

Radical Gay Activists Want Obama's Executive Order on Same-Sex Rights

President **Barack Obama** may have made a slow start on gay rights issues, but by the end of his first term his record was such that a news magazine dubbed him the nation's "first gay president." Now activists want more.

Fresh from historic Supreme Court arguments over same-sex unions, advocates want Obama to use his executive powers to fight discrimination at businesses, schools and military bases and stop waiting for action from a reluctant Congress.

The Supreme Court is expected to rule in June on big issues: the constitutional right to **gay marriage** and the right of gay married couples to federal benefits. Both are backed by Obama.

Now gay rights groups are pushing for additional measures they believe are key elements for cementing equality.

First on their wish list is an executive order from Obama barring federal contractors from discriminating on the basis of sexual orientation, an act that could have sweeping impact.

"There is more that he can do," said Jon Davidson, legal director at Lambda Legal, a non-profit organization supporting lesbian, gay, bisexual and transgender (LGBT) people. "He has repeatedly said as president that it's people's job to push him to do more and more, so we intend to keep doing that."

So far, the president helped bring an end to the "Don't Ask, Don't Tell" policy that prevented gays from serving openly in the military, signed hate crimes legislation into law, and mandated that nearly all U.S. hospitals give visitation rights to partners of LGBT patients.

Last year, in the middle of the presidential election, Obama announced his support for **same-sex marriage**, concluding an “evolution” of his views that took years.

While Obama’s advisers tout his record on the issue, they make clear that an executive order on federal contractors soon is unlikely, arguing that it would carry far less weight than broader congressional action. Legislation called the Employment Non-Discrimination Act (ENDA) lacks enough votes to become law.

“We want to continue to advocate for legislation. We think that that’s the most robust way to accomplish what we want to accomplish,” White House senior adviser Valerie Jarrett told Reuters in an interview.

“ENDA is a priority. Right now the votes aren’t there, but that doesn’t mean they won’t be,” she said.

However, congressional aides say they see little evidence that the White House—already consumed by gun control, immigration reform and budget issues—is pushing to win support for ENDA.

Political support for gay rights is certainly gathering momentum—a point conservative Supreme Court Chief Justice John Roberts made in the March arguments when he told a lawyer defending same-sex marriage: “Political figures are falling over themselves to endorse your side of the case.”

Apart from a few exceptions, however, Republican lawmakers have not been vocal supporters of **gay rights**. On Friday, the Republican National Committee reaffirmed its commitment to defining marriage as between a man and a woman and called on the Supreme Court to “uphold the sanctity of marriage.”

A New Focus

After lobbying successfully for Obama to weigh in against **Proposition 8**, a California measure prohibiting same-sex marriage that is now before the Supreme Court, gay rights

activists argue executive action is the best way to keep up the momentum.

“Now the priority for our community is definitely continued progress on getting that executive order out of the administration,” said Fred Sainz, a spokesman for the gay-rights group Human Rights Campaign.

An order barring discrimination by federal contractors would apply to about 20 percent of the U.S. workforce, according to HRC. It would make it illegal for companies with U.S. government contracts to fire or avoid hiring employees based on sexual orientation and gender identity, just as it now is with race.

Federal action is necessary, activists say, because state laws are inconsistent. They say it is legal to fire someone for being gay in 29 states and for being transgender in 34 states.

Some activists are skeptical that Obama is backing away from executive action because he believes Congress will act. They think he is wary of upsetting the business community by forcing a new regulation on it.

“This Congress is not going to pass ENDA, and they know that,” said one activist, speaking on condition of anonymity.

Democratic Sen. Jeff Merkley of Oregon and Republican Sen. Mark Kirk of Illinois intend to introduce a bill on the issue, according to a Senate aide. However, a similar bill is stalled in committee in the House of Representatives, another aide said.

Obama’s advisers believe he has proven his commitment to gay rights is more than lip service, and gay rights advocates recognize that patience pays off.

Obama’s actions, including his administration’s decision to weigh in on Proposition 8 and decline to defend the Clinton-

era federal **Defense of Marriage Act** before the Supreme Court, led *Newsweek magazine* to call him “The First Gay President” in a story on its cover last year.

“He said going in he wanted to do a lot, but I don’t think anybody really was sure that he meant it. I put myself in that category, and I admit to being proven wrong,” said Richard Socarides, a former senior adviser on gay issues to President Bill Clinton in the late 1990s.

Critics say it took a while to get there. Some Obama backers were frustrated that his “evolution” on gay marriage took so long, and some thought the repeal of “Don’t Ask, Don’t Tell” did not get its momentum from the White House.

“He supported it, he signed it, but it’s clear that they weren’t pushing it,” Socarides said.

Now gay rights activists are cautious. Pushing too hard for an executive order would seem ungrateful and could backfire.

Political Payoff

Activists believe Obama could send other signals—for example, by naming an openly gay member to his cabinet.

He could also grant spouses of gay military personnel equal access to commissaries, allow them to live on bases rent free and give them access to legal services such as preparation of wills.

Legislatively, Obama could push for measures to include LGBT students in public school anti-bullying programs.

And, activists say, he could maintain his support for the inclusion of same-sex couples under protections offered by immigration reform efforts making their way through Congress.

Politically, Obama’s actions so far have boosted his standing with young voters, and politicians from both parties have noticed, leading to a wave of new, high profile declarations

of support in the last few weeks alone.

Exit polls from the 2012 presidential election showed 5 percent of voters considered themselves gay, lesbian or bisexual, and 76 percent of them supported Obama.

Since endorsing gay marriage, Obama underscored the point by referring to it during his inaugural address on Jan. 21, tying the push for gay rights to the broader civil-rights movement.

Polls have shown a rapid shift in public opinion on gay rights issues, but Jarrett said that while Obama recognizes his role in shaping public opinion, that was not what drives him.

“This isn’t a matter of satisfying a constituency. It’s a matter of doing what’s right,” she said.

Additional reporting by Richard Cowan; Editing by Marilyn W. Thompson, Mary Milliken and David Brunnstrom

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