

ENDA...AGAIN

A federal employment anti-discrimination bill is reintroduced in Congress by Bob Roehr

A growing sense of momentum and optimism characterized reintroduction of the Employment Non-Discrimination Act of 1999 at a Capitol Hill news conference on June 24, five years after the measure was first proposed. (A 1996 vote in the Senate came unexpectedly close, falling one mark shy of passage.)

"We are here today because we believe that the principles of equality and opportunity should be applied to all Americans and that success at work should be based on performance, not prejudice," said lead sponsor Sen. Jim Jeffords, a Republican from Vermont. "This bill is about fairness, this bill is about equality, this bill is about basic civil rights. This bill must pass this Congress."

Jeffords said the new version of the bill explicitly prohibits affirmative action on the basis of sexual orientation and rewrites the discrimination language to more closely resemble Title VII of the Civil Rights Act of 1964.

"This new language has the benefit of 35 years of legal interpretation. Employers and courts alike understand this language and what is expected under it," he told reporters.

ENDA would prohibit employers of 15 or more, employment agencies and labor unions from using an individual's sexual orientation as the basis for employment decisions such as hiring, firing, promotion and compensation. The bill would exempt the military and religious organizations. It would not require benefits for workers' same-sex partners.

Jeffords dismissed rhetoric about a possible "tidal wave of litigation" by pointing to Vermont, which passed a similar law nine years ago. His state has seen an average of just three cases filed per year, he said.

Sen. Ted Kennedy, D-Mass., a longtime sponsor of ENDA, spoke of ethnic, religious, and gender biases that have been slowly wiped from our laws. He said: "Each time we have made this progress, within days or weeks people would say, 'Why did it take us so long?'"

Kennedy compared ENDA to the Minimum Wage Act, Family and Medical Leave Act, and the Americans with Disabilities Act.

"Now Congress must take steps to achieve the same kind of fairness for gay men and lesbians who encounter blatant discrimination in the workplace," he urged.

The irrepressible Rep. Barney Frank, D-Mass., opined: "The accusations that are made against anti-discrimination legislation are generally on the intellectual level of Jerry Falwell's criticism of children's television."

With more than a decade of gay rights legislation on the books in an increasing number of states, Frank said, "zero of these allegations of trouble that were predicted by the opponents have ever come true."

He noted the bill does not protect everybody. Frank explained no bill has ever done that, yet

in the past he voted eagerly for the Americans with Disabilities Act, legislation ending gender discrimination, and other measures that did not include protection for himself.

"There is no magic button we can push that will protect everybody all at once," he said bluntly.

Later, responding to a question, Jeffords called the failure to include trans folk "a matter of practical politics. One step at a time sometimes is better than trying to jump forward."

The other openly gay member of the House—besides Frank—Jim Kolbe, an Arizona Republican, told his staff they didn't need to prepare remarks for him.

"This is simple, this comes from the heart and the mind and it is not complicated," he said. "This is about fairness. This is about equity. This is about not discriminating in the workplace. That is all this legislation is about."

Rep. Christopher Shays, R-Conn., offered a debater's defense of ENDA replete with citations of support from business and religious leaders. But he ended by relaying a personal story: Shays explained he realizes now that two of his best teachers were gay.

"I don't think that I'd be a member of Congress today, I don't think that I would have the hopes and dreams that I have today if it weren't for those teachers. And yet they lived their lives fearful that they would lose their jobs," he said.

Shays said he believes that Kolbe's leadership in defeating the Hefley amendment in the last session of Congress "set the stage...for passage of this legislation."

The Hefley amendment, proposed by those with close ties to the religious right wing, would have overturned Clinton's executive order protecting lesbians and gays in the federal workforce. It was soundly defeated.

Jeffords said there are ways around the fact that the leadership does not want to bring this to a vote on the Senate floor, but he declined to tip his hand.

"If they are able to get it out of the Senate, that would add tremendous impetus in the House," Shays said.

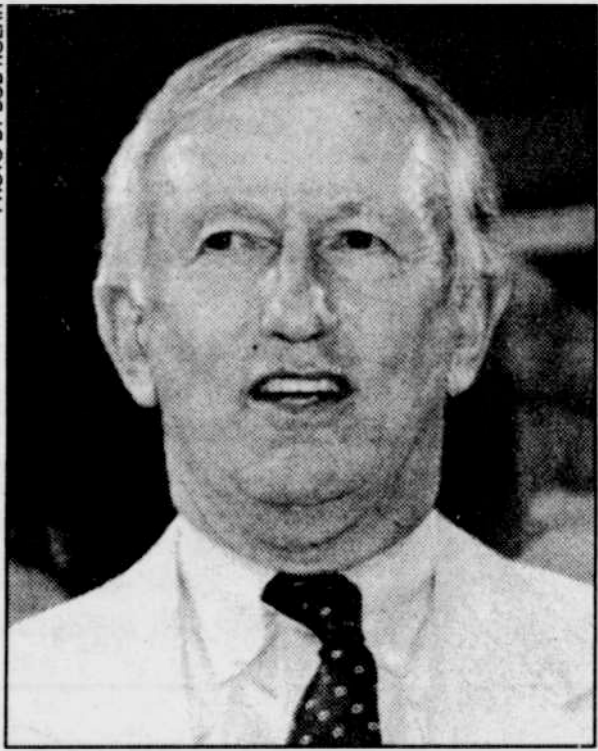
Frank predicted: "If we get a chance to debate this in the House, as I hope we will, I believe we have a majority for it."

Vice President Al Gore, campaigning in Los Angeles at the city's gay and lesbian center, voiced support for the legislation.

"It does not confer any special rights, but it does outlaw the kind of discrimination that has become all too common in our society," he said.

Clinton, who first endorsed ENDA in October 1995, said the bill is about "ensuring that Americans, regardless of their sexual orientation, can find and keep their jobs based on their ability and the quality of their work. It is designed to protect the rights of all Americans to participate in the job market without fear of unfair discrimination."

Clinton reiterated his support in his 1999 State of the Union address.



ENDA sponsor Sen. Jim Jeffords, R-Vt.

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