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## House votes for protections for gay workers

The Employment Non-Discrimination Act passes without the inclusion of transgender people. It faces a possible Senate filibuster and a veto threat.

By Johanna Neuman, Los Angeles Times Staff Writer  
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WASHINGTON -- The House voted Wednesday to extend the nation's employment discrimination protections to gay workers, the first time the long-proposed measure has passed either chamber of Congress.

In the debate, which lasted more than five hours, some members of Congress referred to the historic civil rights fight against racial prejudice while others appealed to the Democratic majority not to infringe on the rights of Christians who consider homosexuality an affront to God.

Rep. John Lewis (D-Ga.), who survived beatings during marches for civil rights, said that he had "fought too long and too hard to end discrimination based on race and color not to stand up against discrimination against our gay and lesbian brothers and sisters."

Noting that protesters in the 1960s "broke down those signs that said 'white' and 'colored,'" Lewis said that the vote was an opportunity "to bring down more signs."

But Rep. Mark Souder (R-Ind.) argued that, because of the bill, "religious rights will now be trumped by sexual rights." Calling the bill a disaster for religious bookstores, which could be required to hire gay workers, he said the measure invited litigation and set "precedents that we will regret."

Under the Employment Non-Discrimination Act, businesses with 15 or more employees would be prohibited from discriminating against individuals on the basis of their sexual orientation when hiring, firing or promoting them. The armed forces, private clubs and religious organizations would be exempted.

The 235-184 vote came after Democratic leaders, following weeks of behind-the-scenes negotiations, opted to not include transgender individuals in the bill for fear that the inclusion of gender identity would cripple the coalition supporting the measure. That decision led to a bitter split among the bill's backers, leaving advocates for transsexuals and transvestites angry.

**"The last five weeks have been divisive and ugly and utterly unnecessarily," said Matt Foreman, executive director of the National Gay and Lesbian Task Force. He called the victory "a symbolic vote," unlikely to survive the Bush administration's veto threat or even a Senate debate.**

With the leadership's blessings, Rep. Tammy Baldwin, a gay Democrat from Wisconsin, offered an amendment to include gender identity, then quickly withdrew it to avoid a political blood bath. "Irrational hate or fear have no place in our society," she said, explaining that she had briefly offered the amendment so that the cause of transgender individuals could be heard on the House floor. "If we continue to profess that all men are created equal, then we must work toward

achieving the American dream for all . . . not just for some."

Rep. Barney Frank (D-Mass.), who has pushed for the legislation for 30 years, said he regretted that political necessity dictated dropping sexual identity as a separate cause. But, noting that "I also wish I could eat more and not gain weight," Frank, who is also gay, said he would support the bill and "continue to fight."

The bill's future is uncertain. The Senate came within one vote of passing similar legislation in 1996, and sponsors say they have at least 51 votes in the Senate. But 60 votes would be needed to override a threatened Republican filibuster.

And the Bush administration, in a statement of policy that recommended a veto, warned that the bill could weaken the Defense of Marriage Act, which defines marriage as the legal union between a man and a woman.

Still, backers hailed the House vote as a notable first step, a recognition for the millions of Americans who describe themselves as gay or lesbian.

"This is truly an historic day," said House Speaker Nancy Pelosi (D-San Francisco). "History teaches us that progress on civil rights is never easy. It is often marked by small and difficult steps. We must take this step today toward the ideal of equality that is both our heritage and our hope."

Opponents argued that the bill would open the door to litigation against Christians who displayed their Bibles or even pulled out verses at their work stations, and who might be charged with creating a "hostile environment" for gays.

"The freedom to practice one's religion is one of the most fundamental, inalienable rights bestowed on us," said House Minority Whip Roy Blunt (R-Mo.) "This innocently enough named bill would actually have the effect of rolling back these protections."

Predicting "litigation and lots of it," Blunt said the bill set up a constitutional conflict between "your right to religious freedom and another's right to sue you for it."

When Congress enacted the Civil Rights Act of 1964, it outlawed workplace discrimination against individuals on the basis of race, religion, gender or national origin. In the years since, Congress has added a ban on workplace bias on the basis of age or disability.

In addition, 20 states, including California, have outlawed discrimination on the basis of sexual orientation, and nearly 90% of Fortune 500 companies ban workplace discrimination against gays and lesbians.

"It was an emotional debate," said Joe Solmonese, president of the gay and lesbian advocacy group Human Rights Campaign. "One thing we all learned is that in the struggle for equality, there will always be challenges. This sent a powerful message about equality to this country."