

Inch by inch

Clinton's endorsement of ENDA is another step toward ending job discrimination against lesbians and gay men

by Bob Roehr

President Bill Clinton has endorsed a bill offering limited federal protection for gay men and lesbians in the workplace. The move came in an Oct. 19 letter to Sen. Ted Kennedy (D-Mass.), a co-sponsor of the Employment Non-Discrimination Act.

Reaction from the community was positive. But for many, it was tempered by the fact that Clinton did not support the bill when it was first introduced last year. Democrats then controlled both houses of Congress and chances for passing the bill were better.

ENDA represents a strategic retreat from an omnibus gay civil rights bill. That type of measure—covering employment, housing, public accommodations, and other areas—was first introduced in 1974, but went nowhere over the next 20 years.

In 1993 lesbian and gay political leaders, under the leadership of the Human Rights Campaign, began to reassess their efforts. They turned to a more limited bill covering just employment.

With this new approach, they were able to gain support for the legislation from the Leadership Conference on Civil Rights. The coalition of more than 185 groups has been the chief legislative force behind all civil rights legislation over the last three decades.

ENDA was introduced in June 1994 as an LCCR-backed measure. It would prohibit job discrimination on the basis of sexual orientation. It would not cover the military, businesses with fewer than 15 employees or religious institutions or the sectarian schools they run. It would not confer health, domestic partnership or other workplace benefits.

The Senate held a hearing in July 1994. Both the form and content of the Clinton administration's response troubled gay and lesbian leaders. They had pushed for active testimony in support of the measure, but they got far less.

Deval Patrick, assistant attorney general for civil rights, did not appear, nor did any other member of the administration. Patrick submitted written testimony. He expressed the Clinton administration's support for the concept of non-discrimination in the workplace but withheld endorsement of the specific bill.

White House advisor George Stephanopoulos, speaking the day after Clinton's endorsement of the bill, explained: "The president was concerned about the exemption for religious organizations [which] has now been strengthened."

It was a curious explanation, as LCCR is a coalition dominated by religious groups. It had worked long and hard to draft language that satisfied the concerns of its religious members. And LCCR heartily embraced the original bill.

"We have always felt that ENDA respects people of faith in a profound way," said Daniel

Zingale, chief lobbyist with the HRC. He called changes made to the bill this year pretty modest. "The language has always protected religious rights. It did then and it does now. Apparently the White House agrees with us now."

HRC's executive director Elizabeth Birch characterized Clinton's endorsement as a "historic step forward in our movement for equal rights."

Log Cabin Republican executive director Rich Tafel noted the political implications of the timing of Clinton's move. It came a day before Stephanopoulos addressed the National Gay and Lesbian Journalists Association convention and as the White House begins to switch into cam-



Bill Clinton

paign mode. The gay and lesbian community is believed to have supplied 1 in 7 of the votes Clinton garnered in 1992, and it may be crucial to his re-election.

But Tafel called the endorsement "the right thing to do, and I don't want to take anything away from that."

Los Angeles Republican Jim Baird was harsher. Clinton "didn't endorse it when his party controlled both houses of Congress and there might have been a chance of passage with at least some Republican support," he wrote in an on-line posting. He called the move political pandering.

Openly gay Rep. Barney Frank (D-Mass.) praised Clinton but said the bill "won't even get a hearing" before the Republican-controlled Congress.

Zingale is more optimistic. "I don't think we can rule out hearings this session. We are one short of a majority [of co-sponsors] in the Senate Labor Committee." That number includes lead sponsor Jim Jeffords (R-Vt.) and all of the Democrats on the panel.

Longer term prospects may be long indeed. "It took 19 Congresses to pass the women's right to vote," Zingale noted. "We are way ahead of schedule."

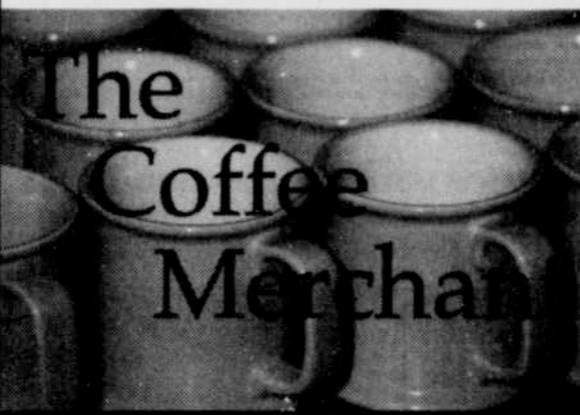
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