

TRANSADVOCATE

Top Secret: The Transgender Workplace Discrimination Hearings

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Article

Did you know that there are going to be congressional hearings about transgender employment discrimination? No? Well, you're not alone in your ignorance. I have to confess that even though I'm connected into Washington D.C. fairly well, I've not heard a firm date for these "TOP SECRET" hearings. Donna Rose said on May 28th, 2008:

The congressional hearing on Transgender Workplace Discrimination has been scheduled for the morning of June 10.

Then on June 2nd, 2008 she said:

Speaking of Congressman Frank, the Congressional Hearing on Transgender Workplace Discrimination, tentatively scheduled for a week from tomorrow (95% sure), is pretty much ready to roll. The invitations have been sent to the speakers (there will be 4 of them so if you thought you might be one of them but haven't heard yet - you're not). There will be a post-hearing event featuring supporters in Congress. Everything seems set.

While that seems to be the consensus in the transgender community, my sources on the Hill have said that the hearing has been moved to June 17th. I'm not sure why it took covert ops to find this information out. I know a few folks that would like to attend the hearings (they're open to the public). But the odds of that are small unless you live in the Metro D.C. area. The actual time and location have not been disclosed. I have to wonder why these hearings are so damn inaccessible and secretive.

Most of the time I feel great joy in being right, but today isn't one of those days. I've said repeatedly that United ENDA is dead (here and here). And I've said that we had better plan on not being in ENDA.

The fight for an inclusive ENDA in October and November of 2007 had a lot of support in the community because most people realized that this the bill would never make it to the president's desk. Will these organizations stand firm in their commitment, even though gays and lesbians will be denied protections? Will gays and lesbian communities support opposing workplace protections until gender identity is included?

I ask these questions because I see on the horizon a brewing battle that could look something like Sherman's scorched earth policy during the Civil War. There is a potential for the coming storm to rip through the community and cause irreparable damage. I hope that this is talked about long before

it happens (unlike the removal of gender identity from ENDA).

For myself, I plan on moving towards allies that are more focused on gender equality and away from GLB organizations. I'll still fight for marriage equality with these organizations (and as a member of some of them), but I believe that our most natural allies lie more with social justice organizations who are fighting for gender equality.

Many people in the transgender community are making great strides in political and business circles. With the death of an inclusive ENDA (and with it United ENDA), it would be perfect time to retool, reevaluate, and refocus our direction and our movement.

Some of us have repeatedly been warning others of those storm clouds brewing. In return for pointing this out, we've been called misinformed, and have been accused of starting rumors. Yet Congressman Barney Frank continues to move transgender people farther and farther away from a fully inclusive ENDA. According to the Washington Blade:

Frank indicated Wednesday that the House may consider a separate trans bill. He said he spoke with Rep. George Miller (D-Calif.) Tuesday about the issue.

To give you an idea of what that means, I'd point to New York as an example. In December of 2002, the New York state legislature passed an ENDA type bill called SONDA (Sexual Orientation Non-Discrimination Act without gender identity protections. It's been a long six years for the people of New York since its passage. Only until recently did the Gender Expression Non-Discrimination Act (GENDA) measure pass New York's State Assembly. The word I'm getting from my friends in New York is that it has very little chance of passage in the Republican controlled Senate.

Without gender identity protections in ENDA it will probably be left to the same fate. A federal GENDA bill looks more and more distant. Meanwhile gender variant people will continue to be legally discriminated against. As my friend Ethan St. Pierre says, "For many gender variant people, being fired from a job is a death sentence." I have to wonder how many years and people it will take before protections are attained.

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