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Committee on Health, Education, Labor, and Pensions

United States Senate

Employment Non-Discrimination Act

February 27, 2002

Chairman Kennedy, Ranking Member Gregg, and members of the Committee, I appreciate this opportunity to share with you my thoughts on what I believe is one of the last pieces of our nation's rich civil rights quilt: the Employment Non-Discrimination Act.

ENDA would extend federal employment discrimination protections currently provided based on race, religion, gender, national origin, age and disability, to sexual orientation. This legislation is guided by as solid a conservative principle as I know: that people should be judged by the work they do, not who they are. All Americans, whatever their race, religion, national origin, physical disability or sexual orientation, should be able to get and keep jobs they are qualified to do.

No more a notable conservative than former Senator Barry Goldwater believed in this fundamental right. An active supporter of ENDA, he wrote: "There was no gay exemption in the right to 'life, liberty, and the pursuit of happiness.' Job discrimination against gays -- or anybody else -- is contrary to each of these founding principles. Anybody who cares about real moral values understands that this isn't about granting special rights -- it's about protecting basic rights."

Today, your committee will hear from business leaders who not only share Senator Goldwater's vision, but understand that non-discrimination policies are good business. When Paul Allaire, the Chairman of the Board of Directors for Xerox, a company headquartered in Stamford, Connecticut, endorsed ENDA, he stated: "We view diversity awareness and acceptance as enablers to increased productivity. We strive to create an atmosphere where all employees are encouraged to contribute to their fullest potential. Fear of reprisals on the basis of sexual orientation only serves to undermine that goal."

Fortune 500 companies aren't the only employers that know sexual orientation has nothing to do with job performance. Members of Congress from both parties -- 248 House members and 64 Senators -- have a policy not to discriminate in their offices based on sexual orientation. Our staff members' sexual orientation is no business of ours, and is irrelevant to their ability to perform the job.

The federal civilian workforce also enjoys these protections, thanks to an executive order issued by President Clinton barring discrimination based on sexual orientation. In 1998, 252 House members -- including 63 Republicans -- voted to uphold President Clinton's order. And after taking office, President Bush rightly kept it on the books.

The State of Connecticut, too, is a leader in the area of non-discrimination laws. Our state has a law even stronger than ENDA, and none of the negative outcomes predicted by opponents have occurred.

Finally, a Harris Poll conducted in May of 2001 found that by more than a two-to-one margin, adults favor a federal law prohibiting job discrimination against gays and lesbians.

When ENDA is passed, working Americans who happen to be gay or lesbian will have to prove themselves in the workplace on the basis of their talents and abilities, just like other Americans.

Mr. Chairman, I thank you for all the work you've done in support of this legislation and urge your committee to send this legislation to the full Senate.