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Poll: 70% of LGBT Respondents Support Noninclusive ENDA

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By Kerry Eleveld

According to a new poll, 70% of LGBT Americans prefer passing an Employment Non-Discrimination Act that does not cover transgender people over not passing the bill at all. The poll, commissioned by the Human Rights Campaign and conducted on October 26, surveyed 500 members of the LGBT community across the country.

The version of ENDA sponsored by Rep. Barney Frank, which does not include job protections for transgender Americans, was voted out of the House of Representatives rules committee Monday night and is very likely to be voted on Wednesday. Rep. Tammy Baldwin may offer her amendment to add transgender protections to H.R. 3685. If she does, it will be debated but will likely be pulled from the floor without a vote as soon as the debate ends.

HRC president Joe Solmonese said the poll numbers weren't immediately obvious to him or the organization before they conducted the polling.

"There were so many people out there speaking so emphatically about where the entire community was that I thought maybe we should get a sense of it, and that's why we did the poll," he said. "So it was surprising to me, but I think it really speaks to the fact that there's a big diverse community of GLBT Americans all across the country."

The poll specifically asked: "This proposal would make it illegal to fire gay, lesbian, and bisexual workers because of their sexual orientation. This proposal does not include people who are transgender. Would you favor or oppose this proposal moving forward?" Seventy percent favored moving forward with the legislation.

The poll also asked people if they agreed that "national gay, lesbian, bisexual, and transgender organizations should oppose this proposal because it excludes transgender people." Only about 20% of the people agreed with that statement.

However, about 70% of people polled still believe that protections for transgender people should be included in the ENDA proposal, as they did in a poll conducted in 2004 -- but they also favor passing a noninclusive ENDA as a path to gaining those protections for transgender workers. This shows a shift from 2004, when 70% of LGB respondents indicated trans inclusion was important even if it caused delay.

HRC has come out in support of the Frank's noninclusive ENDA.

“We’re on the brink of a historic step in the right direction toward what we’re all fighting for,” said Solmonese, “and with a bill on the floor, regardless of whether you think it ever should have gotten there or not, I would hope that most people think it’s important for our entire community that the bill pass rather than fail.”

He added that HRC’s policies on ENDA have been more focused on the best way to achieve legislative goals than on the opinion of the community. HRC did not immediately release the numbers because, at the time, members of the community were still working on getting votes for gender identity inclusion.

“To release those numbers or cite those numbers would have undermined those efforts,” said Solmonese.

But Matt Foreman, executive director of the National Gay and Lesbian Task Force, who supports only a trans-inclusive ENDA, dismissed the poll, saying that the community’s rights on any front should not be dictated by polling.

“Fundamentally, rights are not about popular opinion, and that’s why we so vehemently reject voting on the right to marry,” he said. “We shouldn’t just hold up our finger and test popular opinion at any one moment and say that’s the way we are going to go when we’re talking about fundamental human rights.”

The Leadership Conference on Civil Rights -- the umbrella organization of civil rights groups that includes the Human Rights Campaign, the National Gay and Lesbian Task Force, and the National Center for Transgender Equality -- also announced Tuesday morning that it would support passing the noninclusive version of the ENDA as an “incremental” step forward.

In a letter sent to Capitol Hill, the Leadership Conference noted that reaching the decision had been “extraordinarily difficult” for the organization. “As civil rights organizations, however, we are no strangers to painful compromise in the quest for equal protection of the law for all Americans,” read the letter. “We have always recognized, however, that each legislative breakthrough has paved the way for additional progress in the future. With respect to ENDA, we take the same view.”

The letter was signed by organizations including the Human Rights Campaign and the National Association for the Advancement of Colored People. But Foreman said the letter did not take into account the views of many of the Leadership Conference’s member organizations.

“We are disappointed because the letter does not in fact reflect the view of the membership of LCCR and, more important, and does not reflect the vast majority of LGBT organizations in LCCR and across the country,” said Foreman. Some 350 organizations have stated that they would support nothing less than a fully inclusive version of ENDA.