

Gay groups drop support for antidiscrimination bill

by [Heather Adams](#) in the [August 6, 2014](#) issue

A 20-year effort to protect gays and lesbians from workplace discrimination is facing a major setback after a coalition of gay rights and civil liberties groups pulled their support because of an exemption for religious groups.

The American Civil Liberties Union and four gay rights groups said they can no longer support the Employment Non-Discrimination Act in the wake of the Supreme Court's decision in the Hobby Lobby case over contraception coverage, which allowed some businesses to claim a religious exemption in following federal law.

ENDA, first introduced in 1994, would make it illegal to fire someone solely on the basis of sexual orientation or gender identity.

Currently, 20 states and the District of Columbia have some protections for employees based on sexual orientation or gender identity, but there is no federal protection for LGBT employees.

The bill passed the Senate with bipartisan support for the first time last November but faces an uphill

battle in the Republican-controlled House. On July 8, the ACLU issued a statement pulling its support, also signed by Gay and Lesbian Advocates and Defenders, Lambda Legal, the National Center for Lesbian Rights, and the Transgender Law Center.

"Federal legislation to protect LGBT people from workplace discrimination is way beyond overdue, but Congress has no place giving religiously affiliated employers a license to discriminate against LGBT workers," said Laura W. Murphy, director of the ACLU's Washington legislative office. "We can no longer support a bill that treats LGBT discrimination as different and somehow more legitimate than other forms of discrimination."

The statement cited the Hobby Lobby decision and its "greater permission to discriminate on religious grounds" as the chief reason to withdraw support.

The Human Rights Campaign, the nation's largest gay rights group, has made ENDA a top priority and continues to support the effort even with the religious exemption.

HRC spokesman Fred Sainz said his organization's support for ENDA would continue, despite what other groups are doing. "HRC supports ENDA because it will provide essential workplace protections to millions of LGBT people," Sainz told the Advocate.

The fight over a religious exemption in ENDA comes as President Obama is preparing to issue an executive order banning discrimination against gays and lesbians for groups that accept federal contracts. In the wake of the Hobby Lobby decision, religious groups are pressing the White House to include a religious exemption, while others say an exemption would allow taxpayer-funded discrimination.

Ian Thompson, ACLU's legislative representative, said the ACLU had voiced serious concerns about the ENDA exemption in the past, and that the Hobby Lobby decision seemed aimed at the LGBT community.

Thompson added that allowing religious exemptions in ENDA would be confusing and contradict other laws, especially for members of the transgender community.

Title VII of the Civil Rights Act of 1964 says that employers cannot discriminate based on sex, but the religious exemptions in ENDA might make this more complicated for transgender employees, Thompson said. —RNS