

Protections survive first hurdle in health care reform

One of the key issues in health care reform for lesbians and gay men is to ensure strong nondiscrimination provisions that explicitly include sexual orientation.

Those protections were still present in a version of Clinton's approach to health care reform that passed a major milestone June 9, by reportedly clearing its first full committee. That committee is Education and Labor in the Senate, chaired by Ted Kennedy. It is considered the committee of jurisdiction most sympathetic to the Clinton approach and to the interests of sexual minorities. A loss here would have been devastating to both.

Kansas Republican Nancy Kassebaum led an effort in Kennedy's committee to eliminate the inclusive language, but her amendment was defeated June 7 by an 11-6 vote. The vote was largely along partisan lines, with only Jim Jeffords (R-Vt.) joining the Democratic majority. That same vote later passed the full bill out of committee to meet its next hurdle.

Gay and lesbian political leaders, in a rare show of unanimity, had called upon the community to contact senators on that committee and urge them to support retaining the current nondiscriminatory language in the draft of the bill.

"Kassebaum's amendment is mean-spirited at its core," said Peri Jude Radecic, executive director of the National Gay and Lesbian Task Force. "It is endorsing discrimination against gay people, poor people, those who are currently sick, or those who may become sick."

The Senator's office justified her position by stating that "sexual orientation is a civil rights issue, not a health care matter" and should therefore be excluded.

"They don't want to add any new status [such as existing ones of race or national origin]," said NGLTF's legislative director Tanya Domi. "Well, if you are doing health care reform it is the perfect place to add new status [classifications]."

Domi criticized Kassebaum's attempts to eliminate compensatory and punitive damages for intentional discrimination. She cited the example of the 1968 Fair Housing Act where those remedies were not included in the original Act and had to be added in 1988 to strengthen enforcement.

The amending effort seemed out of character for Kassebaum, who is usually viewed as moderate, accommodating and reasonable. "She is caving in to the radical right's special agenda to institutionalize anti-gay discrimination," said Daniel Zingale, director of public policy at the

Human Rights Campaign Fund.

"I think a calculated decision was made that she would make a better stalking-horse for discrimination than the usual suspects. We were all surprised by it," he said.

Log Cabin Republicans, a lobbyist group of gay Republicans, joined with HRCF and NGLTF in trying to generate grass-roots constituent phone calls. A publicly posted e-mail advisory to its supporters read, "If the exclusion passes, YOU may be denied emergency care, or turned out of a doctor's office, or red-lined from a dentist's practice because you are gay, or they suspect you are gay."

It urged supporters to contact three key senators on the committee, David Durenberger (R-Minn.), Orrin Hatch (R-Utah), and Jeffords.

"Because this is the first time that Kassebaum has taken the lead on an anti-gay measure, we want to make it uncomfortable for her back in Kansas," said Zingale.

The strategy seems to have worked. While Kassebaum did not withdraw her amendment or change her vote, Domi reported that at the June 7 committee meeting, "She wasn't very high profile about it, she just kept saying over again, 'I don't think this is appropriate.'"

The legislation must still pass the Senate Finance Committee and the full Senate, in addition to going through votes in committee and on the floor of the House of Representatives. Those venues are often less friendly. There are likely to be other attempts to strike language which includes protections for lesbians and gay men. The prognosis is uncertain.

First congressional hearing on homophobic employment discrimination

The first hearing on federal efforts to ban discrimination in employment against gay men and lesbians will be held July 20 in New York City. The hearing is being called by Rep. Major R. Owens (D-N.Y.), chairman of the House Education and Labor Subcommittee on Select Education and Civil Rights.

It will be held at the Main Building of New York University, 100 Washington Square East. The setting is just a few blocks from the Stonewall Inn, where rioting 25 years ago marked the beginning of the contemporary lesbian and gay struggle for equality.

Braden Goetz, chief counsel for the subcommittee, said that a reorganization last year expanded its jurisdiction to include employment discrimination. Since that time, Owens has been aggressive in charting a course to complete what he calls "the unfinished agenda" of the civil rights

struggle.

Constituents of Owens' predominantly African American district had urged the lawmaker to take a leadership role in this fight. They saw the radical right "try and make the case that civil rights are somehow divisible, that the interests of gay men and lesbians are somehow opposed to African Americans," said Goetz. "One of the agendas of this hearing is to make it clear that our interests are the same. It is not us against them."

The employment bill, backed by openly gay Reps. Barney Frank (D-Mass.) and Gerry Studds (D-Mass.) in the House, and Ted Kennedy (D-Mass.) in the Senate, is undergoing final revision and should be formally introduced soon.

Goetz said his subcommittee began planning the hearing in February when the form of the proposed legislation was less clear. He views their approach as "consistent" with the pending bill and has been in contact with Frank's office. "We are all on the same page," he said.

He noted that the bill would have to go through his subcommittee as well as the Judiciary Subcommittee on Constitutional Rights.

Nine witnesses are scheduled to testify. They include individuals who have suffered employment discrimination for being lesbian or gay, as well as representatives of national organizations who will testify to broader patterns of discrimination.

Time constraints will limit testimony to the witnesses already scheduled. However, written testimony may be submitted for the record. Copies should be sent to: Subcommittee on Select Education and Civil Rights, 518 Annex 1, Washington, DC 20515.

Frank schedules Mississippi hearing

Prompted by the "nonprotection" of the lesbians of Camp Sister Spirit, Rep. Barney Frank has scheduled a fact-finding hearing of the House Judiciary Subcommittee on Constitutional Rights. It is slated for July 6 in Jackson, Miss.

"This isn't the most popular event in the history of official Mississippidom," said Frank, "We've got to go to a federal building." The closest is in the capital city of Jackson, in the central part of the state. Camp Sister Spirit is in the hamlet of Ovett, more than a hundred miles to the southeast.

Frank wants to check on the status of mediation initiated by the Community Relations Service of the Justice Department.

"Do we need an expanded federal role where people are being abused by essentially private citizens and the local officials won't help them?" asked Frank.

"Right now, if local officials fail to protect

you, in some limited circumstances the federal government can step in. But, contrary to what people expect, there are no general federal responsibilities to step in and protect people."

Frank initially proposed the hearing in February, when the controversy heated up. He delayed it at the joint request of the Justice Department and the National Gay and Lesbian Task Force. CRS was then preparing to send mediators into the area.

"We are afraid that a hearing during the mediation process would interfere with the mediation process and actually being able to help the women and protect them," said NGLTF executive director Peri Jude Radecic in February. "We would rather have trained mediation people go down there and deal with the situation first."

The legal authority of CRS to intervene was challenged by local citizens, but that challenge was subsequently thrown out of court. CRS' efforts to mediate appear to have been largely frustrated by noncooperation.

Frank had noted earlier that February 1994 was the 30th anniversary of the Mississippi Freedom Summer, an important part of the 1960s civil rights movement. He participated in that action and says he returns to Mississippi in the ongoing struggle for civil rights.

Military maneuvers on the hill

In late May, Bob Dornan (R-Calif.) convinced House Armed Services subcommittee chair Ike Skelton (D-Mo.) to attach a rider to the Department of Defense reauthorization bill which would force the military to discharge anyone with a medical condition, a permanent disease or disability, that precluded their worldwide assignability. Dornan's target was people who are HIV positive.

The House of Representatives voted June 8 to reverse that decision and retain the status quo. The vote was 227-192.

"Fortunately Congressman Dornan took a pretty broad brush in crafting his language, so that military personnel with any type of disability or chronic disease would have been affected by that amendment," said Jay Coburn, a lobbyist with the AIDS Action Council.

Not only would it have forced the discharge of people who are HIV positive, it also would have led to the forced discharge of people with mild diabetes, lower back pain, and dozens of other chronic, manageable medical conditions.

Coburn lays the relatively close vote to partisan politics. "The name of the game of being a Republican in the House these days is to embarrass the president, so there is incredible pressure from the leadership to stick with the party."

Compiled by Bob Roehr

cathartic comics I featuring The Brown Bomber and Diva Touché Flambé by Prof. I.B. Gittendowne

