

# Determined to win

Chuck Carpenter has told his fellow House Republicans that he'll do what it takes to pass Oregon ENDA

by Inga Sorensen

Oregon Rep. Chuck Carpenter says he's ready to play hardball if need be. "That's what I told the speaker—I said I would withhold my support on legislation that Republicans want unless we get some action on this bill," says Carpenter, a Portland-area Republican who recently introduced legislation barring discrimination in the workplace on the basis of actual or perceived sexual orientation.

House Bill 2734 has become the measure being promoted by Right to Pride, a statewide gay, lesbian and bisexual rights organization which initially intended to push its own version of an employment nondiscrimination measure.

That bill, which we first reported on in the Jan. 3 issue, was fashioned after the federal Employment Non-Discrimination Act, which came within just one vote of passing the U.S. Senate in 1996.

ENDA would have, in part, barred discrimination in employment on the basis of one's actual or perceived sexual orientation. Additionally, it disallowed "the use of numerical goals, quotas or other forms of 'affirmative action' based on sexual orientation," and exempted "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."



PHOTO BY LINDA KLEWNER

Chuck Carpenter

HB 2734 mirrors that proposal, but includes two other provisions: employers with six or fewer employees are exempt, and a claimant of sexual orientation employment discrimination must obtain a positive finding of discrimination from the state Bureau of Labor and Industries before taking his or her case into a court of law. (BOLI is the agency that investigates possible violations of state civil rights law.)

That particular mandate does not apply to other groups currently protected under state civil rights law. It is also a provision that doesn't sit well with everyone.

The Oregon Gay and Lesbian Law Association, whose membership primarily comprises gay men and lesbians in the legal profession, issued a statement in response to Carpenter's bill.

It says OGALLA "applauds extending equal employment opportunity to all Oregonians and barring discrimination in the workplace. We oppose, however, imposing a procedural requirement on the basis of sex orientation that is not imposed on other protected classes." It further states such a requirement "undermines the integrity of ENDA, as it would effectively discriminate on the basis on sexual orientation."

"We don't support that provision either," says Right to Pride's Executive Director Barry Pack, who nonetheless says his organization is now fully backing Carpenter's version of an employment bill.

"Sure, we would have preferred a cleaner bill, but if we are able to pass HB 2734, that's a major

achievement," he adds. "If this is the only way to do it, then we'll do it."

While he, too, is not pleased with the additional provisions, Carpenter says they are designed to appease some GOP colleagues' concerns that the passage of a nondiscrimination bill may unleash a torrent of frivolous lawsuits.

And since Republicans control both the Oregon House and Senate, their concerns have to be addressed. (In the House, Republicans dominate 31-29, in the Senate, 20-10.)

Yet because the margin is so slim in Carpenter's chamber, he may have room to maneuver, given the fact that his vote on other legislation becomes all the more vital to GOP leadership.

"I will vote against legislation that Republicans like if I have to," says Carpenter, the only openly gay Republican in the state Legislature. "I made it clear to the speaker that this is very important to me, and I'll do what it takes."

Carpenter wants to see HB 2734 assigned to the House Commerce Committee, which he believes will provide the most support for his bill. "If we can get it to Commerce, then we will pass this in the House."

State Rep. George Eighmey (D-Portland) says he has spoken with Rep. Eldon Johnson (R-Central Point), who is chair of that committee.

"He said the speaker indicated to him that the bill would indeed be going there," says Eighmey, who also met with Labor Commissioner Jack Roberts, who oversees BOLI.

"Jack Roberts said if asked he would say that he felt BOLI should not be forced to make the final determination and instead should do what it currently does, which is make recommendations," he says.

Eighmey also says he'll work to have the BOLI provision removed in committee.

Eighmey, along with Republicans Jeff Kruse of Roseburg and Lane Shetterly of Dallas, are among several legislators who have signed on as supporters of HB 2734.

"We have Democrats and Republicans, which is important," says Carpenter, adding that while he's comfortable speculating on the proposal's passing in the House, the Senate remains a question mark.

"If we can convince two or three more senators to vote for this, then things look good. But that's not going to be so easy," he says, adding he may solicit assistance from former state senator and current U.S. Sen. Gordon Smith, who has said he supports the federal ENDA.

"If he spoke to a couple of senators it could make a difference," says Carpenter. "I don't know if he would do that.... We'll just have to see."

*People who believe they have experienced employment discrimination based on sexual orientation—particularly those residing outside of Portland—are asked to contact RTP at 228-5825.*

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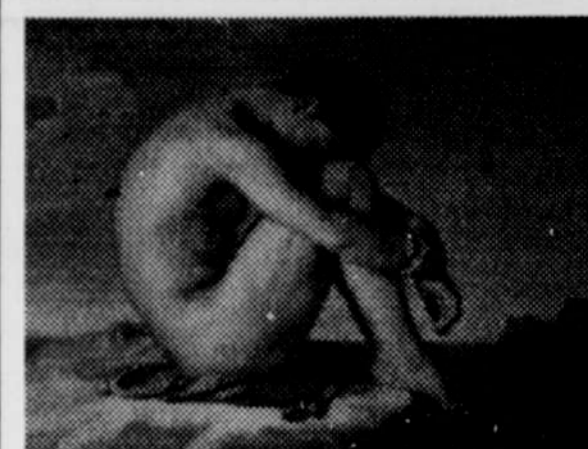
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