



## A watershed moment

**Filed by: Matt Foreman**  
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This week, a House subcommittee held a hearing on the Employment Non-Discrimination Act (ENDA). Given that the bill has been languishing for 17 years -- in spite of overwhelming public support -- a collective "whatever" would be understandable. But folks, this is big -- I mean really big -- for two reasons.

One is that for the first time ever, the version of ENDA now moving through Congress will cover all our people -- lesbian, gay, bisexual and transgender. The other is that for the first time ever, we have every right to expect -- yes, demand -- that both houses of Congress pass ENDA and put it on the president's desk.

Let me start by saying ENDA is not the be-all and end-all of pro-LGBT legislation, but it's a start. By covering employment discrimination only -- and not including discrimination in housing, public accommodations, credit and education -- it is far less comprehensive than the first piece of pro-gay legislation introduced in Congress in 1974. Nonetheless, ENDA would provide legal recourse to victims of job discrimination based on sexual orientation to people living in the 31 states that don't have laws covering anti-gay discrimination and to people living in the 39 states that don't cover anti-transgender job bias. I also have to note how profoundly ironic it is that at a time when marriage equality is at the forefront of national discourse, Congress is only able to take up employment nondiscrimination protections -- which has had between 65 percent to 80 percent public support for years on end. But that's just the way things are -- public support leads, Congress follows (or not).

Why is the inclusion of transgender people in ENDA so monumental? Well, there's the obvious answer that because transgender people face tremendously intense discrimination in this country it would be unconscionable to leave them out. But as important, this week's hearing represents a watershed moment in the internal history of our movement and our collective relationship with Congress.

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It's taken nearly 10 years of intra-community debating, arguing, protesting and plain old nasty stubbornness and intransigence to make trans-inclusion non-negotiable in ENDA. I am personally proud of the Task Force's leadership here -- in 1999, we said we would oppose ENDA unless it included all of us. (Yes, and thanks to a big and heartfelt shove from transgender leaders.) We were told it would never happen, that we were hopelessly politically correct, out of touch with reality and basic politics. We were told it was immoral to slow down passage of a much-needed gay rights bill. (Damn, why didn't we realize that Dick Armey and Trent Lott really loved the gays, it was just the trans folks they hated?)

Little by little, outright opposition and sneering shifted to lip service, which shifted to grudging acceptance, which shifted to solid embrace. That's not to say there's still not squishiness around the edges: Everyone now says they will only support a trans-inclusive ENDA, but we don't know if they'll all do what it takes to ensure trans-inclusiveness if push comes to shove. Two years ago, in a private meeting with leading Senate Democrats, a united LGBT front was put on the table: Don't introduce ENDA unless it's inclusive.

That message was heard -- and in case you didn't notice -- ENDA wasn't re-introduced. This year, it was -- the way we wanted it. Here again, however, it wasn't a cakewalk. Members and their staffs needed to be convinced that trans-inclusion wouldn't kill them or their colleagues at election time. So, we produced the results of polls and focus groups showing it wouldn't. They needed help in addressing real concerns employers might have -- and they got that. (Barney Frank and Tammy Baldwin deserve huge kudos here.) But most of all, they needed to know we -- all of us -- were serious about it. All of this proves a point: We can get what people said would be impossible by staying at it, with a united front. Congratulations to all of us!

The second reason why this introduction is such a big deal is because -- with the change in power in Congress -- we are in a position to not only expect, but demand that both houses take it up and put the new ENDA on the president's desk by the end of the year. He'll no doubt veto it -- but the question can and must be called.

After last fall's election, all the LGBT organizations working on federal policy and legislation came together and agreed that getting ENDA passed this calendar year was our No. 1 priority. We have the votes -- including Republican ones -- to do it. As stated earlier, public support has been there for years. What's left is the political will to do it.

The blogosphere is sizzling with critiques of the new majority. Why haven't they done more? What was the point of electing Democrats when they won't lead on core progressive issues? Queer bloggers are asking the same kinds of questions: Why attach the hate crimes bill to a defense bill going nowhere fast? What about repealing "Don't Ask, Don't Tell"? What's taken so long to get ENDA moving? Is all of this a set up to make sure there's no ENDA vote before the 2008 elections? All good questions.

I, for one, believe it when they say the Senate will take up ENDA soon after the House. But I've also been around long enough to know how fast the sand can shift on Capitol Hill and how often our issues have been pushed down because there's "more important" business to take care of.

As of this week, however, there can't be any acceptable reasons for inaction. We've waited too long. Now is the time, Congress: Show us what and who you stand for.