

Transgender and Gun Rights Are Sticking Points for Violence Against Women Act

By Emily Cochrane

- March 13, 2019

WASHINGTON — The House Judiciary Committee voted along party lines on Wednesday to approve a reauthorization of the Violence Against Women Act after Democrats turned back Republican attempts to gut protections of transgender people and restrict some gun ownership.

The measure will soon head to the full House, but the partisan sparring, particularly over provisions that would require prisons to house transgender people based on the gender they identify with, will continue. That promises to make a once broadly bipartisan law, first passed in the years after the Anita Hill hearings in 1991, rancorous.

Protections for gay, bisexual and transgender people have been included in the Violence Against Women Act since the last reauthorization in 2013. The current proposal to reauthorize the act includes additional provisions that would require an expansion of those protections and require the Bureau of Prisons to consider the safety and protection of transgender prisoners when giving housing assignments.

Multiple amendments offered by Republicans on Wednesday, however, sought to eliminate the gender identity and sexual orientation language.

Representative Debbie Lesko, Republican of Arizona and a survivor of domestic violence, offered an amendment that would prohibit service providers from putting women and children in situations where they have “grounds to fear for a violation of privacy or for his or her safety.”

Ms. Lesko cited concern that the measure would be “forcing organizations to take in men in women’s shelters.”

“If this is called the Violence Against Women Act, it is not fair that the government is forcing these organizations to take in biological males to be sleeping right next to biological women,” Ms. Lesko said. “I don’t think that’s fair to the women.”

A second amendment offered by Ms. Lesko and Representative Steve Chabot, Republican of Ohio, would have allowed faith-based organizations to bar transgender people from taking shelter because of disagreements with their faith. It also failed.

“Transgender women are not biological males; they are transgender women,” said Representative Jerrold Nadler, Democrat of New York and chairman of the House Judiciary Committee. “That’s simply a reality. I know there are people who deny that reality, but I think it is a reality.”

Other Democrats noted that transgender people, particularly minorities, suffer from some of the highest rates of violence and sexual assault, and that there has been no issue with transgender people having access to services and programs under the act.

“There is no evidence to suggest that placing transgender women in shelters poses any danger to anybody,” said Representative David Cicilline, Democrat of Rhode Island. “All it does is ensure that transgender people are safe.”

Representative Karen Bass, Democrat of California and a lead sponsor of the reauthorization, offered to

visit shelters with Ms. Lesko in an effort, she said, to better understand the challenges facing transgender people, the transition process and how they are helped in shelters.

The topic was raised again by Representative Louie Gohmert, Republican of Texas, who objected to the “gender identity” language in the bill and unsuccessfully moved to remove it.

“I would humbly submit that it’s going to do more harm,” he said of the language.

“What we’re talking about is gender dysphoria,” Mr. Gohmert added.

Republicans also raised objections to provisions in the act that would bar people convicted of a violent misdemeanor or subject to a court order from owning firearms, and tried to undo a provision that gave tribal courts the ability to prosecute non-Native Americans who attack Native American women on tribal land. They also sought to add a provision that would ban organizations that perform abortions from receiving federal funding under the act. None of the amendments passed.

Mr. Nadler promised that one amendment — raised by Mr. Gohmert — offering protections for female survivors of gender mutilation would be included, but asked that its language be adjusted before a formal vote.

Reauthorization of the 1994 law had been in limbo since December when government funding lapsed, and it was not included in the bill that kept the government funded through the end of September. Republicans had argued for a straight extension of existing law through September, but Democrats wanted changes. Without agreement, the reauthorization lapsed.

The current measure, unveiled by House Democrats this month, would not only reauthorize grants and funding, but would expand protections and resources for survivors as well. The bill would also include protections for victims of stalking and protections for men and children.

One Republican, Representative Brian Fitzpatrick of Pennsylvania, is a sponsor.

“Rather than working with us to find agreement on how to move this critical law forward, Democrats decided to rush to markup a bill that could actually endanger women,” said Representative Doug Collins of Georgia, the ranking Republican. “It politicizes and weaponizes a program and a law that, for years, was noncontroversial and bipartisan.”