

TRANSGENDER BILL STALLED DESPITE DEEP LEGISLATIVE SUPPORT

By Lyle Moran

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BOSTON, APRIL 22, 2010....Despite 104 co-sponsors, including House Speaker Robert DeLeo (D-Winthrop), a bill to add transgender people to the state's non-discrimination laws and hate crimes statutes has yet to make it out of committee.

The bill grabbed the attention of the state Republican Convention over the weekend as gubernatorial candidate Charlie Baker touted his conservative bona fides by saying he would veto the bill, even though it has the support of his running mate, Sen. Richard Tisei (R-Wakefield). Independent candidate for governor Tim Cahill also said he would veto the bill, if elected. Democratic Gov. Deval Patrick supports the proposal, framing it as a civil rights issue.

The House bill (H 1728) and a companion Senate bill (S 1687) remain stuck in the Judiciary Committee, which has until May 7 to report on the bills.

While bill opponents argue that legislators do not want to vote on such a hot-button issue before the November elections, Rep. Carl Sciortino (D-Somerville), a co-sponsor of the House bill, said last week at a fundraiser for the Massachusetts Transgender Political Coalition that he is "cautiously optimistic" the bill will move out of committee and be passed by the Legislature this session.

Sciortino attributed the bill's hold-up to election-year jitters and to a campaign of "misinformation and lies" about the bill by opponents.

Sen. Cynthia Creem (D-Newton), the Senate chair of the Judiciary Committee, told the News Service she is completely satisfied with the bill as is, but said the House chair of the committee, Rep. Eugene O'Flaherty (D-Chelsea) believes the bill needs revising.

"I don't think the bill has total support of the committee," Creem said. "[O'Flaherty] thought it needed more work."

O'Flaherty did not return repeated phone messages left with his office.

The bill would add "gender identity and expression" to the state's non-discrimination laws in a variety of sectors including employment, housing, education, credit, and public accommodations. The legislation would also give transgender people protection under the state's hate crimes laws.

Brian Camenker, the head of MassResistance, which opposes the legislation, said he does not think the legislation will make it out of committee. Camenker said that the legislators do not want to take a vote that could irk some of their constituents during an election year.

"Most legislators will privately say they do not want it go anywhere," Camenker said.

Advocacy groups supporting the legislation said they believe the bill will eventually move out of committee, but gave different reasons for the Judiciary Committee's delay.

Dee Dee Edmondson, the political director for MassEquality, a gay rights group, agreed with Camenker that some legislators do not want to take what they believe is a controversial vote during an election year. Edmondson has worked to convince some legislators that their votes will not cost them in the current turbulent political climate.

"It is always hard to take a vote on LGBT issues," Edmondson said. "I feel confident the leadership feels the time is right for this issue to come up and there will be no electoral backlash."

Edmondson also said the bill's opponents, who have labeled the legislation the "bathroom bill" and warned that women and children will be endangered if the bill is passes, have frightened some legislators. Edmondson called the opponents' concerns about bathroom access a "red herring" and said she has tried to reassure legislators that the bill will help transgender people secure employment.

"It is a jobs bill," Edmondson said.

Kris Mineau, president of the Massachusetts Family Institute, which opposes the legislation, maintains that the bill would lead to the mixing of sexes in bathrooms starting at a young age. He also said there are already enough laws that deal with discrimination.

"The bill opens all public facilities to any gender that wants to use them at any time," Mineau said. "It is bad public policy."

Mineau said he hopes the Judiciary Committee will refer the bill to further study and trusts that legislators "will do what is best for the Commonwealth."

Gunner Scott, executive director of the Massachusetts Transgender Political Coalition, said upcoming elections could be part of the reason for the delay, but that other legislators want to know more about the transgender community before they vote on the legislation. Scott said he has made the rounds with legislators teaching "Transgender 101," because some legislators

confuse the transgender community with the gay and lesbian community.

Christina Knowles, the state director of the Massachusetts chapter of the National Organization for Women, said inaction on the bill could be because legislators have been focusing on casino gambling legislation and budget difficulties. Knowles acknowledged that legislators are always busy, so there may be other reasons for the delay she does not know about.

"I am a little mystified to why it is not coming out," Knowles said.

Edmondson, of MassEquality, said it is essential that the transgender legislation pass this session, because the make-up of the Legislature could be vastly different following elections in November.

"I am not so confident the next Legislature will be so open and fair-minded," Edmondson said.

Patrick said this week he supports the bill because it "closes some gaps in our civil rights laws."

"At home, my daughters and my wife and I seem to be able to use the same bathroom without the end of civilization," Patrick told reporters Tuesday. "I think we can probably figure that out in a public sphere as well."

Bill supporters were thrilled in February 2009 when DeLeo turned out for a "Gayla" held by MassEquality and told the crowd at a Boston nightclub that he was one of the early co-sponsors of the transgender legislation.