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Rift deepens among gays as rights bill moves to House floor

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A rancorous breach within the gay community over dropping transgender people from a job discrimination bill widened Thursday when a committee approved the bill and moved it to the House floor.

Four Democrats bucked their party leadership to vote against the Employment Non-Discrimination Act as Congress' only open lesbian moved to add gender identity back into the bill, which Democrats had hoped would be a signal civil rights achievement on their watch.

"This is the first time in the history of the civil rights movement that a bill that does not have the support of a single constituent organization is being moved to the House floor," said Matt Foreman, executive director of the National Gay and Lesbian Task Force, which opposes the legislation with nearly 300 gay, lesbian, bisexual and transgender activist groups and allies such as the American Civil Liberties Union.

Rep. Barney Frank, D-Mass., offered a version of the bill that banned job discrimination against gays, lesbians and bisexuals, but dropped protections for gender identity because he said Democrats didn't have the votes to pass it. The decision infuriated gay activists, who argued no single group should be abandoned.

Rep. Tammy Baldwin, D-Wis., broke with Frank, Congress' only openly gay man, proposing an amendment to add gender identity back into the bill.

"I have never wavered from my conviction that (the bill) must include protections based upon sexual orientation and gender identity," Baldwin said in a statement.

Noting a strong response from around the country, Baldwin stated, "This extraordinary opportunity to advance LGBT rights in America is proud evidence of democracy in which the people decide what is possible."

The divisions, among the leadership and at the grass roots, are unprecedented for such a major piece of legislation, versions of which were first introduced in 1975. The controversy puts House Speaker Nancy Pelosi, the San Francisco Democrat who signed off on the strategy to drop transgender people, under pressure to change a bill she endorsed.

Foreman said gay rights groups will hold Pelosi to her word that she actually wants gender identity to be part of the bill.

"She has said, repeatedly, that she wants a fully inclusive bill," Foreman said. "Now's the time to deliver."

A full House vote is expected Wednesday. No action is expected this year in the Senate.

Four Democrats voted against the bill in the House Education and Labor Committee, and two more said they will support Baldwin's amendment, including Rep. Lynn Woolsey, D-Petaluma,

who has a gay son.

"My constituents oppose this bill because it doesn't include gender identity," Woolsey said. "In fact, the only letters, e-mails and faxes that we've received - and there have been hundreds of them - have said, 'Congresswoman, don't vote for it unless it includes gender identity.' "

Woolsey said she voted for the legislation in committee because there is a chance to change the bill next week with Baldwin's amendment. "I believe that is the positive way to address the issue," Woolsey said. "I will be voting today but I want you to know, the people I work for, the Sixth Congressional District, would rather I vote no."

Democrats voting against the bill were Reps. Loretta Sanchez of Garden Grove (Orange County), Dennis Kucinich of Ohio, Rush Holt of New Jersey and Yvette Clarke of New York. The bill passed 27 to 21, with three Republicans in support.

"I believe we could have done better on this committee," Sanchez said.

Clarke said she did not feel pressured by the leadership, but believes that by passing the anti-discrimination bill without transgender people, "we leave those Americans vulnerable to the types of discrimination and bigotry that have plagued this nation for so long. Passage of this bill excluding transgender Americans sends the wrong message to those who seek to harm those Americans and could have unintended consequences."

The largest gay-rights lobbying group in Washington, the Human Rights Campaign, continues to work closely with Frank and will not oppose the legislation on the floor, even as it continues to push for gender identity inclusion.

HRC has come under attack from other gay rights organizations for its position, and Vice President David Smith fiercely defended the group after the committee vote.

"We are going to retriplate our efforts to get an inclusive bill, and get it to a president who will sign it," Smith said. "We will not stop until that gets done, and when it does get done, HRC will be the organization that made it happen."

Frank, a veteran sponsor of the job discrimination legislation that had languished for a decade while Republicans controlled Capitol Hill, initiated the removal of transgender people after he realized that it lacked the votes in his own party to beat back Republican parliamentary moves.

Instead of yanking the bill, as many gay advocates wanted, Frank, with Pelosi's approval, dropped transgender people, denouncing his critics in a news conference last week and insisting that it is better to gain protections for sexual orientation now while it is possible and work for transgender rights later.

Committee Chairman George Miller, D-Martinez, has been closely involved in the leadership negotiations. He hailed the vote as the first ever in the House, adding that he understands the disappointment of those wanting to include transgender people but that "the step we are taking today will lay the foundation for passing these additional protections in the future."

Clarke, the Brooklyn Democrat, worried that the opposite might happen. "Transgender folks have a very small voice," Clarke said. "The struggle to include them will be protracted."

Christopher Anders, senior legislative council for the ACLU, reiterated his group's staunch opposition to the bill. "Everyone should have the right to come to work knowing the only factor in employment decisions is their ability to do their job - no exceptions," he said. "Nobody should

be cut out or left behind simply because Democratic leadership is too impatient to round up the votes needed to pass a comprehensive bill."