

national news

The Oct. 23 Senate hearing on the federal Employment Non-Discrimination Act was a bit anti-climactic.

There was none of the tension that filled the room three years earlier. In fact, opponents of the measure, which would prohibit employment discrimination based on sexual orientation, canceled their scheduled slots to testify and simply melted away.

"This bill is about one simple thing—that all Americans should be able to earn a livelihood," said Labor and Human Resources chairman Jim Jeffords (R-Vt.) in his extended opening remarks.

He outlined three significant changes to ENDA that were prompted by debate last year.

First, the new version protects privacy by prohibiting the Equal Employment Opportunity Commission from collecting or seeking data from companies pertaining to the sexual orientation of their employees.

Second, the revamped ENDA precludes the EEOC from entering into a consent decree that includes quotas or gives preferential treatment based on sexual orientation.

Third, the bill clarifies the religious exemption, limiting coverage to for-profit operations.

"I expected that we would have witnesses yearning for the chance to testify in opposition to the bill. In fact, I have been told that my staff scoured the country for witnesses with differing opinions, to no avail," said Jeffords. "Even those who had expressed a desire to testify changed their mind."

Among the late scratches was Andrea Sheldon of the Traditional Values Coalition.

In response, Jeffords semi-jokingly said, "I know that we have made a number of improvements to address the criticisms of the 104th Congress, I guess I just didn't realize how thoroughly successful we were."

During the hearing Jeffords also released a report, prepared at his request by the General Accounting Office, which examined the experience of states that have passed gay and lesbian rights protections.

According to the report, there have been "relatively few formal complaints of employment discrimination based on sexual orientation, either in absolute numbers or as a percentage of all employment discrimination complaints in the state...[and] no indication that these laws have generated a significant amount of litigation."

Longtime ENDA sponsor Sen. Ted Kennedy (D-Mass.) called ENDA "part of America's fun-

...And no one came

Big and small business testified in support of ENDA at a recent Senate hearing, but the opposition was strangely silent

by Bob Roehr

damental commitment to equal opportunity in the workplace."

He said, "To those who say ENDA does not reflect traditional American values, I say you are wrong. Bigotry is not an American value. This legislation is based on fairness, justice and equal opportunity for all who are qualified. Those are

our country's basic values—bigotry is not."

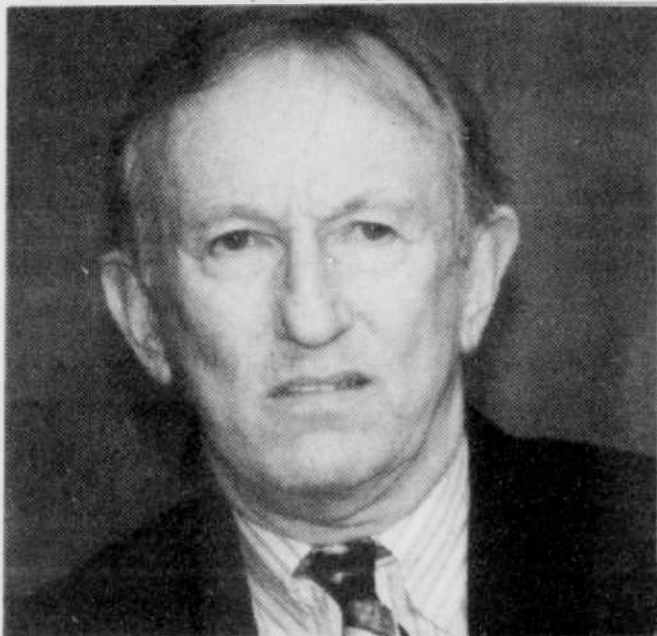
The first two witnesses told personal stories of discrimination. Kendall Hamilton had worked for the Red Lobster restaurant chain for five years and was about to step into management. Then his supervisor told him his sexual orientation "was not compatible with Red Lobster's belief in fam-

A form letter followed two weeks later announcing that someone else had been hired for the post.

Horowitz, meanwhile, said before he came out he was not capable of doing his "finest work" because of the stress associated with being in the closet.

"My mother begged me not to come out at work because she was afraid that I would lose my job and we would lose our house.... The impact of discrimination is completely demoralizing," he testified.

Big business was represented by Raymond Smith, chief executive officer of Bell Atlantic. The company, which has 140,000 employees, added sexual orientation to its equal employment policy in 1993.



Sen. Jim Jeffords



Left to right: Kendall Hamilton, David Horowitz and Raymond Smith

ily values." Hamilton told lawmakers he was hounded from his job.

David Horowitz, meanwhile, had a strong track record working for the attorney general of Arizona when he was recruited for the job of Mesa city prosecutor.

However, during negotiations with his prospective boss, Horowitz mentioned he was gay.

The person responded, said Horowitz, with the remark: "Well, we may have a problem with that."

"We don't put employees in categories other than good performers and bad performers," said Smith, who also noted that 320 of the Fortune 500's largest corporations offer similar protections. Many are adding domestic-partners benefits as well.

"The policies of the corporation are so clear that we haven't had any [sexual orientation-related] court cases," said Smith. "Eternal vigilance and a constant statement of zero tolerance makes

that important. I believe ENDA will help us in this regard."

Tom Grote, the chief operating officer of Donatos Pizza, spoke for small business.

The company, based in Columbus, Ohio, has expanded from 10 to 125 restaurants since 1986, when Grote and his sister finished college and went to work full time at the family-owned business.

"Our mission at Donato's Pizza is to promote goodwill through product, principle and people. We have always tried to be fair and honest and treat everyone the way we would like to be treated," said Grote.

"Even though we are a small business, we do not believe that ENDA will hurt our business. We

already operate under the Civil Rights Act of 1964, the Americans with Disabilities Act and other laws and regulations that govern fair and equal treatment in the workplace," he added. "We do not fear an explosion in litigation with ENDA. We have had zero lawsuits based upon race, religion or gender and would expect the same for sexual orientation."

He added, "I am gay. I'm fortunate because my father would

never fire me because I'm gay. I have wonderful job security. Unfortunately there are thousands of people who cannot say the same thing."

One hour into the hearing the proceedings came to an abrupt close before the remaining witnesses could be heard.

Senate Democrats, in an effort to move campaign finance reform, had invoked a rule limiting the time of all committee meetings while the Senate is in session. Jeffords said he may reschedule hearings if he feels it's necessary.

"What is critical is what Senator Jeffords said at the opening of the hearing, that the opposition didn't show up because there isn't much they can say about the bill," says Winnie Stachelberg, political director of the Human Rights Campaign.

Kevin Ivers, political director of Log Cabin Republicans, adds, "The purpose of the hearing was to focus our attention on the swing Republicans that we need to pass this bill."

The GOP controls the Senate 55-45. Last year ENDA lost 49-50, with almost all of the opposition coming from Republicans. Log Cabin has targeted 16 Republicans as possible swing votes.

Ivers says, "For the Republicans in particular, it is coming down to this: What side of history are they going to be on, the wrong side or the right side?"

Senate action is not expected until next year.

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