UPDATE: The Employment Non-Discrimination Act (HR 3685)

House OKs ENDA

Jen Colletta, Philadelphia Gay News

In a much-anticipated move, the U.S. House of Representatives voted Nov. 7 to pass the Employment Non-Discrimination Act, which would prohibit discrimination in the workplace based on sexual orientation.

The bill was approved 235-184. “As a cosponsor of ENDA through my entire congressional career, I am proud that we were finally able to pass this important piece of legislation today. The passage of ENDA shows the importance of having a Democratic Congress,” said U.S. Rep. Bob Brady (D-Pa.).

Two amendments were also approved with the bill. The first provided a religious exemption and the second struck a paragraph that would have prohibited discrimination based on marriage eligibility.

Sen. Ted Kennedy (D-Mass.) is expected to introduce a Senate version of ENDA.

Pres. Bush threatened to veto the workplace discrimination bill earlier this year.

Both houses must pass the bill by a two-thirds majority to withstand a presidential veto.

The vote comes after months of controversy concerning the inclusion of transgender protections. U.S. Reps. Barney Frank (D-Mass.) and Tammy Baldwin (D-Wis.), the only two openly gay Congress members, along with Reps. Pryce and Christoper Shays (R-Conn.), introduced a version of ENDA April 24 that banned discrimination based on sexual orientation and gender identity.

On Sept. 28, however, citing a lack of House support, Frank revised the bill and stripped it of the gender-identity clause.

Hundreds of GLBT organizations and individuals across the country voiced their opinions about whether Congress should wait to vote on ENDA until trans-inclusive revisions could be made.

On Oct. 18, in a 27-21 vote, the House Education and Labor Committee approved the limited version of ENDA and sent the bill to the House floor for a vote, which was postponed several times.

The trans-inclusive issue resonated in national and local GLBT organizations until the vote.

During the Nov. 7 floor debate, Baldwin introduced and then withdrew a trans-inclusive amendment, fearing the amendment would cost the bill itself support and possibly facilitate its defeat.

On Nov. 6, the Human Rights Campaign added its name to an open letter to Congress that urged members to vote in favor of ENDA, despite the bill’s lack of protection for the transgender community.

The letter, which the Leadership Council for Civil Rights, NAACP and the Anti-Defamation League also signed, stated that while the sponsoring organizations recognize that “transgender employees are particularly in need of protections, as civil rights organizations we are no strangers to painful compromise in the quest for equal protection of the law for all Americans. With each significant step toward progress, the civil rights community has also faced difficult and sometimes agonizing trade-offs.”

Kathy Padilla, former HRC Steering Committee member and co-president of OutFront!, said that in an early October conference call between local GLBT leaders and Joe Solmonese, president of HRC, Solmonese pledged that HRC supported a fully inclusive ENDA.

Padilla said HRC’s change in position on the issue sends a negative message to transgender individuals and the GLBT community.

“To the transgender community, this rather reinforces what people have been saying for years, and that is that the HRC does not stand by its word,” she said. “It says it’s going to be inclusive, but now it’s behind a non-inclusive bill.”

Timeline: The Employment Non-Discrimination Act

1994: Employment Non-Discrimination Act first introduced (103d Congress, S. 2238, 30 co-sponsors; H.R. 4636, 137 co-sponsors); Senate Labor and Human Resources Committee holds first hearings on ENDA (S.Hrg. 103-703).


1996: First floor vote held on ENDA; Senate rejects it, 50-49 (104th Congress, S. 2056, 3 co-sponsors; Roll Call No. 281).

1997: ENDA of 1997 introduced (105th Congress, S. 869, 34 co-sponsors; H.R. 1858, 160 co-sponsors); hearings held by Senate Labor and Human Resources Committee (S.Hrg. 105-279).

1998: President Clinton issues Executive Order 13087 prohibiting discrimination based on sexual orientation in much of the federal civilian workforce.

- House of Representatives rejects Hefley Amendment to FY 1999 Commerce, Justice, State appropriations bill, which sought to prohibit use of federal funds to enforce the executive order, by a vote of 176-252 (Roll Call No. 398).


2000: Hearings on ENDA held before Senate Health, Education, Labor and Pensions Committee; Committee favorably reported the bill, which was placed on Senate Calendar (S.Hrg. 107-307; committee report No. 107-341; Calendar No. 763).


-www.hrc.org
ENDA con’t

What ENDA Does

- Extends federal employment discrimination protections currently provided based on race, religion, sex, national origin, age and disability to sexual orientation
- Prohibits public and private employers, employment agencies and labor unions from using an individual’s sexual orientation as the basis for employment decisions, such as hiring, firing, promotion or compensation
- Provides for the same procedures, and similar, but somewhat more limited, remedies as are permitted under Title VII and the Americans with Disabilities Act
- Applies to Congress and the federal government, as well as employees of state and local governments

What ENDA Does Not Do

- Cover businesses with fewer than 15 employees
- Apply to most jobs at religious organizations. For any class of jobs, a religious organization can require employees to follow the tenets and teachings of their religion, including ones that bar gay, lesbian, bisexual and transgender employees
- Apply to the uniformed members of the armed forces (the bill doesn’t affect the "Don’t Ask, Don’t Tell" policy)
- Allow for quotas or preferential treatment based on sexual orientation or gender identity
- Allow a "disparate impact" claim similar to the one available under Title VII of the Civil Rights Act of 1964. Therefore, an employer is not required to justify a neutral practice that may have a statistically disparate impact on individuals because of their sexual orientation or gender identity
- Allow the imposition of affirmative action for a violation of ENDA
- Allow the Equal Employment Opportunity Commission to collect statistics on sexual orientation or gender identity or compel employers to collect such statistics.
- Apply retroactively

Review of Last Month’s Events

National Coming Out Day 2007

Despite the rain, many people still showed up for our annual NCOD picture on Rooke Chemistry steps, although this year the picture was subsequently moved inside. As a result, a new configuration of the rainbow emerged due to the lack of space. This year also marked the first student support list which consists of almost 1,200 names and is growing as more students put their name on it. The faculty/staff list, in its seventh year also increased to 434 names. A reception also took place for faculty and staff who signed the list.

GALABI Homecoming

Homecoming 2007 saw a number of LGBT alumni returning to campus to formalize the GALABI By-laws during the Annual GALABI Business meeting on Saturday, October 20, 2007. Prior to the Business meeting, the GALABI Advisory Committee met with the Alumni Board Executive Board to discuss how they can become more active as alumni.

There was a GALABI reception on Friday evening and an Alumni Luncheon on Saturday. Current Bucknell University LGBT & Allies/Friends students were able to interact with the visiting GALABI alumni at both the reception and the luncheon. There were alumni representing over 25 years of Bucknell graduates here for Homecoming and the GALABI events. Recent graduates Theo (Ted) Burns’00, Lee Cromwell’05, Alyssa Schneebaum’06, Erik Zager’07, and Heather Riebling’07 returned to campus to participate as active alumnus. It was great to have them and all the GALABI members here on campus.

Marci Henry was present with a honorary GALABI membership for all her hard work and support of GALABI over many years.
A freshman’s reflection upon the LGBT
By Andrew Rath

“You never really understand a person until you consider things from his point of view . . . until you climb into his skin and walk around in it,” explains Atticus Finch in Harper Lee’s classic novel *To Kill a Mockingbird*. Undoubtedly, this wisdom is universally applicable and is crucial to understanding the question of diversity.

Coming to Bucknell University from Hershey, Pennsylvania has truly been eye-opening for me. Unfortunately, living in this small and conservative chocolate town for my entire life has afforded me few opportunities to experience diversity. Thus, attending Bucknell has hitherto proven to be a pleasantly surprising experience.

Despite my homogenous origins, I still considered myself relatively culturally competent prior to the commencement of my academic career at Bucknell. My recent privilege of job shadowing at the campus LGBT office, however, has demonstrated that many of my past assumptions were ultimately unfounded.

For instance, my understanding of the concept of identity, something that I once took for granted, has changed profoundly. Nevertheless, being a heterosexual, I can never even begin to truly comprehend the struggle for identity that lesbian, gay, bisexual, and transgender individuals face every day of their lives.

With regard to this issue, I find an appropriate analogy to be a Bucknell student’s perception of abject poverty. Although many students may be aware of poverty and possibly have an idea of what it means to be poor, most (if not all) Bucknell students could never even begin to comprehend what it means to live on $1 a day.

In addition to expanding my perceptions of identity, spending time in the LGBT office has also enabled me to better understand the coming out process. When I first came to the office, employees were in the midst of preparing for National Coming Out Day.

Consequently, I now appreciate how difficult it is for some students to reveal their true identities. Many heterosexuals may wonder why such a seemingly trivial matter as expressing oneself should be an issue.

The truth is that this self-expression is far different from that which heterosexuals are familiar. Similar to the aforementioned challenge of identity, coming out is a struggle that the majority of us simply cannot comprehend. Until straight students acknowledge the wants and fears that accompany this process, they cannot understand the impact that support can have upon facilitating it.

The LGBT office has clearly made impressive strides toward creating an atmosphere of equality and understanding here at Bucknell by merely spreading awareness. Seeing as sexuality issues transcend academic departments, athletic teams, and social organizations, it is only rational for the LGBT to be able to do the same. Clearly, as evidenced by the nearly 1,200 students on the National Coming Out Day 2007 Student Support List, the LGBT Office is successfully permeating these divisions that exist on campus.

Perhaps the most important lesson that I have learned from my experience is that the LGBT office provides services not only to LGBT students but also to heterosexual ones. In truth, based upon my experience, these straight students may actually need and benefit from the organization even more.

Nonetheless, despite its success, much work still remains for the LGBT and the Bucknell community as a whole. The process of making diversity more mainstream and less of a taboo is inherently gradual, and it will most likely persist for generations to come. When one examines the progress that has been made toward equality over the past century, however, future prospects appear promising.

Already evidence of this transition is apparent at Bucknell. As Senior Christine Kassab notes, “The University is currently in the process of changing dramatically. Since approximately two-thirds of the Student Support List for this year is composed of freshmen and sophomores, it seems that underclassmen are becoming more diverse and tolerant than upperclassmen.”

Nonetheless, this experience has confirmed my belief that total success will require a commitment from the entire student body as well as the administration. Only by promoting the spread of LGBT designated “safe zones” and increasing the funds available to these organizations can the goal of eradicating homophobia be realized.

The insight of Atticus Finch clearly resonates across time and provides a model to which all Bucknell students can aspire. We all share a common humanity, and although I am too insignificant to be a spokesman for this righteous movement, I sincerely believe that one day we will be able to attain universal tolerance and respect for our fellow man.

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**Rocky Horror Picture Show**

Over 360 people attended the Rocky Horror Picture Show on October 26, 2007 at the Campus Theater. This was the fourth year that the LGBT Office co-sponsored this event. A costume contest preceded the showing of the film, with many young men and women dressed in drag, among other costumes. The winner, a young man, portrayed Dr. Frank-N-Furter. Everyone who attended the event enjoyed themselves.
Review of Future Events:

Talk It Out: Religion and LGBT Rights

FLAG&BT is sponsoring a discussion “Talk It Out: Religion and LGBT Rights” on Tuesday, November 27th at 8pm in the LC Forum. The goal is to form a dialogue addressing the topics of religion and homosexuality. Two panels will be present to answer questions that will be provided prior to the forum and to answer questions brought up by the audience. This dialogue is the first in a series that FLAG&BT hopes to sponsor throughout the spring semester, including one on LGBT Rights and the upcoming election in February 2008.

Freedom To Marry Week Coming in February!

Freedom To Marry Open Dialogue

The LGBT office along with FLAG&BT is planning on hosting the 11th annual Freedom to Marry Week February 10-16, 2008. We hope to put together a panel of faculty, staff and students to speak on the issue of gay marriage on Thursday, February 14 at 7 pm. We are looking for a variety of opinions on the issue, and encourage anyone with interest in sitting on the panel to contact us. E-mail amadsen@bucknell.edu with a 100 word statement of your position if interested. The panel will be asked a series of questions by the facilitator, will respond individually to these questions and then be opened up to questions/comments from the audience. Once we get a list of interested participants we will narrow the panel down to get a well rounded representation of the opinions surrounding gay marriage. Let us know if you are interested. Thank you.

Contribute Your Story for Freedom to Marry Week!

We would like all students, faculty and staff to share their stories with us! For Freedom to Marry Week (February 10-16, 2008) we would like to compile a newsletter full of personal stories about gay marriage. Whether LGBT or non-LGBT we want to know why gay marriage matters to you (tell us how it has affected you, directly or indirectly). Our personal stories enable us communicate, in concrete ways, how the current laws regarding marriage affect individuals and families. Do you know LGBT couples who have been married in Massachusetts? Do you know any LGBT couples who would benefit from equal marriage rights? Your voice and story can help us spread the word about gay marriage! You may submit these stories anonymously, please let us know that you wish to remain so in your e-mail and we will omit your name. Send us your stories ASAP! E-mail them to lgbt@bucknell.edu.

Fall 2007 Events:

November 27th 8pm, LC Forum – Talk It Out: Religion and LGBT Rights (sponsored by FLAG&BT)

Spring 2007 Events:

February 10-16th – National Freedom to Marry Week

Current Safe Spaces:

Fraternities:
Chi Phi (Chapter and House)
Delta Upsilon (Chapter and House)
Sigma Phi Epsilon (Chapter)

Sororities:
Chi Omega (Chapter and Suite)
Delta Gamma (Chapter and Suite)
Kappa Alpha Theta (Chapter and Suite)

Other:
Social Justice Residential College

Call x7-1609 and schedule a Safe Space program for your hall, group, fraternity, sorority or athletic team.

http://www.bucknell.edu/LGBT.xml

The Office of Lesbian Gay Bisexual Transgender Awareness, is committed to making Bucknell a safe place for the lesbian, gay, bisexual and transgender community. This is accomplished by supporting student groups and efforts to educating and increase awareness about LGBT issues and current public policy concerns. The office is guided by an Advisory Board comprised of students, faculty, staff, and administrators who are interested in and committed to the mission of the Office.

Given that Bucknell is dedicated to prepare its students to be morally responsible citizens, and given that societal attitudes are changing, the University attempts to promote attitudes and behaviors among its students which will create a climate of mutual respect and empower us all to appreciate diversity.