



Leadership Conference on Civil Rights

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November 6, 2007

Dear Representative:

We, the undersigned organizations, write to express our support for H.R. 3685, the "Employment Non-Discrimination Act of 2007" (ENDA). ENDA would prevent most employers from firing, refusing to hire, or denying a promotion to any worker on the basis of sexual orientation. In doing so, this legislation represents a major step forward in the advancement of civil rights protections for all Americans, and would bring federal law closer in line with highly-successful policies that already exist in a number of states and corporate environments.

Arriving at a position in support of H.R. 3685 has been extraordinarily difficult for our organizations. As you may know, earlier this year, Congress introduced – with our enthusiastic support – H.R. 2015, a bill that would prohibit employment discrimination on the basis of not only sexual orientation, but also gender identity. Out of concern that Congress as a whole may not yet have the political will to pass the fully-inclusive version of ENDA, the House leadership reluctantly decided to pursue a narrower bill, one that would advance protections for gay, lesbian, and bisexual employees, but would not include employees whose gender identity leaves them especially vulnerable to employment discrimination.

We continue to believe that H.R. 2015 is a far better approach. While it is beyond dispute that H.R. 3685 would improve protections for employees who might otherwise face unjust discrimination on the basis of sexual orientation, it is also beyond dispute that transgender employees are particularly in need of those protections. They face far more pervasive and severe bias in the workplace and society as a whole. While transgender employees may in some cases be protected under Title VII, they otherwise have little relief under existing state laws, municipal ordinances, or private employment policies.

As civil rights organizations, however, we are no strangers to painful compromise in the quest for equal protection of the law for all Americans. From the Civil Rights Act of 1957 through the almost-passed District of Columbia House Voting Rights Act of 2007, legislative progress in the area of civil and human rights has almost always been incremental in nature. With each significant step toward progress, the civil rights community has also faced difficult and sometimes even agonizing tradeoffs. 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.

While we are greatly disappointed that the current version of ENDA is not fully-inclusive, our sense of frustration in this case is directed at those who would clearly prefer to see no one from the gay, lesbian, bisexual or transgender community protected at all. We know the decision to pursue a narrower strategy was a very difficult one, and

"Equality In a Free, Plural, Democratic Society"



we appreciate the steadfast efforts of our Congressional allies over the years to advance the rights of all Americans – even when they are forced at times to make progress that is measured by inches rather than yards.

As such, we urge you to support the Employment Non-Discrimination Act, and to oppose any floor amendments or motions that would undermine its protections. If you have any questions, or need any further information please feel free to contact LCCR Vice President and Director of Public Policy Nancy Zirkin at (202) 263-2880 or Rob Randhava, LCCR Counsel, at 202-466-6058. Thank you for your consideration of our views.

Sincerely,

American Federation of State, County, Municipal Employees

Human Rights Campaign

Leadership Conference on Civil Rights

National Association for the Advancement of Colored People

National Education Association

National Employment Lawyers Association

Religious Action Center of Reform Judaism