Beat: Politics

Take pride in ENDA

Congress has been debated the issue

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USPA NEWS - Today in the U.S., the everyday struggle lesbian, gay, bisexuals and transgender people face is often misunderstood or looked upon as an "agenda" for special rights. While great strides have been made in this country toward equality, much of it has come through changing social attitudes and forced judicial decisions.

One of the biggest challenges facing the LGBTQ community is the fight for non-discrimination at work. This battle to receive equal protection under the law while in the workplace is far from won and can find its roots in the liberation movements of the 1960s.

As it stands now, over half of the states in this country, 29 in total, continue to practice some form of open and legal workplace discrimination. While gay workers have felt empowered in the past 20 years to file suit against open harassment and discrimination, the court system often stymies progress in furthering the civil right to all in the workplace.

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will determine the court's approach to LGBTQ issues with a seated conservative majority. Altitude Express Inc. v. Zarda and Bostock v. Clayton County, Georgia are cases where the plaintiff's claim there were fired simply for being gay, while the third case, R.G. & G.R. Harris Funeral Homes v Equal Employment Opportunity Commission is based on an employee being fired because she revealed herself as transgender.

The fact that the Supreme Court is ready at all to hear these cases, is a testimony to not only these current cases but to a myriad of mixed earlier decisions where suits were filed in appeals courts around the country. And it comes at a time when President Trump advocates banning transgender soldiers from actively serving in the military, and after instructing his former Attorney General, Jeff Sessions to remind the courts that the 1964 law does not include sexual orientation as protection. This despite the Equal Employment Opportunity Commission, the same defendant in the upcoming Supreme Court case, stating that Title VII of the Civil Rights Act does guarantee protection under the law.

While history will show that the strides made in equal protection under the law for LGBTQ community have come almost exclusively from the judicial branch of government, it also reminds us that the Executive and Legislative branches all but silent on the issue, with a few noted exceptions.

President Clinton who ran on a ticket of allowing openly gay men and lesbians serve openly in the military ended up signing a watered-down version called "don't ask, don't tell" which did nothing to advance the lives of Gay serviceman who proudly put their lives on the line for their country yet could lose their careers over coming out. Worse yet, Clinton, signed the Defense of Marriage Act, limiting marriage to one man and one woman and allowing states to refuse to recognize same-sex marriages legally performed in other states. Although it was overturned in 2013, it was done so in the courts.

The following year, in 2014 then President Obama frustrated with the lack of progress on civil rights legislation signed an executive order protecting federal workers from being fired based on their sexual orientation.

By far, however, the biggest victory to come from the courts thus far is the legalization of gay marriage in all 50 states in 2015. And while this victory seems easily won, it's the direct result of gay marriage first became legal in California in 2008 and then illegal under Proposition 8 through 2013 when the California Supreme Court overturned the law, thus forcing the Supreme Court to hear the case and ultimately rule nationwide in favor of gay marriage, by reason of the 14th Amendment to the U.S. Constitution.

In one form or another, Congress has been debated the issue of LGBT workplace discrimination for over 25 years. In 1994 HR bill 3646 was drafted by then Massachusetts Congressman, Gerry Studds, (D). The intent was simply to end and prevent discrimination against Gays and Lesbians in the workplace. What would become known as ENDA (Employment Non-Discrimination Act) died in sub-committee. It has been introduced to every Congress since with the latest introduction by House Majority Leader, California Congresswoman, Nancy Pelosi this past March.

Often stymied by powerful lobbies and the so-called “moral majority“, and even from factions within the movement who differed on the focus of which rights to fight for, has left this nation with a patchwork of local and state laws offering in many cases the very basics of protection, but still denies many their basic civil rights afforded by the constitution.

However, there is still a lot to get done, according to a report issued by the HRC, (Human Rights Commission). The challenges facing the LGBTQ community in the workplace today in over half our states is clear cut. How can you live in a society where you can legally marry your spouse but lose your job for displaying your honeymoon photo in your office cubicle? How can you legally marry your spouse but not tell anyone openly you´re gay without risking losing your job? How do you keep your job if you don´t conform to someone else´s definition of gender roles?

It is detrimental to LGBTQ people and to society, in general, to wait painstaking years for the wheels of justice to turn only through the court system. Our legislators need to enact new laws to protect and offer LGBTQ people what's already afforded to heterosexuals, the rights to Life, Liberty and the Pursuit of Happiness. The fight for causes like ENDA must continue to be championed by those in Congress like Speaker Pelosi, who has said herself it will bring our nation "closer to equal liberty and justice for all."

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