



Tammy Baldwin Withholds Name From ENDA Stripped of Trans Protections

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The offices of US House Speaker Nancy Pelosi and out gay Massachusetts Congressman Barney Frank have confirmed that the federal Employment Non-Discrimination Act, or ENDA, will be taken up by the Labor and Education Committee without protections for transgendered Americans that were part of the bill as originally introduced this year.

The measure, which would now provide anti-bias protection based only on sexual orientation, is scheduled to go in front of the committee, chaired by Democrat George Miller, who represents the East Bay area of California, north of Oakland, on Tuesday October 2, and is expected to be voted out onto the House floor.

A new draft of the bill, reflecting the elimination of language regarding protections based on gender identity, was introduced on Friday, and a separate bill protecting transgendered workers is also now in the mix, though on a longer timetable.

Even before the final decision to eliminate the language was announced, a number of prominent LGBT organizations nationwide stepped up Thursday to denounce the idea.

Significantly, Democrat Tammy Baldwin, a lesbian who represents Madison, Wisconsin, and is the only other out LGBT member of Congress, did not put her name on the new bill.

Her spokeswoman Jerilyn Goodman said Baldwin has not yet done any interviews on the topic.

Frank and his spokesman Steven Adamske on several occasions this week stated that the House leadership had become increasingly concerned about ENDA's prospects for passage should the language barring discrimination based on gender identity remain in the bill.

But in her statement announcing the change in the bill's language, Pelosi suggested that it was Frank's call that decided the question.

"While I personally favor legislation that would include gender identity, the new ENDA legislation proposed by Congressman Frank has the best prospects for success on the House floor," the House speaker said in a written release.

In a lengthy written statement late on Friday, Frank said, "One of the problems I have found over the years of discussing this is an unwillingness on the part of many, including leaders in the transgender community, to acknowledge a fact: namely that there is more resistance to protection for people who are transgender than for people who are gay, lesbian, and bisexual."

Frank noted that gender identity was only first incorporated into ENDA this year-- "a fairly recent addition to the fight" -- and argued, " We are on the verge of an historic victory that supporters of civil rights have been working on for more than 30 years: the passage for the first time in American history by either house of Congress of legislation declaring it illegal to discriminate against people in employment based on their sexual orientation."

Earlier this year, the Human Rights Campaign (HRC), the lead LGBT lobbying organization on Capitol Hill, had identified ENDA and hate crimes legislation as two doable items in the current Congress.

Ironically, the Senate this week approved a trans-inclusive hate crimes measure that passed the House in May. President George W. Bush has indicated in the past that he would veto such legislation, but its inclusion as part of a defense authorization bill potentially complicates that question.

HRC, referring to the likelihood that the employment bill would be altered, on Thursday told the Advocate.com that the organization "is deeply disappointed and did not assent to this position."

However, the group did not sign on to a letter circulated the same day by other leading LGBT organizations that came in response to a story about the bill's prospective changes published in the Washington Blade.

Stating that their "collective position remains clear and consistent" and voicing their "shock and upset," the groups wrote, "We would also oppose any employment nondiscrimination bill that did not protect transgender people."

The letter was signed by leaders of 12 groups, including the **National Gay and Lesbian Task Force (NGLTF)**, the National Center for Transgender Equality, the Empire State Pride Agenda, Lambda Legal, the National Center for Lesbian Rights, P-FLAG, the National Stonewall Democrats, and Pride At Work, AFL-CIO.

Separately, Matt Foreman, NGLTF's executive director, issued a written statement saying, "It is politically inexplicable and unconscionable that some congressional leaders are rushing to strip protections for transgender people from ENDA - just as the Senate votes overwhelmingly to pass transgender-inclusive hate crimes legislation."

Foreman argued that "if the question is shoring up support for the bill as it stands," leaders on Capitol Hill should slow down the process to allow for the education of wavering members of Congress.

Roberta Sklar, an NGLTF spokeswoman, said the number of votes that would need to be turned around is "not that many." The Task Force, she said, would be part of a follow-up letter issued this coming Monday signed by a significantly larger group of organizations than the 12 that stepped up on Thursday.

HRC has not to date been part of that effort, Sklar said. HRC did not return a phone call seeking comment, and neither Frank's office nor Miller's offered any insight into what they had been hearing from HRC about the new version of the bill.

Melissa Sklarz, the director of the New York City chapter of the state Transgender Rights Organization (NYTRO), was harsh in her assessment of the role of both Frank and HRC in this legislative development.

"Barney Frank does not speak for LGBT community at this point," she said in an interview. "Barney Frank speaks for Barney Frank."

Sklarz, who is also on the board of the National Stonewall Democrats, added, "HRC was and is a profound disappointment on this."

Jon Hoadley, Stonewall's executive director, on the other hand, took pains to emphasize that the debate over what he termed "tactics" should not pit one portion of the community against another.

While making clear that his group will continue to oppose a bill that does not include gender identity protections, he said, "We all know that Congressman Frank is a champion of protecting trans workers. No one is doubting his commitment."

But Sklarz argued that stripping out gender language from the bill would inevitably set the trans community back, perhaps for years.

Pointing to the experience in New York State, where the gay rights bill was passed in 2002 without trans protections and the Gender Expression Non-Discrimination Act (GENDA) has not yet even received a vote in the heavily Democratic state Assembly, she said, "We in New York City and New York State know what it's like to be taken out of an LGBT community bill and told they will get to us next."

Given that even if Congress passed ENDA, Bush would almost certainly veto it, Sklarz asked what the rush was to get a bill to the House floor next week.

Aaron Albright, a spokesman for California's Miller, said, "Honestly there is currently more political support for the sexual orientation than the gender identity language.

Thirteen years is too long to have waited. There should be no further delay in extending basic employment protections to lesbian and gay Americans."

Asked whether that meant that passage of a version of ENDA including only sexual orientation language was a sure bet in the Senate, Albright responded, "I don't even know how to begin answering that."

Frank too, earlier this week, said the measure's prospects in the Senate could not be predicted at this time.