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Gay-rights activists hopeful about agenda's new prospects

Groups say they're close to getting a hate crimes measure passed in the new Congress

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By Johanna Neuman, Times Staff Writer

WASHINGTON — The gay-rights movement suffered a setback in last month's midterm election when seven states passed initiatives banning same-sex marriage or domestic partnerships. But with Democrats about to take control of Congress, some of its other legislative goals appear within reach — including making violence against gays a hate crime and outlawing workplace discrimination.

For the last 12 years of Republican control of Congress, gay-rights organizations set aside their push for legal protections in order to defend against conservative measures such as same-sex marriage bans.

With the realignment of the House and Senate next month, gay and lesbian groups say they are tantalizingly close to having enough votes to ensure passage of at least the hate crimes bill, and perhaps the discrimination measure, which once failed in the Senate by one vote.

Rep. Barney Frank (D-Mass.), who is gay, said the hate crimes bill had a "very good chance of going to George Bush's desk ... in the first half of the year."

He said the discrimination measure might be further off, noting that Democrats may not want to push for too much too soon.

Nevertheless, prospects for change are sufficiently improved that social conservatives are gearing up for battle.

"We're very concerned," said Tom McClusky, lobbyist for the Family Research Council, a prominent conservative group. "We see blocking those pieces of legislation as one of our top priorities."

The hate crimes bill would provide federal resources to local law enforcement officials; it has the backing of 175 organizations, including the National Sheriffs' Assn., the International Assn. of Chiefs of Police and the U.S. Conference of Mayors. The legislation — prompted by the 1998 killing of Matthew Shepard, a gay man who was beaten and left for dead outside Laramie, Wyo. — has passed the Republican Senate three times and the GOP House once but has never reached the president's desk.

Some gay-rights activists now are demanding that the bill include transgender individuals, which could complicate passage.

And social conservatives contend that hate crimes bills in Sweden and Canada have squelched religious expression. "Pastors have been prosecuted for saying these things [about homosexuality] from the Bible, in their own churches," said Jan LaRue, chief counsel for the conservative Concerned Women for America.

The bill to ban workplace discrimination because of sexual orientation failed by one vote in the Senate 10 years ago. Such discrimination is legal in 33 states; conservatives say businesses should be free to hire employees who reflect their values.

Gay-rights activists say they expect the Democratic leadership to allow just one of their issues to get attention soon after the party takes control, for fear of alienating conservative Democrats. The hate crimes bill has the best chance of early passage, advocates say, because it has support of law enforcement groups.

Rep. Tammy Baldwin (D-Wis.), who is a lesbian, said one advantage of Democratic control was the power to hold hearings to educate the public — and the president — about the importance of the hate crimes bill.

"For 12 years, hearings were not held on these issues," she said. "If you use the hearing process well, it would be hard not to be moved and influenced by the stories from victims of hate crimes or from families of victims of hate crimes who have died.

"If we want to move the president to sign a hate crimes bill, we'll have to move the public."

With a Democratic majority in the House and Senate, social conservatives will be looking to the White House for help. "We'll likely be relying on the president to veto," McClusky said.

Gay-rights activists acknowledge that President Bush could be a problem, given his base of religious conservatives, but are not convinced he would use his veto power.

"Given the broad, broad public support, I'd be very surprised if President Bush would actually veto" the hate crimes bill, said Matt Foreman, executive director of the National Gay and Lesbian Task Force, a civil rights group.

Joe Solmonese, president of the Human Rights Campaign, said of Bush: "Until now he's been beholden to the radical right wing. I hope coming out of this election cycle, he will think more deeply about his legacy."

At the White House, Deputy Press Secretary Dana Perino demurred when asked what Bush would do.

"A lot of ideas are being discussed for the new Congress," she said. "We'll take a look at the details of legislation when it's introduced and moving through the legislative process."

Some gay-rights activists want to press for the hate crimes and workplace discrimination bills simultaneously.

"This seems ultimately doable," Solmonese said. "The public overwhelmingly supports the fact that gay and lesbian people shouldn't be fired just because of who they are and supports more tools for law enforcement."

Still, the Human Rights Campaign has learned from past misfires — including President Clinton's effort to banish discrimination against gays in the military on his first day in office — not to be overly ambitious so early on.

And with Americans listing the war in Iraq and corruption in Congress as their main reasons for voting for Democrats, Solmonese is reminding members that lawmakers will have to focus on those issues first.

"The surest way for this new Congress to go away is if they ignore that tidal wave. It would be shortsighted for us to demand things," he said.

But gay-rights groups say they have already won an important victory: They can now play offense instead of defense.

"One of the most welcome changes with the new Congress is not being on defensive every single minute of the day, which we've been for 12 years," Foreman said. "We've spent so many scarce resources over the years just trying to not lose. It's thrilling to be able to move forward."