



The Queer Agenda 2007

An incremental approach to making gay life a little bit more fabulous

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by Anya Kamenetz

ITEM 1: HEALTH INSURANCE TAX

Currently the IRS treats gay and straight partners differently when it comes to health benefits. Married employees don't get taxed on the value of dependents' insurance premiums or health benefits; if you use domestic partner coverage, you do get hit with the extra tax. Together with the bite from Social Security, federal, state, and local levies can amount to almost \$5,000 a year—all for trying to take care of your queer family.

The Tax Equity for Health Plan Beneficiaries Act of 2007, introduced by Washington State representative Jim McDermott in the U.S. House at the end of March, would remedy this inequity for gay and unmarried straight couples alike, by excluding the value of domestic partner health benefits from gross income. Employers benefit too, since their payroll taxes are higher when the value of health benefits are included in salaries. Senators Gordon Smith of Oregon, a Republican, and our own Chuck Schumer, a Democrat, are expected to introduce the bill in the Senate soon.

ITEM 2: IMMIGRATION

Sylvia Makresia represents a different aspect of the current debate over immigration, and not because her parents came to New York City from Greece. Her partner of the past 11 years is a Spanish woman without a green card, so they must split their time between here and Madrid—where same-sex couples can legally marry. "It's a constant back and forth. You never know where you're going to be. It takes a toll financially and emotionally," Makresia says.

On May 8, New York City representative Jerrold Nadler and Vermont senator Patrick Leahy introduced legislation that would allow American citizens like Makresia to sponsor their same-sex partners for immigration purposes. Like other bi national couples, they would have to prove that they have financial ties and get friends and family to sign affidavits. The bill is called the Uniting American Families Act, and Makresia thinks it's overdue. "I have rights in Madrid, and I wish I had the same in America."

ITEM 3: SAFE SCHOOLS

Ten states have "safe schools" laws, which specifically prohibit bullying on the basis of real or perceived sexual orientation. That's the second most common cause of bullying. Some studies show that places with these laws have 25 percent less violence, name-calling, and intimidation. "I don't think these anti-bullying programs can stop bullying, but I certainly believe it can lower the level," says Christian Fuscarino, president of the gay-straight alliance at Columbia High School in South Orange, New Jersey. "If the topic of homosexuality is brought up between two people, usually it's the closed-minded person who ends up opening their mind."

A "Dignity Coalition" of over 100 organizations, including teachers unions and gay-straight alliances, has been lobbying to bring a safe-schools law to New York. For seven straight years, the measure has passed the State Assembly yet failed to come to a vote in the Senate. "Iowa passed a law this year," says a disgusted Kevin Jennings, executive director of GLSEN, the Gay, Lesbian, and Straight Education Network. "We're supposed to be the cutting edge here in New York and we're behind Iowa now. It's incredibly frustrating." But, he vows, the Dignity Coalition is in it for the long haul.

ITEM 4: JOB DISCRIMINATION

Over half of all Fortune 500 companies currently have official policies in place prohibiting discrimination on the basis of sexual orientation. But in 33 states it is still legal to fire someone for being gay, and in 42 states you can fire someone for being transgender. The Employment Non-Discrimination Act (ENDA), introduced by Representative Barney Frank in late April with bipartisan sponsorship, would for the first time make sexual orientation and gender identity protected categories under federal employment law. Among the bill's supporters is the head of the Transport Workers Union of America—representing over 130,000 pilots and train conductors—who compared discriminating against gays and lesbians to barring redheads or lefties from employment.

ITEM 5: TRANSGENDER RIGHTS

Gender identity and expression stand at the rapidly advancing frontier of queer acceptance. In the past year alone, Colorado, Iowa, Oregon, Vermont, and North Carolina have passed laws with transgender-inclusive language; ENDA, the antidiscrimination law now in the House of Representatives is being updated to be transgender-inclusive and will then be introduced in the Senate. "I think we've reached a tipping point," says Lisa Mottet, who works on transgender issues for the Gay and Lesbian Taskforce. "It's been a great year for transgender rights."

But at the local level, June Brown at the Sylvia Rivera Law Project sees an enforcement gap. Her clients are often poor people of color facing multiple levels of discrimination from landlords, bosses, even the state. "People do come through these doors in need of basic, basic services," Brown says. "One in five transgender people have experienced discrimination from a social service provider."

ITEM 6: DON'T ASK, DON'T TELL

Rhonda Davis gave up her career for the truth. Last June she put on her Navy uniform, went to a Marriage Equality New York rally, and told a reporter for 1010 Wins that she was there to stand up for her right to marry the love of her life, a Korean woman. "I'd done a lot of soul-searching and decided I don't give a crap what I have to personally lose to make people understand this is wrong." Now the award-winning military broadcaster and public-affairs officer is turning her communications experience toward ending "Don't ask, don't tell," the Clinton-era policy that bans being out or actively gay in the armed forces. The Military Readiness Enhancement Act, introduced in February of this year by Massachusetts representative Marty Meehan, replaces "Don't ask, don't tell" with a nondiscrimination policy. It already has 109 co-sponsors and the support of a group of retired generals. At a time when our military is stretched thinner than ever, and badly needed Arab-language interpreters are being tossed for their sexuality, most Americans in polls support allowing U.S. policy to match those of 24 of the 26 other NATO countries. The other holdouts? Portugal and Turkey.

ITEM 7: HATE CRIMES

On May 20, 1978, Kenneth Decker's first love was beaten to death at 17 by three men in the suburbs of Washington, D.C. That "devastating experience," he says, shaped his life as an activist working with gay youth. A quarter-century later, Decker was driving near Newington, Connecticut, when he was pulled over by three policemen. "They roughed me up a little," he says. "It was mostly really rude and obnoxious verbal threats and harassments. They called me a 'fucking faggot' and a 'goddamned queer.' Today, Decker lives in Virginia, the closest state to New York without a hate crimes law protecting LGBT people. The federal Local Law Enforcement Hate Crimes Prevention Act passed the House on May 3 and is currently before the Senate, as the Matthew Shepard Act. The bill expands federal authority to investigate and prosecute hate crimes, which would be especially important in states like Virginia where there is no state law. And for the first time this federal law specifically defines hate crimes based on the victim's actual or perceived sexual orientation, gender or gender identity. "A lot of the importance behind it is symbolic," Decker says, adding that education must tackle the causes of hate head-on.

ITEM 8: CIVIL UNIONS

In a June 4 survey by the Human Rights Campaign, all eight Democratic presidential candidates came out in favor of providing same-sex couples willing to seek a state blessing the 1,138 federal spousal benefits they now lack. (After some flip-flopping, it looks like Republican candidate Rudy Giuliani is sort of standing behind civil unions as well.) On the state level, civil unions had their best legislative session ever this year—between December and April New Jersey, New Hampshire, and Oregon passed civil unions or domestic partnership laws. Today, about one-fifth of the U.S. population is covered by such laws. **On the other hand, according to the Gay and Lesbian Task Force, 41 states have anti-gay marriage and family measures. And interestingly, some gay-rights groups are moving the target.** For example, the "Beyond Marriage" coalition seeks access to government support for families, relationships, and households of all kinds, whether joined by love, kinship, or friendship. Terry Boggis, for 20 years the director of the Center Kids program at the Lesbian, Gay, Bisexual and Transgender Community Center in New York City, says, "The right to marry is not the be all and end all for me personally. I've seen way too many families that would not be protected by privileging couples."

ITEM 9: ADOPTION

The right of gay parents to form families through adoption is a state-by-state crapshoot. Utah, Nebraska, Mississippi, Michigan, and Florida have laws specifically restricting adoption by gay individuals and/or same-sex couples, while courts in Ohio and Wisconsin have ruled against second-parent adoption. Overseas, countries like China and Guatemala have banned adoption by gay couples; closer to home, doctors in some conservative states refusing to help lesbian couples conceive. **In general, though, with the new Democratic majority in Congress, the number of bad parenting bills has gone down while the good laws are trending up, says Kara Suffredini, the legislative lawyer responsible for adoption issues at the National Gay and Lesbian Task Force. Colorado joined the short list of states (California, Connecticut, and Vermont) explicitly granting second-parent adoption. Statutes are important to save families from being at a judge's mercy, Suffredini adds. "When you don't have laws that specifically say that couples of the same sex can adopt, you have patchwork protection."**

ITEM 10: 401K REFORM

President George W. Bush can be credited with one great achievement on behalf of gay American couples and families. It's been little noticed to say the least, and it's not clear that W. even knew what he was doing, but victories are victories. On August 17, 2006, Bush signed the Pension Protection Act, a 907-page law that includes two key provisions affecting any couples who can't legally marry. As before, you can designate your domestic partner as a beneficiary on your 401(k). If you were to die, he can now transfer the funds into an IRA account and draw them down over time, avoiding tax penalties for early withdrawal. Alternatively, if he were to face health

or financial problems, you can now take "hardship distributions" from your retirement fund to get through the rough patch. "Americans who spend a lifetime working hard should be confident that their pensions will be there when they retire," Bush said as he signed the Pension Protection Act of 2006. Indeed. And they should be confident that their partners will be able to share in that security. Now we just have to get the word out.