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national news

The bitter ENDA

Next year may see another vote in Congress on job protections,
but many queer activists are displeased with the legislation

by Bob Roehr

The Employment Non-Discrimination Act was reintroduced in Congress on June 10 with strong bipartisan support. It extends workplace protection to lesbians and gay men but not transsexuals. It specifically prohibits the use of quotas and exempts religious organizations and small businesses with fewer than 15 employees.

The lead is being taken in the House by Christopher Shays (R-Conn.) and Barney Frank (D-Mass.), among the measure's 150 cosponsors. The Senate effort is headed by Jim Jeffords (R-Vt.), Ted Kennedy (D-Mass.) and Joseph Lieberman (D-Conn.), with 34 cosponsors. President Clinton has endorsed ENDA.

"This bill is about equal rights in the workplace for all Americans," said Elizabeth Birch. She is executive director of the Human Rights Campaign, the leading organization behind ENDA.

Kerry Lobel, executive director of the National Gay and Lesbian Task Force, said, "The message of ENDA is clear and straightforward. Discrimination is wrong. We look forward to the day when gay, lesbian, bisexual and transgendered people no longer have to fear the loss of their jobs on the basis of their sexual orientation."

"Today marks a giant leap forward in realizing two of our goals," said Rich Tafel, executive director of Log Cabin Republicans. "They are having senior Republicans take on the issue of civil rights protections for gays and lesbians, and having the gay and lesbian community recognize the importance of working with Republicans."

However, praise for ENDA is not universal, as it does not include job protection for transgender people. Those communities engaged in an ongoing two-year dialogue with HRC to broaden the language of the bill to address their concerns, but they did not succeed.

Earlier this year New Orleans activist Nancy Sharp said, "We cannot talk about morals and ethics if HRC has no ethical or moral compass guiding their political positions."

"The discussion which needs to take place is not whether an employer should be able to terminate gays and lesbians, but rather about what constitutes valid grounds for terminating employees in the United States.... [That] allows gays and lesbians to speak as Americans who happen to be discriminated against rather than as gays and lesbians promoting their own self-interests and their private agendas."

Riki Anne Wilchins, executive director of GenderPAC, said her group hopes to have an amendment introduced to ENDA that will expand

coverage "so that all people will enjoy protection in the workplace," including transgender people. She wants to make sure those efforts "are not premature" and that it will be an opening of discussion rather than a debacle.

Others question the employment rights-only strategy and would prefer to push for full civil rights legislation now, rather than have to go back for other pieces at a later date. They say that the strategy was formed years ago, when the effort to pass state civil rights protections had bogged down, but that that trend has reversed and the strategy should be reviewed. Rhode Island passed a sexual minority rights bill in 1995, and New Hampshire and Maine did likewise this year. That increases to 11 the number of states with full civil

rights protections for lesbians and gay men.

The community first sought to end anti-gay discrimination in 1974 through an amendment to existing civil rights legislation introduced by Bella Abzug (D-N.Y.) in the House. Edolphus Towns (D-N.Y.) continues to introduce it at the start of each session. But it has made little headway, perhaps because in recent years groups like HRC have ignored it and tried to pretend that it does not exist.

Four years ago the HRC looked to its polling data and decided it would be easier to pass legislation dealing only with employment. Thus it adopted the ENDA strategy. It took more than a year to work out language that would gain the support of the Lead-

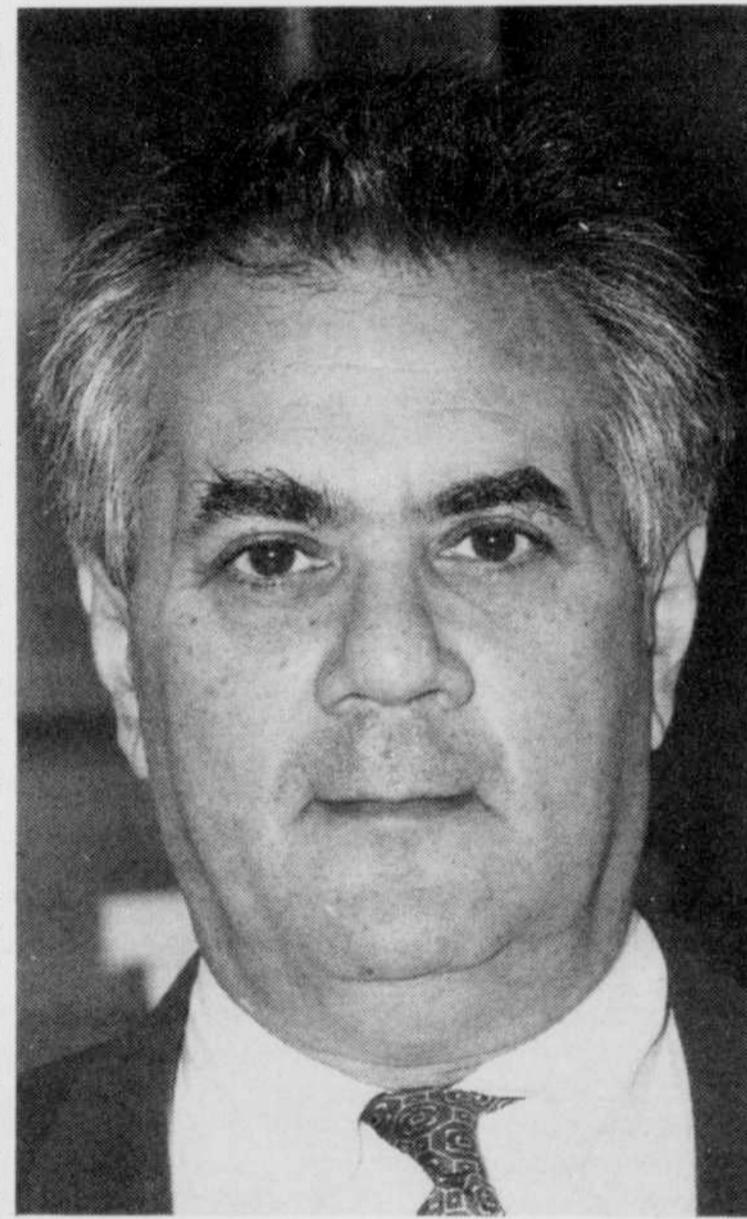
ership Conference on Civil Rights, the coalition of nearly two hundred organizations that has backed all previously successful civil rights bills.

ENDA was introduced in June 1994, and the Democratic Congress held hearings in both houses. Assistant Attorney General for Civil Rights Deval Patrick declined the offer to testify and instead sent a letter; in it the Clinton administration endorsed the concept but not the language of ENDA. Clinton would come on board only in October 1995 after some minor changes to the language of the bill. The Democrats did not vote on ENDA at even the committee level in either house.

When the 1994 elections brought huge Republican gains and control of both houses, many people felt that ENDA was dead. They were surprised when Majority Leader Trent Lott (R-Miss.) cut a deal with Kennedy last September and allowed a vote on the Senate floor. And surprised again at how close the vote actually was—a whisker-thin 49-50 defeat.

ENDA likely will not come up for a vote in the Senate until next year. Many observers believe it may pass, though that is not assured.

The outlook in the House is more uncertain.



Rep. Barney Frank

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