



NGLTF poll shows public supports trans-inclusive non-discrimination laws

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In the wake of a nasty national fight over whether or not to include transgender people in a federal bill protecting gay and lesbian people from discrimination in the workplace, the National Gay and Lesbian Task Force (NGLTF) commissioned a poll and conducted focus groups to find out where the public stood on the issue. And the results were surprising. A solid majority — 59 percent — of those surveyed support trans-inclusive non-discrimination laws. The support stayed strong even after pollsters used transphobic language in their questions.

"We really wanted to push hard and make sure people understood what we were talking about and to use as many negative, not overwhelmingly negative, but negative terms as we could to really see if people would budge, because that's the fear of a candidate, [that] they're going to run an ad with, guess what, the man with the beard in a dress teaching kindergarten," said NGLTF executive director Matt Foreman, who presented the results of the polling at a June 22 forum held at MIT's Building 32.

The results could have an impact on efforts by Congressional lawmakers to pass a trans-inclusive hate crimes law. Even after the House of Representatives voted last year to pass a hate crimes bill in September that provided protections for transgender individuals, U.S. Sens. Ted Kennedy (D-Mass) and Gordon Smith (R-Ore) refused to make their Senate bill trans-inclusive, with Smith's spokesperson telling the Washington Blade that changing the language could prevent it from passing.

For the time being, NGLTF is keeping its findings relatively close to its vest, with Foreman explaining at the forum that they do not want to provide useful information to their opponents. While NGLTF presented much of its data at the forum, the results of the survey and focus groups are not publicly available, and Foreman declined to provide them to *Bay Windows*. Lisa Mottet, the legislative lawyer for NGLTF's transgender civil rights project, told attendees that NGLTF could make some of the information available to activists for lobbying purposes. Yet Foreman and other NGLTF presenters at the forum argued that the results of the research, conducted for NGLTF by Peter D. Hart Research Associates, a trusted firm among Washington Democrats, will provide them with strong ammunition as they continue lobbying lawmakers for trans-inclusive legislation.

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The presentation focused on a poll NGLTF conducted of 809 likely voters. Candy Cox, NGLTF's communications senior strategist, said that participants were first asked whether they supported a federal anti-discrimination law covering sexual orientation and gender identity, and about 59 percent of respondents said that they did. Pollsters then used language that was not trans-friendly to see if they could get supporters of the law to change their minds.

"So we used a trans-unfriendly language to describe what we were talking about, and we said a law that would protect people from discrimination on the basis of gender identity would specifically protect transgender people. Transgender people are men who identify or present themselves as women and women who identify or present themselves as men and includes transsexuals, cross dressers, and people who have had or are considering sex change operations... And now I'm going to ask you again, I'm not going to ask you about your values, I'm going to ask you do you favor a law that protects people on the basis of both sexual orientation, gender identity, one or the other or neither? And we got 59 percent said both, nine percent one or the other, 23 percent said nobody. It's good news," said Cox.

Pollsters had participants listen to likely arguments for the bill, such as that fairness is a basic American value, that transgender people deserve protections in every community, and that it will make transgender people more comfortable in the workplace. Then they made arguments against the bill, again trying to anticipate the questions asked by opponents of trans protections.

"So we went down and asked them what was convincing and not convincing about arguments against inclusion, everything from special rights, bathrooms, dress codes," said Cox. "And then we asked the question again, 'Remember that question we asked you before, do you support a law that would protect both on the basis of sexual orientation and gender identity?' And what we found was our 59 percent did not move. We worked hard on it. We pushed and we pushed and we pushed and we were able to hold our 59 percent. The information that this provides for us is that a clear pathway exists to talk to elected officials and explain to them that this is not this terrible scary frightening thing to do."

After conducting the survey, NGLTF convened two focus groups, one college-educated and another non-college-educated, in Orlando, Fla. last February to test out some of what they learned from the survey. They created mock-up print ads both in favor and against the trans-inclusive bill, including the aforementioned ad with a bearded man in a dress teaching kindergarten, to gauge the reaction they would produce. Cox said the negative ads were persuasive for some of the participants, but among one surprising cohort, straight men, the most extreme ads seemed largely ineffective.

"The straight men's group, mixed education, did not buy the scare tactics," Cox explained. "They saw them as that. They said, 'Oh, a man in a dress in a beard is not going to show up in the kindergarten class. They're just trying to scare me,' ... So yes, there is a reaction, yes you can move people on the fear, but I think there's ways to combat that, and the longer we get the negative fear tactics the smarter people are getting actually "

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One finding from the survey that could prove persuasive to lawmakers on the fence about supporting trans-inclusive legislation is that 38 percent of voters said they would be more likely to vote for law lawmakers supporting LGBT inclusive nondiscrimination laws, compared with 25 percent who said they would be less likely to vote for them.

Those poll numbers will likely come in handy as LGBT activists begin an expected push for both a trans-inclusive non-discrimination bill and a trans-inclusive hate crimes bill next year.

Foreman also said that at a closed door meeting last March between more than 20 LGBT leaders and a committee of Senate Democratic leaders chaired by Sen. Hilary Clinton (D-N.Y.) the LGBT leaders told the Senate Democrats that they would only support non-discrimination and hate crimes legislation that was trans-inclusive. Foreman said Senate leaders "really did seem to get that message," but he declined to discuss their reaction further, citing the meeting's closed-door format. Yet he also said he felt confident that there would be trans-inclusive hate crimes and non-discrimination bills introduced in the Senate by next June and bills in the House later in the year.

"We would rather not have a bill than have one that's not trans-inclusive because we hope, we know, that if there is any god, goddess, justice in the world, that the political climate in Washington will change, the power base in Washington will change, and the bill we want sitting there when that happens has to include us all," said Foreman. "Because we don't want the climate to change and then that train will leave the station."

Statewide trans bill delayed until at least next year

While NGLTF's Matt Foreman expects a transgender-inclusive non-discrimination bill to come up at the federal level next summer, the timing of a statewide non-discrimination bill covering gender identity and gender expression is much less certain. Rep. Carl Sciortino (D-Somerville), who last November pledged to introduce a statewide transgender anti-discrimination bill, said that his office is still researching the issues around the bill, and the language has not yet been drafted. He said at the earliest the bill could come up next session, but there is no firm timetable.

"At this point we're doing our homework and looking to make sure we understand the issue fully in the legal context before moving forward with the legislative effort," said Sciortino.

During an NGLTF forum June 22 Gunner Scott, treasurer of the Massachusetts Transgender Political Coalition (MTPC), which is advocating for the bill, said that the group is waiting to determine its course of action for the next few years around the statewide law until after July 12, the day the state legislature is expected to vote on an amendment to ban same-sex marriage. If the amendment passes then much of the LGBT community's resources will be occupied gearing up for a possible two-year battle over the amendment.

Sciortino told *Bay Windows* that the marriage battle will have an impact on the timing of a fight for a transgender nondiscrimination bill but he said so far it has not been a case of pushing the marriage fight at

transgender nondiscrimination bill, but he said so far it has not been a case of pushing the marriage fight at the expense of the nondiscrimination bill; the nondiscrimination bill itself has not even been drafted yet, and his office is still working on putting it together.

"As a community we have limited resources, and right now the majority of the attention is focused on preserving marriage equality, as it should be, so I think that weighs in. But again there's not a bill that we're holding off filing," said Sciortino. ""I think the transgender community has waited a long time to be treated equitably, so I don't think it's fair to ask them to wait any longer."

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