



ENDA Action Still Promised

By: PAUL SCHINLDER
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Extending the delay in voting on the federal Employment Non-Discrimination Act (ENDA) to more than a month, the Democratic-led US House of Representatives failed once again this week to bring the long-stalled gay rights measure to a floor vote.

Still, spokespeople for both Speaker Nancy Pelosi of California and Majority Leader Steny Hoyer of Maryland insisted that leadership remains "hopeful" of a vote next week. At press time late Wednesday, however, no such floor action had been scheduled, though much of that detail is customarily not worked out until the Thursday or Friday before the week of a vote, if not early Monday.

Significantly, a Democratic source on Capitol Hill in a position to know told Gay City News that a floor amendment aimed at restoring protections for transgendered Americans, the issue that has ground the legislative process on ENDA to a halt, would- in a scenario entailing a vote next week - be debated, but then withdrawn, prior to a call of the ayes and nays, by its sponsor, out lesbian Tammy Baldwin, a Wisconsin Democrat.

Capitol Hill supporters of the measure had anticipated action in the House, where passage was widely expected, during the first week in October, but that scenario crumbled quickly during the final days of September, when Barney Frank, the out gay Massachusetts Democrat who was one of two lead co-sponsors, abruptly announced that the bill would be paired back to one offering only gay rights protections.

Almost overnight, the organized LGBT movement rose up to denounce the elimination of protections for gender identity and expression. Within days, roughly 300 organizations nationwide had signed on to a manifesto devised under an ad hoc coalition known as United ENDA pledging to oppose any version of ENDA not fully inclusive.

Alone among leading LGBT groups, the Human Rights Campaign (HRC) signaled that it would not oppose ENDA in any form brought forward by the Democratic leadership, though it too stated its disagreement with dropping the gender identity language. HRC, however, is the community's primary Capitol Hill lobbying group.

Faced with the groundswell of opposition, Pelosi by late in the day on September 28 had capitulated to demands for more time to lobby Democrats to support a trans-inclusive ENDA, which Frank asserted could not withstand GOP sabotage that could derail ENDA entirely, handing an embarrassing defeat to both the Democrats and the gay community.

As advocates scrambled over the next two weeks to build support for transgender rights language, evidence mounted that a gay-only ENDA might be losing the majority once thought a sure thing. On October 11, Jerrold Nadler, a Manhattan Democrat who perhaps represents more LGBT voters than any other House member, called Frank to tell him he would vote no on an ENDA that did not protect gender identity and expression in the workplace. The same day, Frank called a press conference to deliver a blistering critique of "the most passionate and involved and engaged groups [seeking] a veto over any strategy that might make a real advance."

"This is a moment of truth as far as I'm concerned for responsible liberals in the Democratic Party," he said.

The following day, aides to Pelosi tried to cut off debate by telling leading LGBT advocates that Frank's ENDA with trimmed sails was going before the House Labor and Education Committee the following week. The measure was easily approved there by a 27-21 vote, but significantly four of the Democrats - Brooklyn's Yvette Clarke, New Jersey's Rush Holt, California's Linda Sanchez, and Ohio's Dennis Kucinich - indicated that they shared Nadler's position, voting no.

By last week, when a vote was finally expected to take place, a third New York City Democrat, Anthony Weiner, who represents portions of Brooklyn and Queens and has said he will likely make a second run at mayor in 2009- gave a floor speech in which he said he too would vote no on a non-inclusive ENDA. Noting that President George W. Bush would veto ENDA in any event- a White House memorandum issued a multi-pronged critique of the measure just last week- Weiner urged his colleagues, "If we're going to take a symbolic stand... let's let the symbolic message be that we're sticking together, that when we say GLB... T we mean it."

When last week's rescheduled vote was again put off, it seemed that the growing revolt by liberals against anything but a trans-inclusive ENDA might make quick action impossible.

Amidst this shifting political landscape, Baldwin, who had originally been Frank's ENDA co-sponsor but had declined to sign on to his narrow revision, won leadership's approval to offer a floor amendment restoring the stripped out protections.

This is what most advocates were seeking, but it structured the voting in precisely the way Frank had warned that the Republicans would try to frame the debate on an inclusive bill, in offering the opposite amendment, to take transgender language out. A stand-alone vote would be bad for the cause of trans rights Frank warned and some advocates who opposed his revised bill nevertheless had the same concerns.

The Hill, a newspaper for Washington insiders, seemed to confirm those fears in a story published last Thursday.

House Democratic freshmen, the newspaper reported, had been assured the previous day by Education and Labor Chairman George Miller of California that they would not be forced to vote on the Baldwin provision; it lacked enough votes to pass and would subject them to criticism from either the anti-gay right or the trans-supportive left.

In the days since then, calls seeking comment on the status of ENDA and the Baldwin amendment have gone unreturned from Baldwin's offices and from HRC, while the National Gay and Lesbian Task Force, a leader in the United ENDA effort, and Steve Adamske in Frank's office got back to say they would have no comment at this point.

Neither Pelosi's nor Hoyer's spokespeople offered a statement on the prospects for Baldwin's amendment.

However, a House Democratic aide confirmed Miller's assessment of the prospects for the amendment, but said that in all likelihood it would not be pulled right away, but rather debated with the full bill and then gracefully withdrawn by its sponsor.