

## Are Gay Rights Advocates Facing An Uphill Battle For Rights Beyond Same-Sex Marriage?

By DAVID CRARY

NEW YORK (AP) — Even as same-sex marriage edges closer to becoming legal nationwide, gay rights advocates face other challenges in 2015 that may not bring quick victories.

In Congress, for example, liberal Democrats plan to introduce civil rights bills in the House and Senate that would outlaw a broad range of discrimination against lesbians, gays, bisexuals and transgender people. However, Republicans will control both chambers in the new Congress, and there is no sign that GOP leaders will help the bills advance.

Absent such a federal law, activists will seek to pass more nondiscrimination laws at the state and local levels, but some efforts are meeting resistance. A conservative-led coalition in Houston is trying to overturn a gay rights ordinance approved by the city council in May, while a similar ordinance passed in August by the city council in Fayetteville, Arkansas, was repealed by voters on Dec. 10.

The Fayetteville vote was close — the repeal side got 52 percent of the votes — and the issue is expected to resurface.

"Both sides have reason to continue on," said Mayor Lioneld Jordan, who supported the ordinance. "What we have to do is pull everybody together and see what can be worked out."

Another contentious issue is the ban on transgender people serving in the military. Outgoing Defense Secretary Chuck Hagel has suggested the policy be reviewed but gave no timetable, and advocacy groups are increasingly vocal with their impatience.

"There is no valid reason that our transgender troops should continue to be prohibited from serving openly and honestly," said Ashley Broadway of the American Military Partner Association, which represents partners, spouses and families of LGBT service members.

Friction over transgender rights also is surfacing in school policies, as evidenced by a controversy in Gloucester, Virginia. Officials at Gloucester's high school allowed a transgender boy — who was born female — to use the boys' restroom, sparking complaints that led the county school board to reverse the decision.

The board adopted a policy on Dec. 9 that restricts male and female restrooms to students with "corresponding biological genders" and says transgender students could use an "alternative private facility."

The American Civil Liberties Union subsequently filed a complaint with the departments of Justice and Education alleging that the new policy is discriminatory and violates federal law.

However, Alliance Defending Freedom, a conservative legal advocacy group, commended the Gloucester school board and circulated a proposed "model policy" for other districts that would restrict transgender

students' use of communal restrooms. The group said it would consider offering free legal defense to districts whose use of the proposed policy was challenged in court.

"No policy should be tailored to a few students at the expense of all the others," said ADF Senior Counsel Kevin Theriot.

School sports teams also are a source of contention. In Minnesota, Republican Rep. Joyce Peppin suggested closer legislative oversight of the Minnesota State High School League after its approval in early December of a policy letting transgender athletes play on teams that best align with their gender identity. Several other states have adopted similar policies.

Concern over the challenges facing transgender youth has intensified in recent days as authorities in Ohio investigate the apparent suicide of Leelah Alcorn, a 17-year-old transgender girl from Kings Mills. She was struck by a truck while on foot early Sunday.

A post on Tumblr, attributed to Alcorn and mentioning plans for suicide, recounts years of despair, coupled with pessimism about the future.

"The life I would've lived isn't worth living in," the post said. "I'm never going to be happy with the way I look or sound. ... There's no way out."

Accounts of Alcorn's death prompted appeals from LGBT activists for greater understanding and acceptance of young people who convey that they are transgender. Some studies have shown that the rate of suicide attempts among transgender teens is far higher than for other youths.

All those developments are unfolding amid fast-paced changes related to same-sex marriage, which is now legal in 35 states. Several cases from states that still ban gay marriage have advanced to the U.S. Supreme Court, which could decide during a Jan. 9 conference to hear one or more of them this term.

Given the possibility of a high court ruling in June legalizing gay marriage nationwide, some conservatives are pushing to enact state-level "religious freedom" bills designed to give more legal protections to people who might be accused of discrimination for actions they took in accordance with religious beliefs.

A bill recently introduced in South Carolina says no court employee could be required to issue a marriage license to a same-sex couple if that would violate a "sincerely held religious belief." In Indiana, a broader bill is being drafted that supporters say would protect business people who refuse to serve same-sex couples on the basis of their religious faith.

The ACLU has launched a national campaign to oppose such laws, hoping to replicate the outcome in Arizona last winter when Republican Gov. Jan Brewer vetoed a bill to expand religious exemptions after a national backlash from business leaders, gay rights groups and others.

Eunice Rho, advocacy and policy counsel at the ACLU's national office, anticipates a wide range of religious exemption laws to be introduced in 2015.

"Because marriage equality is no longer a hazy threat and is becoming a reality, the proponents of these laws are redoubling their efforts," Rho said. "This is a sophisticated effort to try to undermine full equality for LGBT people through a variety of vehicles."

While those fights play out in state legislatures, the U.S. Capitol will be the launching point for what's likely to be a multiyear effort to enact a federal LGBT civil rights bill.

Two Democrats — Sen. Jeff Merkley of Oregon and Rep. David Cicilline of Rhode Island — plan to introduce such legislation in their chambers, with the backing of an array of gay rights organizations. Most of those groups have disavowed an older, more limited bill that would ban anti-gay workplace discrimination, and instead want a comprehensive measure that would encompass housing, public accommodations and other spheres, as well as employment.

"It will be an uphill battle," Cicilline said, referring to the challenge of building bipartisan support for the bill.

"This is not something that will happen immediately," he said. "We need to have a larger conversation that really speaks to the values of our country."