

The journey to inclusion: Reflections on ENDA

By Masen Davis, Transgender Law Center
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There are times in the lifespan of a movement for social justice when it's worth stepping back and looking at the big picture. The 235 to 184 vote in the United States House of Representatives to pass the Employment Non-Discrimination Act (ENDA) this month is one of those times. The version of the bill that was passed is not what any of us had hoped for. While the original bill would have outlawed employment discrimination based on sexual orientation or gender identity, the language regarding gender identity was stripped from the version passed by the House. It is tempting to see passage of the bill as a loss for the transgender community, but I strongly believe that looking at it that way overlooks a significant victory for our community.

Over the last two months, we have seen unprecedented solidarity among LGBT organizations and activists behind the principle that we are one community that must move forward together. Within days of the announcement that Congressional leaders were considering stripping gender identity from ENDA, at least 350 organizations committed their resources and reputations to insist on a bill that would protect our entire community. Most of these organizations represent primarily non-transgender constituencies -- gay, lesbian, bisexual and even straight. By signing onto the United ENDA campaign, they aligned themselves with inclusion over division, with broad community interest over narrow self interest.

The solidarity that United ENDA represents was no foregone conclusion. Before the campaign emerged, it would have seemed just as likely that the handful of transgender rights organizations in the country would have been joined by perhaps a dozen national and local organizations in opposing a sexual-orientation-only ENDA. The fact that nearly 30 times that number stood with us convinces me that this year's House action will not result in a weakened transgender community. Instead, this struggle provided us with the opportunity to demonstrate our strength as an integral part of the greater lesbian, gay, bisexual and transgender (LGBT) community. When I weigh that outcome against being included in a bill that is unlikely to become law this year or next, I believe that our movement may have lost a battle, but has nevertheless emerged stronger than before. Indeed, the United ENDA campaign symbolizes inseparable, unequivocal and nonnegotiable solidarity within today's LGBT movement. While I do understand (and share) the desire for our movement to progress in a linear path toward equality, I am confident that today's short-term setback will pave the way for victory in the longer term.

During this struggle, I have often been reminded of Matt Foreman's transformation in recent years. Foreman, as executive director of the Empire State Pride Agenda, played the leading role in pushing a bill through the New York state legislature in 2002 that banned discrimination based on sexual orientation but not gender identity. That victory was marred by bitter conflict over the omission of transgender protections. Soon afterward, Matt took the helm at the National Gay and Lesbian Task Force, an organization with a more inclusive mission, and he soon came to regret what he did in 2002. He has written eloquently about this, unsparingly criticizing his own decisions at that time. Learning from that experience, he emerged five years later as a key leader in keeping ENDA united. Matt's journey toward full inclusion is one that has been shared by thousands of non-transgender LGB people.

In years to come, I am convinced that the United ENDA campaign will be looked back upon as the moment that the organized non-transgender community as a whole moved decisively to insist that we are all in this together, trans and non-trans alike. Now, of course, the challenge is for the leaders who signed on to United ENDA to lead the larger community on this same journey. Not only do institutions like the Human Rights Campaign, the Democratic Party leadership and a small handful of civil rights organizations who supported the current bill need our leadership on this issue, but so do many non-transgender LGB individuals.

The challenge of the next two years is to find the resources and messages to undertake the even more difficult work of community transformation.

We have a long, but not impassable, road before us. And we have some decisions to make as we set out on the next stage of our journey toward a fully inclusive ENDA: Do we emphasize the disappointment we feel that ENDA passed the House without gender identity included, or do we celebrate the transformation and solidarity evidenced by United ENDA? Do we vilify the people and institutions with whom we disagree, or do we increase our education and engagement efforts to lead them to the right conclusion next time?

Many people may feel disappointed and angry about the narrow and shortsighted decisions made by Congressional leaders and others in the last month or so, and rightfully so. Yet our movement's energy is generated by principles that personify our better selves -- the selves that we have the potential to be as a people and a movement. When our friends stumble and make decisions that may not represent the best in themselves, our responses need to point to the best that we can all become. These responses may (and must) critique bad decisions, but must also invite, pressure and facilitate transformation. In that spirit, I urge you to join me in celebrating the solidarity demonstrated by the United ENDA coalition, and redoubling our educational efforts in the coming months and years. Like it or not, we have a long, difficult path ahead of us. How we walk the path is just as important as where it is leading us.

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