who has championed the need for equal pay for equal work, I believe the extension of domestic-partner benefits for federal workers is likely in the first term.

KAWATA: We believe that Obama's pledge to ensuring an America for all Americans extends to LGBT people, in the workplace and in terms of domestic-partner benefits. It may not happen tomorrow, but I believe he will do all in his power to make this happen - we have to be sure that we are at the table to continue to educate his administrators and our representatives on these issues, and help push the necessary legislation through both houses. And we cannot neglect to make our opinions as LGBT leaders and community organizers known when it comes time to appoint Supreme Court justices. Legislation impacts everyday life; a Supreme Court decision can shape our way of life.

**MW:** *The Bush administration has been lauded for its work in Africa on HIV/AIDS. How do you think an Obama administration will influence HIV/AIDS policy in the U.S.?*

**CAREY:** **We hope to work with the administration on a number of HIV/AIDS issues including, but not limited to, implementation of a national AIDS strategy and a greater focus on people of color, gay, bisexual and transgender people. We'll also advocate for more funding for domestic HIV prevention and a complete elimination of funding for abstinence-only education, which has been proved to be ineffective.**

KAWATA: Obama's administration will need to focus on health disparities in the United States. These are directly related to socio-economic inequalities in this country, such as lack of access to health care, poverty, homeless, etc. These conditions have helped fuel HIV/AIDS infection rates in communities hardest hit by these problems - most of which, unfortunately, are communities of color.

NMAC is part of a coalition of national AIDS organizations of color that put together a document called "Fighting AIDS in Communities of Color: An Action Agenda for the Next President," which calls for a multifaceted and comprehensive approach to HIV/AIDS issues domestically. In it, we called on the next president to implement seven points:

Rapidly put in place a National AIDS Strategy, as we require all recipients of the President's Emergency Plan for AIDS Relief (PEPFAR) funding to do.

Collect better data on HIV/AIDS in communities of color, so that we have a better understanding of the epidemic in this country.

Strengthen HIV-prevention efforts in the U.S., which have been under-funded during the Bush administration. Prevention interventions are much less expensive than HIV treatment and care.

Make knowledge of HIV status the norm in communities of color to ensure people know they are at risk.

Ensure universal access to high-quality HIV treatment and care, especially in communities that historically have had limited access to treatment and care.

Address the social determinants of HIV risk and vulnerability.

Help communities mobilize to fight HIV/AIDS.

ROBINSON: President-elect Obama has pledged to develop and implement a national AIDS plan. I believe that this plan will include a serious effort to address HIV prevention among gay men and undo the current abstinence-only efforts in favor of science-based interventions.

*MW: What does the loss on same-sex marriage in California -- as well as Arizona and Florida -- plus the barring of adoption rights in Arkansas, say about the state of GLBT issues in America?*

**CAREY: With so many other bright spots and celebrations coming out of this election -- especially the history-changing election of President-elect Obama, which promises to be the most LGBT-friendly administration ever -- it is particularly painful to have these ballot-measure losses. The anger of many in our community is intense and palpable, but somehow we will all need to dig deep and channel our anger and sadness into fulfilling the promise of marriage equality across the country. Despite this setback in California, we have seen an unprecedented positive shift in public attitudes toward the freedom to marry in California - from 38 percent in our favor during the 2000 vote to 48 percent this election. In the other ballot measures, public opinion is steadily moving in our favor, and in time, with continued work and renewed investment, fairness and equality will ultimately prevail. We will get there.**

HOADLEY: We need to do things differently if we expect different results. As someone who has run these types of campaigns before, I know the heartache that is felt after the campaign. However, we also need to hold people accountable for the results. Let's find out what worked and what did not work.

But let's also not delude ourselves. The majority of people in America don't support marriage equality yet. If we think they do, we're lying to ourselves.

KEISLING: I think all of us can be so proud of all of the education that we have done with the American public. The results were much more favorable to us than the last time -- and that is progress. Still, it is obvious that we haven't yet finished that job. Consider Congress: While clearly education of Congress around transgender issues and especially gay issues has been strong, there are still quite a few closeted, gay members of Congress. There may even be closeted trans members of Congress, though we are not aware of any or even any rumors.

ROBINSON: As a political matter these losses should be viewed as setbacks on our march toward justice. However, for LGBT people living in those states, for the children in Arkansas who need a home and a family now, and for the couples in Florida whose families are at risk, these

are significant blows. The American dream has not come easy for women, people of color, the poor and the disabled. However, I am more hopeful than ever that we will continue to make progress.

**SAMMON:** It was incredibly disappointing. Particularly from my perspective, I was hoping that California was going to be the silver lining of the election. But it's certainly a wake-up call to the community that we need to keep working one person at a time to move people in the right direction. We made a lot of effort and investment to help defeat Proposition 8 with our Republicans Against 8 campaign. But there was this complacency that somehow victory was assured in California. I don't think enough gay and lesbian people understood the threat from this and I don't think enough people did all that they could to defeat Proposition 8.

**MW:** *A number of rationales have emerged for the California loss -- minority voters supporting both Obama and Proposition 8, low turnout in some areas such as San Francisco, "No on 8" messages that avoided being too "gay," etc. What do you think needs to be addressed among those in order to move forward in that state?*

**CAREY:** **The close vote was heartbreaking. In the end, the scare tactics and lies of the other side won out this time. We need to look at all the circumstances that led to the resulting loss. It will take time and careful analysis to understand all the variables that led to this outcome. That careful analysis has to happen so that rather than pointing fingers at any specific group or groups we can focus our energies on the development of winning strategies in the future. This unjust and disappointing outcome for tens of thousands of loving, committed couples and their families will now have to wait longer to be treated fairly under the law.**

**HOADLEY:** Let's look at the data and find out what worked and what didn't work instead of all trying to be arm-chair pundits. It's easy to criticize in retrospect -- and we all love to do it -- but that's not fair to the campaigns. That said, clearly something didn't work right or we would have won. It doesn't do our movement any good moving forward if we pretend we won when the voters said we didn't.

**KAWATA:** Many people are still uninformed about LGBT issues in this country out of ignorance. It is up to us as community organizers and LGBT leaders to educate the public and bring LGBT legislative concerns to the public consciousness. We should take to heart that Proposition 8 did not pass by the margin it probably would have four years ago.

**KEISLING:** We need to continue doing the public education that has taken us this far. I am very optimistic that we are winning and will ultimately prevail, but it means LGBT people and allies everywhere need to step out and step up even more.

**ROBINSON:** Our message must be clear, our team must be diverse and our resolve unwavering. We cannot win with an arm's length campaign. We must take our campaign in to the neighborhoods, homes, churches, synagogues and clubhouses throughout the state. In the end, we must win hearts and minds and never underestimate the power of fear.

**SAMMON:** It doesn't mean we're pointing fingers at anyone, but you have to acknowledge the numbers. The fact is Sen. Obama's presence on the ballot increased turnout -- four years ago, African Americans were 6 percent of the electorate in California, this year they were 10 percent and they voted in huge margins [for Proposition 8]. So let's figure out as a community how we can do better to engage people of color and really have a comprehensive strategy to gain allies for equality among African Americans.

SARVIS: Our community needs to work together to assess how we move forward now. There were heartbreaks and setbacks, but we start again. It's one vote at a time. We rebuild and we come back when we are ready.