

ENDA Hearing, Holsinger's Troubles

by Bob Roehr
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The House subcommittee on Health, Education, Labor and Pension held a hearing on the Employment Non-Discrimination Act (ENDA) on Sept. 5. The legislation would extend workplace protections to cover sexual orientation and gender identification. Passage of the measure has been a central goal of gay rights advocates for more than a decade.

"There is nothing more American than ensuring that people should have equal job opportunities," Rep. Tammy Baldwin, D-Wis., said at the hearing. She is one of the lead sponsors of ENDA and the only open lesbian serving in Congress.

Massachusetts police officer Michael P. Carney and Texan Brooke Waits, who worked for a cell phone company, both testified to being fired because of their sexual orientation.

M.V. Lee Badgett, research director of the Williams Institute on Sexual Orientation Law and Public Policy at UCLA, reviewed the literature documenting the scope of such discrimination.

National Gay and Lesbian Task Force Policy Director Dave Noble called the hearing "a critical first step." He urged lawmakers "to pass this bill into law, this year."

"It is time for a federal law that would make it illegal to fire a GLBT person just because of who they are," said Human Rights Campaign president Joe Solmonese. "ENDA will bring the value of meritocracy to a community that has had to do without for too long."

Social conservatives continued their disinformation campaign against the legislation. "ENDA would radically transform the workplace discrimination law by granting special rights to homosexuals and transsexuals—while ignoring those of employers," claimed the Family Research Council in a Sept. 5 e-mail to its supporters.

It acknowledged a religious exemption for churches, but not for religious affiliated commercial operations such as hospitals and public welfare organizations. But that is no change from existing non-discrimination requirements attached to recipients of public funds.

On the other side of Capitol Hill, the Senate voted on Sept. 6 to lift restrictions on funding family planning groups that offer abortion services. However that provision differs from what passed the House and the final resolution remains unclear.

The Senate also passed \$4.2 billion in funding for PEPFAR, an increase of \$940 million over the current year, as part of the overall foreign assistance bill.

HOLSINGER

There has been no movement on the nomination of conservative James Holsinger to be Surgeon General, despite a hearing in the Senate two months ago. What is likely to be the final nail in the coffin of his candidacy is a detailed indictment of Holsinger's dealings as a trustee of a

hospital/foundation that was posted to the Media Transparency Web site on Aug. 31, entitled “Milking a church cash cow.”

In it, the authors detailed how Holsinger led a fight to keep the Good Samaritan Foundation, created from the sale of a Methodist hospital in Lexington, Ky., from the control of the United Methodist Church that had owned the hospital prior to the sale. He chaired the Church’s supreme judicial council during the period in which the Church was suing the Foundation to regain control of the assets.

The report claims that most of the millions of dollars that the Foundation disbursed were to organizations favored by Holsinger, chiefly University of Kentucky medical programs that he oversaw as part of his day job. It says that the grants “were awarded in contradiction to the foundation’s own standards of grant-making.”

The foundation dropped its seven-year lawsuit two weeks after Holsinger resigned from it—at the time of his nomination to be Surgeon General. The church had to spend more than \$4 million in legal fees in order to recover its own money.