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local news

Seeking the key

Alternate versions of Oregon ENDA are being crafted as lawmakers jockey for wording that will pass

by Inga Sorensen

Let's face it, we have to address their concerns, whether those concerns are warranted or not," says Oregon state Rep. Chuck Carpenter, the Legislature's only openly gay Republican.

Carpenter is talking about some GOP colleagues' fears that the passage of a sexual orientation employment nondiscrimination bill may unleash a torrent of frivolous lawsuits.

Political observers acknowledge such concerns have to be dealt with in light of the fact that Republicans control both the House and the Senate.

Carpenter, whose district covers portions of Columbia, Washington and Multnomah counties, is working on a nondiscrimination bill which closely mirrors a measure reported on in our Jan. 3 issue.

That bill, LC 1799, was crafted at the request of Right to Pride, a statewide gay, lesbian and bisexual rights organization, and state Rep. George Eighmey, an openly gay Portland Democrat.

It is fashioned after the federal Employment Non-Discrimination Act, which came within just one vote of passing the U.S. Senate in 1996. Oregon ENDA would prohibit discrimination in the workplace on the basis of actual or perceived sexual orientation, defined as "heterosexuality, homosexuality or bisexuality."

Wording in the bill states that it "does not authorize or permit the use of numerical goals, quotas or other forms of 'affirmative action' based on sexual orientation."

Oregon ENDA also "exempts bona fide churches and sectarian religious institutions such as church-sponsored schools, hospitals, or camps on the basis that an individual's sexual orientation violates the religious tenets or teachings of that church or institution."

Under the bill, complainants will utilize existing administrative options for redress; complaints will be filed with the state Bureau of Labor and Industries for investigation. If BOLI determines an unlawful employment practice has occurred, it may levy civil penalties allowed by current state law.

If a complainant is dissatisfied with BOLI's determination, he or she may proceed with his or her case in court.

The wording of Carpenter's bill was still being hammered out when *Just Out* spoke with him. However, he says "it's basically the same thing" except for one significant difference—his measure includes a clause which mandates that a claimant of sexual orientation employment discrimination must obtain a positive finding of discrimination from BOLI before he or she could take his or her case into a court of law.

"I'm not overly pleased by that myself," says Carpenter. "But the fact is there are Republican members who are concerned about the possible impact on businesses. They don't want to see a flurry of frivolous lawsuits. This provides another level of protection for businesses."

He adds, "Sure we can push the ideal bill, but it won't pass. The goal is to move a bill that has a

realistic shot at passing and at least achieve some protections."

Republicans control the House by a 31-to-29 margin. Carpenter estimates 40 House members will back his bill.

"I don't think we'd have a problem in the House," he says. "It's the Senate where things get tougher."

Twenty Republicans and 10 Democrats serve in the Senate.

During the first few weeks of the 1997 legislative session, which began Jan. 13, Carpenter has spent substantial time meeting with Republican senators to specifically lobby for a nondiscrimination bill.

When we talked with him he had an upcoming meeting with Senate leaders and perhaps the GOP caucus, where they could discuss the measure.

"If we can address those concerns maybe we will be able to get it through Senate," says Carpenter, who estimates bill supporters need "two or three" more Senate votes.

Having Carpenter guide the bill may be the most successful strategy, say some politicians. First, he is a member of the majority party, which is a big plus in most cases. Second, Carpenter is widely respected by legislators on both sides of the aisle. Third, there is some speculation that RTP is viewed by many Republicans as a partisan organization that clearly favors Democrats.

"There has been some discussion about whether a nondiscrimination bill should even have my name attached to it," says Eighmey, an outspoken human rights advocate.

When asked why, Eighmey told us that his name may be too synonymous (for some Republicans) with RTP. "There are some people who just don't like RTP."

He adds, "The big issue right now is who drops the bill. If my name's not on it, fine. I just want to see a bill passed and whatever that takes, so be it."

Barry Pack, RTP's executive director, says his group is continuing to solicit co-requesters for Oregon ENDA.

"As we work the [Legislature's] halls, we are finding more support for this than in the past, though no one's signed on the bottom line yet," he told *Just Out* in late January.

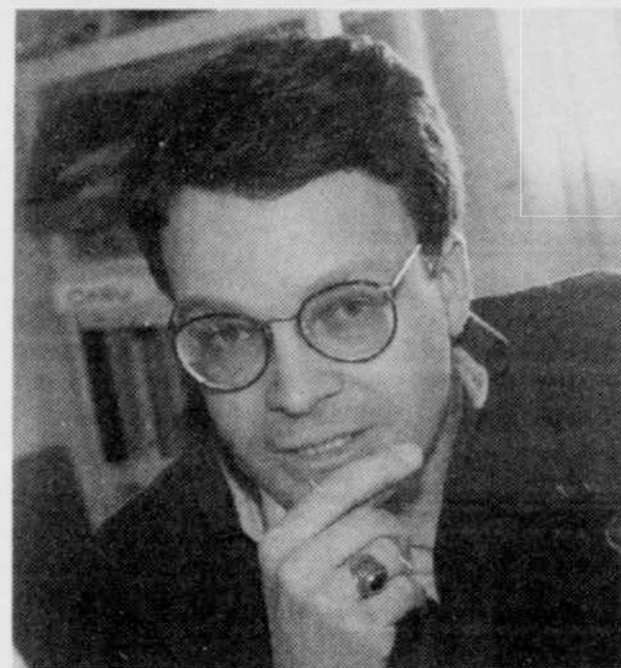
RTP has unsuccessfully pushed a lesbian and gay rights bill in the Oregon Legislature for the past several years.

Pack says RTP would like to see its version of a nondiscrimination bill prove successful, yet he concedes that Carpenter has a certain level of influence. "Chuck can bring a lot of support to a bill," he says.

He adds it's possible that multiple versions of an ENDA-like bill will be introduced.

"Maybe there will be different versions or maybe one. It's too soon to tell right now," he says.

RTP is looking for Oregon ENDA co-requesters and is also sponsoring a number of upcoming lobby training sessions statewide. For more information, contact RTP at 228-5825.



Rep. Chuck Carpenter

PHOTO BY LINDA KUEVER