

NATIONAL news

hate-motivated misdemeanors that are punishable by up to six months in jail.

In 1998 and 1999, attempts by the City Council to add sexual orientation to the existing hate crimes ordinance were defeated. Article XII passed in 1993 with the support of 62 percent of voters.



David Crowley

"I am elated about what happened, and it gives me a lot of faith in the city of Cincinnati and its people," Councilor David Crowley said. "We had a cross section of people testify in favor of the ordinance and strong representation from the gay and lesbian community."

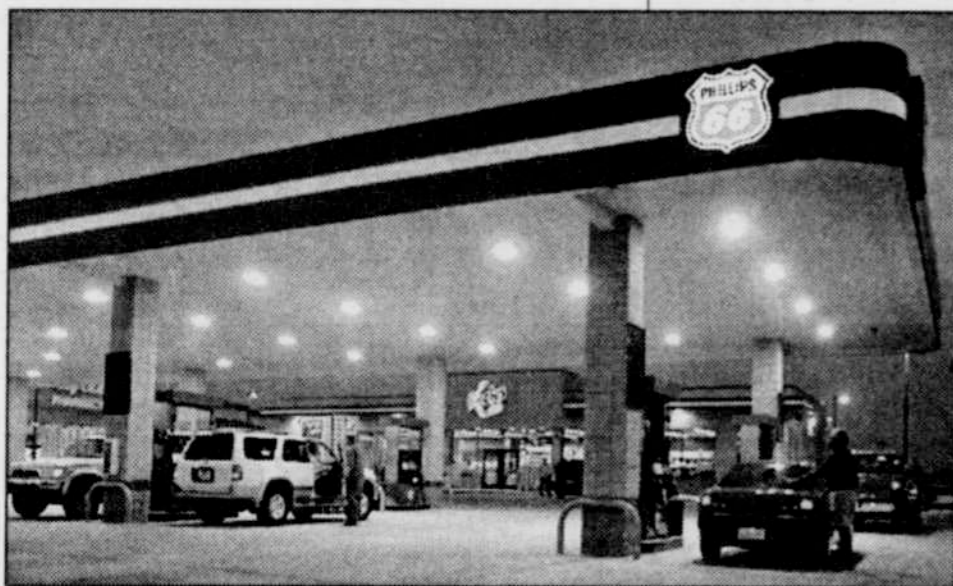


PHOTO COURTESY OF CONOCOPHILLIPS

ConocoPhillips almost became the second company to rescind a sexual orientation nondiscrimination policy

NATIONAL

Petroleum giant ConocoPhillips has made a sound business move by amending its employment nondiscrimination policy to include sexual orientation, activists announced Feb. 12.

"We applaud ConocoPhillips for acting responsibly to meet the needs of its diverse workforce," said Elizabeth Birch, Human Rights Campaign executive director. "There are a lot of gay, lesbian and bisexual ConocoPhillips employees who will surely feel better about going to work today knowing they have the full support of management. ConocoPhillips has done the right thing by joining many leading corporations in the petroleum industry that have implemented fair nondiscrimination policies."

HRC learned of the change Feb. 11. Phillips Petroleum merged with Conoco last August—making it the third-largest U.S. oil and gas company behind ExxonMobil and ChevronTexaco—and did not apply Conoco's nondiscrimination policy covering sexual orientation to the Houston-based corporation. HRC made this information public Feb. 6, after confirming a tip.

"ConocoPhillips is and always has been deeply committed to fair and nondiscriminatory treatment for all employees," officials said in a statement. "The management committee has amended (effective immediately) the company's [equal employment opportunity] policy to include the term 'sexual orientation' to more accurately reflect this commitment."

ConocoPhillips' move leaves ExxonMobil as the only U.S. company ever to lift protections for its queer employees. ExxonMobil rescinded Mobil's nondiscrimination policy in December 1999 when the companies merged. At the same time, it closed Mobil's domestic partner benefits program to any more employees.

The Bush administration has nominated a slate of anti-gay judges whose confirmations could make it increasingly difficult for queers to achieve



Jay Bybee

basic justice and equality though the federal courts.

Assistant Attorney General Jay Bybee has been tapped to serve on the U.S. Court of Appeals for the 9th Circuit. A committee could vote on his nomination before the end of February.

Six years ago Bybee, then a professor, offered an extremely troubling view of a landmark equal protection case. In *Romer v. Evans*, the Supreme Court ruled that Colorado's Amendment 2—which sought to ban any municipality in the state from enacting laws protecting gay people from discrimination—was unconstitutional and was not rationally related to a legitimate purpose. In a 1997 law review article criticizing the decision, Bybee questioned the "continuing validity" of *Romer* and characterized sexual orientation-inclusive civil rights laws as nothing more than government-sponsored "preferences" for "homosexuals."

Jeffrey Sutton, who has been nominated to the U.S. Court of Appeals for the 6th Circuit, has been a leader in the effort to limit congressional authority to enact laws protecting civil and disability rights. He has argued that the federal judiciary should have almost unfettered discretion to override Congress' empirical findings in support of its legislation, which would limit congressional authority to protect individuals from violations of their rights—such as hate crimes.

Timothy Tymkovich, a former Colorado solicitor general who has been nominated to the Court of Appeals for the 10th Circuit, defended Amendment 2 and co-wrote a law review article that appeared to reflect anti-gay bias and opposition to legal protection against discrimination based on sexual orientation. He lumped homosexuality with a litany of "immoral" and dangerous behaviors, including sadomasochism, cockfighting, bestiality, suicide, drug use and prostitution.

The Gay, Lesbian and Straight Education Network expressed serious concern Feb. 4 about President Bush's newly released education budget, stating that the decrease in funding of some of the cornerstone provisions of "No Child Left Behind" have the potential to expand rather than eliminate the learning obstacles faced by queer youth.

Chief among the concerns is \$75 million in new funding for vouchers and other "choice" options and a significant decrease in money for programs that help create safe learning environments for all students. While the administration might view these programs as a magic-bullet solution to all that ails the education system, GLSEN believes this not only will divert badly needed funds from public schools, which educate more than 90 percent of U.S. children, it will benefit private institutions that have zero accountability—and in some cases a history of opposition—to providing equality for queer youth.

"Vouchers present a 'choice-less choice' for LGBT students and families," public policy director MK Cullen said. "Faced with the choice of a private school that doesn't ensure a discrimination-free learning environment or a system of public education that is further depleted of much-needed funding, LGBT students and their families stand to lose. We will vigorously oppose any proposal that diverts public education monies to private institutions." □

Compiled by News Editor JIM RADOSTA, who can be reached at jim@justout.com.

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