

NATIONAL news



Calvin Burdine

ishment for gays than for straights. "Sending a homosexual to the penitentiary certainly isn't a very bad punishment for a homosexual, and that's what he's asking you to do," he said.

"While a judge and jury weighed whether Calvin Burdine should live or die, his court-appointed lawyer slept," said Diann Rust-Tierney, ACLU Capital Punishment Project director. "Rather than seeking a fair trial and ensuring that Burdine have the basic representation our Constitution guarantees, the state of Texas went all the way to the Supreme Court to say that a sleeping lawyer was good enough."

Attorneys were pleased that the court declined to intervene. Its refusal to hear this case is both an acknowledgment and a reminder that the death penalty system is rife with problems, according to Rust-Tierney.

"The fact that Texas prosecutors can assert that a sleeping lawyer is adequate representation in a capital case is more evidence of a systematic problem that should be examined," she said. "Texas should impose a moratorium on executions until this and other fundamental questions of fairness can be addressed."

DELAWARE

A new poll released June 6 shows a majority of Delawareans oppose discrimination based on sexual orientation. The data also reveal that eight in 10 voters statewide are in favor of a bill that would provide protection against discrimination in



Ruth Ann Minner

employment, housing, public contracts and public accommodations on the basis of sexual orientation.

"The people of Delaware have made their views known, and the time is now to stand up and end discrimination," said Drew Fennell, American Civil Liberties Union Delaware executive director. "While

close to 70 percent of voters believe the nondiscrimination bill should be passed, an even higher number believe that a fair vote should take place. We urge the state Senate to be as responsible and fair as the people they represent."

The bill passed the Delaware House last year with a 21-20 vote. It is awaiting action in the Senate Small Business Committee, where it has been stalled since a Jan. 28 hearing.

If House Bill 99 reaches the full Senate for a vote, it is expected to pass. Democrat Gov. Ruth Ann Minner has said that if it reaches her desk she will sign it into law.

Delaware then would join the District of Columbia and 12 other states that prohibit discrimination based on sexual orientation: California, Connecticut, Hawaii, Massachusetts, Maryland, Minnesota, Nevada, New Hampshire, New Jersey, Rhode Island, Vermont and Wisconsin. The poll was conducted in May.

CALIFORNIA

In a decision with important implications for people with HIV and other disabilities, the Supreme Court sided June 10 in significant part with employers in the case of Chevron v. Echazabal.

The central issue was whether employers may deny positions to people with a disability when the disability makes the job harmful to their health. However, acknowledging the existence of expert testimony refuting Chevron's position, the decision leaves for the trial court the issue of central importance to Mario Echazabal: whether he is qualified to perform the job.

Echazabal worked for various contractors at Chevron's oil refinery in El Segundo from 1972 until 1996. In 1995, when he sought to work directly for Chevron, he received a job offer that later was withdrawn when a pre-employment medical test revealed a liver abnormality.

Chevron's reflexive reaction to Echazabal's condition, which later was diagnosed as chronic hepatitis C, was suspicious. The evidence indicated any chemicals hazardous to him would be dangerous for other workers.

Expert investigation revealed nothing related to the refinery job that would endanger Echazabal, who had worked for years doing the type of work involved without any negative effect on his health. Chevron also argued in court that allowing him to become an employee would increase the cost of workers' compensation benefits and undermine employee morale.

Lesbian Assemblywoman Christine Kehoe introduced a bill June 13 to prohibit state agencies from contracting with businesses that discriminate in the benefits offered to employees' spouses as compared to employee's domestic partners. The legislation is closely modeled on San



Christine Kehoe

Francisco's landmark Equal Benefits Ordinance. "This bill is about equity in the workplace," said Geoffrey Kors, California Alliance for Pride and Equality interim executive director. "Two employees doing the exact same job with the exact same qualifications should not be compensated differently simply because one is married while the other is in a domestic partnership."

"The state of California recognizes this and has legislated equal treatment for state employees. It is now time to extend this equality to the employees of entities that contract with the state. It is simply unacceptable for tax dollars to be spent buying goods or services from companies that discriminate."

Kors, who came up with the original idea for the San Francisco ordinance and was instrumental in its passage and implementation, believes the effect of this legislation would be enormous. "Considering the number and types of businesses California contracts with, this law could impact hundreds of thousands of employees," he said.

The San Francisco ordinance has been replicated by numerous cities including Berkeley, Los Angeles, Oakland and Seattle and has been passed by the county of San Mateo. Assembly Bill 1080 is scheduled for a June 25 hearing before the Senate Judiciary Committee. [M]

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