



**BEHIND THE RHETORIC:  
THE SOCIAL GOALS OF GLBT ADVOCACY  
IN CORPORATE AMERICA**

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## EXECUTIVE SUMMARY

Gay, lesbian, bisexual and transgendered persons (“GLBT”) constitute a small but vocal minority of the population. The most reliable surveys estimate that 1-2 percent of Americans self-identify as GLBT. Yet this small group of people has created a powerful political movement by adopting the rhetoric of the civil rights movement of the 1960’s. Over the last ten years they have:

- Obtained special civil rights protection for sexual orientation in 12 states and numerous localities;
- Persuaded San Francisco, Los Angeles and Seattle to enact ordinances requiring all city contractors—3,087 as of October 2001—to provide domestic partner benefits;
- Created an extensive network for pursuing social goals through corporations;
- Held hundreds of Gay Pride events funded by corporate dollars; and
- Persuaded nearly one third of the Fortune 500 companies to provide domestic partner benefits.

GLBT rights advocates have targeted corporate America for a significant role in their goals for social change in America. Much of GLBT advocacy involves challenges to traditional views of morality and sexuality.

### GLBT Social Goals

GLBT advocates have clearly spelled out social goals in their publications. A strategy published in the book *After the Ball* (1989), written by two gay activists, included the following elements:

- Begin portraying gays “as victims in need of protection so that straights will be inclined by reflex to adopt the role of protector”;
- Present gays in the media as “wholesome and admirable by straight standards, and . . . indistinguishable from the

straights we’d like to reach”;

- Desensitize people to gay issues by inundating the media with GLBT messages;
- Convert people to the belief that gayness is good. “Conversion” means “conversion of the average American’s emotions, mind, and will, through a planned psychological attack, in the form of propaganda fed to the nation via the media.”

Admitting that a media campaign portraying gays as “icons of normality” would be false, the advocates’ response is that “it makes no difference that the ads are lies.”

Traditional marriage and family values are obstacles to GLBT social goals. Thus, many GLBT advocates are pursuing same-sex “marriage” not because they value the traditional concept, but because they want to change it. They intend to “fight for same-sex marriage and its benefits and then, once granted, redefine the institution of marriage completely . . . and radically alter an archaic institution that as it now stands keeps us down.”

Corporate policies and civil statutes granting same-sex couples the same status and rights as married spouses will inevitably lead to same-sex marriage. Such changes in the Netherlands led to a law making it “illegal for any employer and for any provider of goods or services, to distinguish between married and unmarried couples,” and ultimately to the “small step” of legalizing same-sex marriage.

### Corporate Advocacy

GLBT advocates also have published a plan for accomplishing social goals through corporations. Advocates say that corporations are important to their social goals because corporate leaders “can often wield even more power than state and local officials in creating significant changes that affect their employees’ lives.

They can enact new policies with the approval of a few board members rather than thousands or even millions of voters.” The steps within corporate America include:

- Establish a GLBT employee resource group;
- Demand that the corporation include sexual orientation in its EEO policy;
- Use the sexual orientation policy as leverage to obtain domestic partner benefits because, advocates argue, without domestic partner benefits “a company that otherwise purports to be fair is violating its own non-discrimination policy”;
- Demand corporate support for GLBT organizations or events, such as Gay Pride events;
- Silence or punish opposition within the corporation. For example:

- a. It is now a violation of many corporate policies to express a moral or religious objection to gay sex;
  - b. Employees at major corporations have been fired for expressing opposition to gay sex;
- Leverage corporate acceptance of same-sex relationships to promote legislation requiring such acceptance by society in general.

A corporation should be cautious about adopting any policy changes specifically directed toward GLBT employees unless the corporation is willing to support the entire spectrum of social changes being sought. GLBT employees, like all other employees, can be adequately protected by corporate policies that promote treating all employees with dignity and respect.

## BEHIND THE RHETORIC: THE SOCIAL GOALS OF GLBT ADVOCACY IN CORPORATE AMERICA

### Introduction

Gay, lesbian, bisexual and transgendered persons (“GLBT”) constitute a very small but influential percentage of the population. The most reliable surveys estimate that from 1-2% of Americans consider themselves to be GLBT.<sup>1</sup> Yet this relatively small group of people has created a powerful political movement by adopting the rhetoric of the civil rights movement of the 1960’s. Over the past ten years GLBT advocates have:

1. Obtained special civil rights protection for sexual orientation in 12 states and numerous localities;<sup>2</sup>
2. Succeeded in enacting ordinances in San Francisco, Los Angeles, Seattle and other localities that require all city contractors (3,087 as of October 2001) to provide domestic partner benefits;<sup>3</sup>
3. Created an extensive network for pursuing social goals through corporations;<sup>4</sup>
4. Held hundreds of Gay Pride events funded by corporate dollars; and
5. Nearly one third of the Fortune 500 companies to provide domestic partner benefits.<sup>5</sup>

What the GLBT advocates say they want is nothing less than what has been described as a “gay revolution” in American culture.<sup>6</sup> They demand civil rights protection for sexual orientation. They seek to extend the legal and social status of traditional marriage to same-sex unions. They insist that corporations and society in general treat GLBT relationships as healthy, normal and equal to heterosexual relationships. An employer’s adoption of a domestic partner benefit policy is an especially important step, GLBT advocates say, because such a policy acknowledges that “all of its employees are equal, and therefore their relationships are also equal.”<sup>7</sup>

GLBT advocates often persuade corpora-

tions to establish domestic partner benefit programs by focusing on a few complaints or needs. But GLBT literature suggests they have much broader goals than reformation of corporate culture.

### I. The Quest for a Society without Sexual Limitations

Advocates for GLBT rights have been working publicly and behind the scenes to achieve full parity with heterosexuality for more than two decades. Much of the advocacy of GLBT rights involves challenges to traditional views of morality and sexuality.

Gay authors Marshall Kirk and Hunter Madsen articulated an elaborate strategy for achieving acceptance of gay sexuality in *After the Ball: How America Will Conquer its Fear & Hatred of Gays in the 90’s*, which laid “vital groundwork for the next stage of the gay revolution.”<sup>8</sup> Notwithstanding opposition from more militant activists, the authors recommended that “In any campaign to win over the public, gays must be portrayed as victims in need of protection so that straights will be inclined by reflex to adopt the role of protector.”<sup>9</sup> This “victim imagery” was to be portrayed in a media campaign designed to present gays as no different from heterosexuals: “Persons featured in the media campaign should be wholesome and admirable by straight standards, and completely unexceptional in appearance; in a word, they should be indistinguishable from the straights we’d like to reach.”<sup>10</sup> Kirk and Madsen recognized that ads featuring gays as “icon[s] of normality . . . are lies; that that is *not* how *all* gays actually look; that gays know it, and bigots know it.”<sup>11</sup> Their response to this likely objection to the media campaign of “normality” was:

Yes, of course—we know it, too. But it makes no difference that the ads are lies; not to us, because we’re using them to ethically good effect, to

counter negative stereotypes that are every bit as much lies, and far more wicked ones; not to big-ots, because the ads will have their effect on them whether they believe them or not.<sup>12</sup>

Kirk and Madsen proposed exposing straight people to gay messages until the straights are desensitized: “to desensitize straights to gays and gayness, inundate them in a continuous flood of gay-related advertising, presented in the least offensive fashion possible. If straights can’t shut off the shower, they may at least eventually get used to being wet.”<sup>13</sup> The purpose of desensitization is simply part of a strategy leading up to “conversion,” which literally involves changing the hearts and minds of the American people. The authors warn readers not to confuse conversion with subversion, which “has a nasty ring” to it. But they acknowledge the subversive nature of the strategy:

Yet, ironically, by Conversion we actually mean something far more profoundly threatening to the American Way of Life, without which no truly sweeping social change can occur. *We mean conversion of the average American’s emotions, mind, and will, through a planned psychological attack, in the form of propaganda fed to the nation via the media.* We mean ‘subverting’ the mechanism of prejudice to our own ends—using the very processes that made America hate us to turn their hatred into warm regard—whether they like it or not.<sup>14</sup>

Most American GLBT advocates distance themselves from the least accepted element of the GLBT community, the North American Man/Boy Love Association (NAMBLA), which militantly advocates pederasty (molesting a child of the same sex). Avoidance of NAMBLA is consistent with the strategy promoted by Kirk and Madsen in *After the Ball*:

When you’re very different, and people hate you for it,<sup>[15]</sup> this is what you do: *first*, you get your foot in the door, by being as *similar* as possible; then, and only then—when your one little difference is finally accepted—can you start dragging in your other peculiarities, one by one. You hammer in the wedge narrow end first. As the saying goes, Allow the camel’s nose beneath your tent, and the whole body will soon follow.

By the same token, allowing advocates of legalized “love” between men and boys to participate

in gay pride marches is, from the standpoint of public relations, an unalloyed disaster. . . .<sup>16</sup>

The authors made it clear that by publicly conveying an image of gays as normal, they do not intend to permanently disassociate themselves from the more “exotic elements of the gay community”:

Our ultimate objective is to expand straight tolerance so much that even gays who look unconventional can feel safe and accepted. But like it or not, by the very nature of the psychological mechanism, desensitization works gradually or not at all. For the moment, therefore, unconventional-looking gays are encouraged to live their lives as usual, but out of the limelight. . . . In time, as hostilities subside and stereotypes weaken, we see no reason why more and more diversity should not be introduced into the projected image [of gays]. This would be healthy for society as well as for gays.<sup>17</sup>

GLBT advocates have not always been so reluctant to be open about their goal of eliminating all sexual mores. At a 1972 conference of the National Coalition of Gay Organizations, the participants adopted a “Gay Rights Platform” demanding a number of social changes. One of them was: “Repeal of all laws governing the age of sexual consent.” Although most advocates do not currently highlight it, that goal has not changed. NAMBLA spokesman David Thorstad affirmed the continuing existence of the goal when he stated that “The ultimate goal of the gay liberation movement is the achievement of sexual freedom for all—not just equal rights for ‘lesbians and gay men,’ but also freedom of sexual expression for young people and children.”<sup>18</sup> GLBT advocates have succeeded in having the age of sexual consent lowered to 14 in Ontario, Canada, and to 12 in Holland.<sup>19</sup>

One GLBT advocate who has publicly expressed support for legalization of adult-child sex is lesbian author Pat Califia. Two essays in the book *Public Sex: The Culture of Radical Sex* are entitled “The Age of Consent: The Great Kiddy-Porn Panic of ‘77” and “The Aftermath of the Great Kiddy-Porn Panic of ‘77.”<sup>20</sup>

Califia advises that advocates of unrestrained sexuality, including adult-child sex, join organizations “like the American Civil Liberties

Union, Californians Against Censorship Together, Feminists for Free Expression, the National Coalition Against Censorship, the National Campaign for Freedom of Expression, Planned Parenthood Federation of America, or Coyote [because t]hese groups are fighting for your sexual freedom.”<sup>21</sup>

Society’s longstanding embrace of traditional marriage interferes with the goal of complete sexual freedom. GLBT advocates consider marriage to be “the last legal bastion of *compulsory* heterosexuality.”<sup>22</sup> So they intend to reinvent marriage:

Initially, it seems unlikely that married gay couples would be just like married straight couples. For example, same-sex couples are less likely to follow the traditional breadwinner-housekeeper division in their households. Nor would the gay and lesbian culture cease to be distinctive. One feature of our experience has been an emphasis on “families we choose,” anthropologist Kath Weston’s felicitous phrase. Such families are *fluid alliances independent of the ties imposed by blood and by law*. Often estranged from blood kin, openly gay people are more prone to rely on current as well as former lovers, close friends, and neighbors as their social and emotional support system. Include children in this fluid network and the complexity becomes more pronounced. Because same-sex couples cannot have children through their own efforts, a third party must be involved: a former different-sex spouse, a sperm donor, a surrogate mother, a parent or agency offering a child for adoption. The family of choice can and often does include a relationship with this third party. Gay and lesbian couples are pioneering novel family configurations, and gay marriage would not seriously obstruct the creation of the larger families we choose.<sup>23</sup>

One advocate has observed that “marriage for gays is not an end in and of itself so much as a means to impel a general redefinition of masculinity and femininity.”<sup>24</sup> Michelangelo Signorile advises gays and lesbians:

to fight for same-sex marriage and its benefits and then, once granted, redefine the institution of marriage completely, to demand the right to marry not as a way of adhering to society’s moral codes but rather to debunk a myth and radically alter an archaic institution that as it now stands keeps us down. The most subversive action lesbians and gay men can undertake—and one that would perhaps benefit all of society—is to transform the notion of “family” entirely.<sup>25</sup>

Thomas Stoddard, a former president of the Lambda Legal Defense and Education Fund (Lambda),<sup>26</sup> likewise sees GLBT marriage as inherently transforming the institution:

enlarging the concept [of marriage] to embrace same-sex couples would necessarily transform it into something new. . . . Extending the right to marry to gay people—that is, abolishing the traditional gender requirements of marriage—can be one of the means, perhaps the principal one, through which the institution divests itself of the sexist trappings of the past.<sup>27</sup>

Some GLBT advocates think that opening marriage to gays and lesbians does not go far enough in reordering society. Paula Ettelbrick, director of the Family Policy Program at the National Gay and Lesbian Task Force Policy Institute and a former legal director of Lambda, is one:

Being queer is more than setting up house, sleeping with a person of the same gender, and seeking state approval for doing so. . . . Being queer means pushing the parameters of sex, sexuality, and family, and in the process, transforming the very fabric of society. . . . As a lesbian, I am fundamentally different from non-lesbian women. . . . In arguing for the right to legal marriage, lesbians and gay men would be forced to claim that we are just like heterosexual couples, have the same goals and purposes, and vow to structure our lives similarly. . . . We must keep our eyes on the goals of providing true alternatives to marriage and of radically reordering society’s views of family.<sup>28</sup>

Even though Ettelbrick views marriage, no matter how broadly defined, as a hindrance to her social goals, she supports the idea of undermining traditional marriage by making it available to gays and lesbians.<sup>29</sup>

When a society provides special protection for sexual orientation and mandates that domestic partners receive the same economic benefits as spouses, there is little reason to refuse to allow same-sex marriage. Netherlands writer Kees Waaldijk argues that the legalization of same-sex marriage in the Netherlands is simply a “small step” that inexorably follows from the prior changes in Dutch law: the decriminalization of gay sex, the granting to cohabiting couples (heterosexual



and homosexual) a growing number of legal rights and duties similar to those of married couples, and ultimately the passing of a law making it “illegal for any employer and for any provider of goods or services, to distinguish between married and unmarried couples . . . .”<sup>30</sup> Waaldijk concludes that in view of all the prior changes, which occurred in incremental steps, “what to mankind, and to all its representatives at this conference, may seem a giant step—the opening up of the institution of marriage to same-sex couples—will, for the Dutch, only be another small change law.”<sup>31</sup> GLBT rights advocates are seeking the same social and legal status that they have obtained in the Netherlands.

## II. Corporate America’s Role in Furthering GLBT Social Goals<sup>32</sup>

GLBT advocates have concluded that corporate leaders “can often wield even more power than state and local officials in creating significant changes that affect their employees’ lives. They can enact new policies with the approval of a few board members rather than thousands or even millions of voters.”<sup>33</sup> Thus, advocates focus a significant part of their efforts for social reform on corporations.

The strategy for pursuing GLBT goals through corporate America is well established, and much of it is described in detail in the *Domestic Partnership Organizing Manual for Employee Benefits*.<sup>34</sup> The steps are:

1. Form an employee resource group;
2. Use the employee resource group to lobby for the inclusion of sexual orientation in the company’s non-discrimination policy;
3. Demand domestic partner benefits on the ground that failing to provide them is a violation of the sexual orientation non-discrimination policy;
4. Demand corporate support of GLBT organizations to demonstrate publicly that the corporation truly supports its GLBT employees;
5. Upon obtaining full corporate support for GLBT issues, silence or punish opposition.
6. Leverage corporate acceptance of same-sex relationships to promote legislation requiring such acceptance by society in general.

### A. Employee Groups

The first step in effecting change in a corporation is to create a GLBT employee resource group:

Before starting to work on specific issues in the workplace, it is important to form an employee organization to identify needs, operate with [a] common cause, and link employees who are interested in working for change. Even if it is not possible to form an official group of GLBT employees, it is valuable [to] create an informal, unofficial group from which the organizing efforts can be launched. . . .<sup>35</sup>

Once organized, the GLBT employee group is “a useful vehicle for creating change within the workplace . . . .”<sup>36</sup>

### B. Sexual Orientation Policy

The second step in the GLBT program for corporations is to establish a sexual orientation policy.<sup>37</sup> Although sometimes presented as an urgently needed policy to stop workplace discrimination, the *Manual* simply presents this step as a precursor to a domestic partnership policy:

Before attempting to get DP [domestic partner] benefits from your employer, it is imperative that the company’s non-discrimination policy include sexual orientation. This is for two reasons:

1. A common rationale for establishing DP benefits is that the failure to do so is contradictory to a non-discrimination clause that includes sexual orientation (and/or marital status). Hence, a sexual orientation non-discrimination clause is an important tool in trying to get DP benefits.
2. Also, without a sexual orientation non-discrimination clause, GLBT employees will be reluctant to come out in support of DP benefits for fear that they will be fired or otherwise discriminated against.<sup>38</sup>

The *Manual* emphasizes that a sexual orientation clause is important even where state or local law prohibits discrimination on the basis of sexual orientation, because a corporate policy is easier to enforce.<sup>39</sup>

### C. Domestic Partner Benefits

Upon implementation of a sexual orientation non-discrimination policy, GLBT advocates are ready to lobby for domestic partner (DP) benefits.<sup>40</sup> After obtaining a sexual orientation policy, GLBT advocates argue that the corporation *must* give DP benefits to avoid violating the policy. The Human Rights Campaign (HRC), a gay civil rights organization in Washington, D.C., argues that “DP benefits are a logical extension of an employer’s commitment to provide a workplace free of sexual orientation discrimination.”<sup>41</sup> Therefore, the HRC asserts, “By not making employee benefits available on equal terms, regardless of marital status or sexual orientation, a company that otherwise purports to be fair is violating its own non-discrimination policy.”<sup>42</sup>

Advocates also attempt to leverage competitors’ DP benefits policies to persuade their employers to adopt such benefits. In describing what should be included in proposals about DP benefits, the *Manual* advises advocates to “Talk about other employers in your company’s industry or region which offer DP benefits . . . .”<sup>43</sup> However, advocates do not inform corporations that most of the companies with DP benefits have adopted them in order to continue doing business with San Francisco.<sup>44</sup> In a June 15, 2001, press release, HRC boasted that “Some 76 percent of all employers known to be offering DP benefits in 1999 could be attributed to the enactment of the San Francisco law . . . .”<sup>45</sup> As of October 2001, less than 1,200 employers nationwide had adopted domestic partner benefits without being required to do so by local ordinances.<sup>46</sup>

The quest for DP benefits may proceed in one step or two, depending upon a corporation’s amenability to providing such benefits. If an employer is reluctant to incur the cost of DP benefits, advocates may accept only “soft benefits” as an initial step.<sup>47</sup> However, employers should be aware that agreeing to a policy of soft benefits does not settle the issue: “Acquiring soft benefits is an important step toward full and equal treatment, but companies should carefully consider the repercussions and implications of ruling out the extension of comprehensive benefits.”<sup>48</sup>

GLBT advocates generally will not be satisfied until companies “extend the same benefits to domestic partners as they extend to spouses.”<sup>49</sup>

One of the arguments advanced on behalf of DP benefits is that the cost is low because not many employees will take advantage of them.<sup>50</sup> At General Motors, for example, only 166 workers out of 1,330,000—.01%—had chosen the benefit as of 2001.<sup>51</sup> Such limited participation, especially in light of the enormous effort required to establish and administer the benefit, suggests that GLBT advocacy of DP benefits is driven more by a desire for social change than a true need for workplace benefits or protections. This conclusion is borne out by the *Manual* itself:

In many regards, the workplace is the leading edge of change for the GLBT community. Company CEOs and executives can often wield even more power than state and local officials in creating significant changes that affect their employees’ lives. They can enact new policies with the approval of a few board members rather than thousands or even millions of voters. . . . Through the enactment of DP benefits, employers send the message that all employees, including GLBT workers, are valued and accepted as equal, which paves the way for more employees to come out of the closet and fully contribute to their work and their community. *DP benefits are not the final step in the GLBT quest for equality*, but they are integral to its achievement. *Equal protection for our relationships, whether through marriage or DP benefits, is a key goal for millions of GLBT people.*<sup>52</sup>

The political nature of the quest for DP benefits is further demonstrated by Lambda’s support of a federal lawsuit in Chicago. An unmarried woman who had been living with the same man for over twenty years sued the Chicago Board of Education for giving DP benefits to same-sex couples only. She claimed that the limitation of DP benefits to same-sex couples only violated her equal protection rights. The federal court dismissed her claims. On appeal, Lambda filed an amicus curiae brief on behalf of the plaintiff, and argued that the School Board should not give benefits to same-sex partners only. The Court of Appeals found Lambda’s support for the appeal “surprising” because the plaintiff’s success would likely have resulted in termination of the benefits for gays



and lesbians (*Irizarry v. Board of Ed.*, 251 F.3d 604, 609 (7<sup>th</sup> Cir. 2001)). The Court described Lambda's position as follows:

. . . Lambda is concerned with the fact that state and national policy encourages (heterosexual) marriage in all sorts of ways that domestic-partner health benefits cannot begin to equalize. Lambda wants to knock marriage off its perch by requiring the board of education to treat unmarried heterosexual couples as well as it treats married ones, so that marriage will lose some of its luster.

This is further evidence of the essentially symbolic or political rather than practical significance of the board's policy. Lambda is not jeopardizing a substantial benefit for homosexuals because very few of them want or will seek the benefit. . . (*ibid.*).

It is clear that obtaining DP benefits is simply a step toward the ultimate goal of changing cultural views about human sexuality. What is not quite so clear is the precise nature of the subsequent steps.<sup>53</sup> Some of those steps are at least vaguely identified in GLBT publications, while other steps may be primarily discernible from events at corporations that have adopted the requested GLBT policies.

#### D. Corporate Support of GLBT Advocacy

One of the goals that the Human Rights Campaign recommends for GLBT employee groups is to persuade corporations to provide public support for GLBT issues:

[After] achieving full domestic partner benefits for same-sex spouses[, another goal might be] winning public demonstration by the organization that it supports all employees, regardless of orientation. (This might take the form of allowing the group to march with the company's banner at a gay pride [event] or it might entail a corporate contribution to a gay non-profit group).<sup>54</sup>

A similar goal was stated in the materials for a conference on organizing for GLBT advocacy in the workplace, Out & Equal Leadership Summit 2000 (Out & Equal). In response to the question, "What Do Gay Employees Want?," one item was "Public support of issues important to them."<sup>55</sup>

The success that GLBT employee groups have had with the goal of public, corporate sup-

port is shown by the level of financial assistance that companies like Ford Motor Company and United Airlines have given to GLBT causes. Ford is a sponsor of the Out & Equal conferences; it sponsors a "Gay History and Culture Display" in its offices for "Lesbian and Gay History Month" in October; it provides new vehicles for certain "Gay Pride" events; and it regularly funds groups such as the Policy Group of the NGLTF, Lambda, and other GLBT advocacy groups.<sup>56</sup> United provides similar funding for GLBT causes. Indeed, in 2000, United agreed to give Lambda up to \$300,000 worth of free flights for all Lambda staff, round-trip tickets to be used as prizes at Lambda events, and special offers for new Lambda members.<sup>57</sup> Many other Fortune 500 corporations are also providing significant support for GLBT organizations. As additional corporations adopt GLBT friendly policies, they too will be asked to provide public support for GLBT causes.

#### E. Silence or Punish Opposition

After obtaining full corporate support for GLBT rights, advocates are ready to move forward with efforts to silence opposition, or to punish anyone who dares express opposition. GLBT advocates do not believe that opponents of gay sex have the right to express themselves as part of the recognition of diversity—only opinions supportive of GLBT relationships are permitted.<sup>58</sup>

The compulsion to express only thoughts that are supportive of or neutral toward GLBT relationships is at least implicit in "zero-tolerance" policies like the ones in effect at US Airways and United Airlines. On February 27, 2001, US Airways mailed to its employees a brochure entitled *Employee respect in the workplace: US Airways Zero Tolerance Program*, which included "sexual orientation" as a protected category. The non-discrimination policy includes the following:

Discriminatory or harassing conduct in any form (speech, writing, gestures, pictures, drawings, cartoons, etc.) will not be tolerated at US Airways. Violation of US Airways' non-discrimination policy may result in disciplinary action, up to and including immediate dismissal (*ibid.*).

United has posted its zero-tolerance policy on its Web site for employment policies: “United has a zero-tolerance policy on harassment and discrimination in any form—whether verbal, visual, physical or otherwise. It is United’s express policy to forbid harassment and discrimination based on . . . sexual orientation.”<sup>59</sup> A seminar at the 2000 Out & Equal conference similarly asserted that GLBT employees want a “[s]afe work environment, free of disrespectful behaviors” and for corporations to “[c]learly communicate intolerance for disrespectful behavior . . . [and to] [t]alk about gay, lesbian, bisexual friends and relatives and current events in [a] positive way.”<sup>60</sup>

These statements about zero-tolerance or intolerance for disrespectful behavior would not have such a militant note if it were not for the assumption behind GLBT rights advocacy: that there can be *no* legitimate opposition—moral, religious or otherwise—to gay sex or GLBT relationships.<sup>61</sup> Because of this presupposition, *all* opposition to gay sex or GLBT relationships is assumed to be disrespectful, harassing or discriminatory, and the result of homophobia.

Homophobia is defined as the “irrational fear of, aversion to, or discrimination against homosexuality or homosexuals.”<sup>62</sup> The operative term in this definition is “irrational.” However, the Gay and Lesbian Medical Association describes the “legal and religious proscription” of gay sex as “external homophobia.”<sup>63</sup> In *After the Ball*, the authors use the term “homohatred” to describe opposition to GLBT relationships that does not involve actual fear.<sup>64</sup> Some GLBT advocates refer to “negative attitudes” or “dislike of homosexuality” as homophobic.<sup>65</sup> If “negative attitudes” toward GLBT relationships and “dislike of homosexuality” are impermissible, then any statement that directly or indirectly says that gay sex is immoral or that GLBT persons can change would be deemed at least disrespectful.<sup>66</sup> Therefore, no one may express opposition to gay sex or GLBT relationships in a workplace with a “zero tolerance” policy, and any expression of opposition is likely to be suppressed by the mere existence of a sexual orientation policy.

GLBT advocates have made great strides in silencing opposition at AT&T and Xerox

through the Safe Space® programs.<sup>67</sup> AT&T’s “Safe Space Program is designed to provide a non-threatening way for managers and employees to make a statement that homophobia and hostility will not be tolerated in the workplace.”<sup>68</sup> Displaying an AT&T Safe Space® “magnet shows gay co-workers that they can feel safe with you and shows *unsupportive co-workers* that you won’t tolerate bigotry or discrimination.”<sup>69</sup> Since any opposition to GLBT relationships is assumed to constitute “bigotry,” no one is free to express a religious or other moral belief that gay sex is improper. Xerox, which uses the “Safe Space®” name and logo with the permission of LEAGUE at AT&T, has a theme of “Promoting Diversity One Cubicle at a Time” on its Safe Space® poster.<sup>70</sup> In its diversity training, Xerox makes it clear that persons who oppose homosexual conduct must change their minds and support GLBT relationships if they wish to succeed at Xerox.<sup>71</sup> *Diversity of opinion is intolerable.* Indeed, AT&T boldly states, “Diversity is not about tolerance.”<sup>72</sup>

GLBT activists have also succeeded in punishing opposition. At Hewlett Packard’s plant in Boise, Idaho, an employee with a twenty-one year record of meeting or exceeding expectations was fired for refusing to remove Bible verses about gay sex from his cubicle. The employee allegedly posted the Bible verses in response to a poster near his cubicle that he perceived to be promoting GLBT relationships. In a January 12, 1999 letter to the Idaho Human Rights Commission, Hewlett Packard admitted that the reason for firing the employee was “His overt opposition to HP’s Diversity Advertising Campaign . . . .”<sup>73</sup> That opposition consisted of “posting Bible quotes on the overhead bin in his cubicle. The contents of his posters was a clear objection to HP’s diversity policy.”<sup>74</sup> Hewlett Packard further stated that the employee “also knew that HP would allow him to *make the choice between his personal values or HP Company values.*”<sup>75</sup> In other words, the employee could remain at Hewlett Packard if he were willing to refrain from expressing his religious beliefs about GLBT relationships.

Similarly, an employee of Trilogy Software, Inc. in Austin, Texas was fired for referring to “the lies of homosexuality” in his personal page

in the company's on-line phone book. The terminated employee's supervisor informed him that he was being terminated because his reference to "the lies of homosexuality" was offensive to other employees.<sup>76</sup> Trilogy did not offer to retain the employee if he removed the "offending" statement—in fact, the employee was terminated after removing it.

On April 30, 2001, an Eastman Kodak employee received an anonymous e-mail that he assumed was from a co-worker. Thinking that he was responding to a discouraged co-worker, the employee encouraged the e-mail sender to "Be concerned . . . about the job and do your best to try and improve it also." He further expressed his belief that God was judging Kodak for "promoting the gay and lesbian lifestyle at our workplace . . . ." He suggested that the e-mail sender "Pray for the company and the new leadership that God will forgive this company for promoting the . . . alternative lifestyle . . . ." Unfortunately for the employee, he also sent a copy of the e-mail to everyone in his building.<sup>77</sup> A termination memorandum dated May 4, 2001, informed the employee that "The content of the note was in direct violation of our Fair Treatment/Rules of Conduct and the Kodak Values. This action also constitutes inappropriate use of Company property." The employee alleges that even though he had worked for Eastman Kodak for over 16 years, and had recently received an excellent employee review, no one asked him why he sent the note or whether he knew it would be distributed to so many people.

These terminations of employees who refuse to remain silent about their moral opposition to gay sex or GLBT relationships are not incidental. GLBT advocates have said that they are determined to "do whatever must be done" to force people to treat GLBT relationships as equal to heterosexual ones, or to at least silence all adversaries.<sup>78</sup> The tenor of the "zero tolerance" policies at corporations such as United makes the intent to punish opposition unmistakable. Rather than making the workplace safe for all employees, such policies cause division and uncertainty.<sup>79</sup> *Rather than enabling corporations to retain productive employees, such policies may result in the loss of such employees.* Indeed,

highly qualified employees have resigned from corporations such as American Airlines and Xerox because of the companies' promotion of GLBT relationships.<sup>80</sup>

#### F. Use Corporate Policies as Leverage against Governmental Entities

With the growth in numbers of corporations providing domestic partner benefits, GLBT rights advocates are increasingly pointing to private companies as the example that governmental entities should follow. U.S. Representative Barney Frank of Massachusetts argued on April 16, 2001, that a federal DP benefits bill should be enacted because "[i]t's time for the federal government to follow the lead of many private sector employers and recognize that providing benefits to domestic partners is not just the fair thing to do, it's good business."<sup>81</sup> An editorial in the *Arizona Republic* cited the number of colleges, governmental agencies and private companies, including sixteen of Arizona's thirty-two largest employers, who offer domestic partner benefits as a justification for adopting domestic partner benefits in Scottsdale: "Clearly, this is an idea whose time has come."<sup>82</sup> As with employees who point to other corporations as the reason their corporation should give domestic partner benefits, these proponents of domestic partner benefits fail to acknowledge that the vast majority of corporations with domestic partner benefits adopted them because of the San Francisco ordinance.<sup>83</sup>

Some courts have found the example of private companies and the alleged need for governmental entities to compete for employees persuasive in rejecting challenges to a city's authority to provide DP benefits. The court in *Devlin v. City of Philadelphia*, No 1631, First Judicial Dist. of Penn., slip op. 9 (Oct. 5, 2000), rejected a challenge to Philadelphia's power to adopt a DP law, in part, on the ground that "[p]rohibiting the extension of such benefits may in-fact place the City of Philadelphia at a competitive disadvantage with private employers who allow for such benefits." The court in *Crawford v. City of Chicago*, 304 Ill. App. 3d 818, 829, 710 N.E.2d 91, 99 (Ct. App. 1999), likewise

referred to the fact that “Many private employers now offer insurance and other benefits to cohabiting same-sex couples” in support of its decision to reject a challenge to Chicago’s authority to grant DP benefits. Thus, GLBT advocates are succeeding in their efforts to use the precedent of private employers as a reason for public employers to provide DP benefits.

## Conclusion

Corporate leaders should not assume that overtures by GLBT employees requesting changes in corporate policies are merely independent actions driven by the needs of individual employees. While some employees may genuinely desire changes for themselves, the quest for GLBT-oriented corporate policies is part of a comprehensive agenda for social change. Unless a corporation is willing to support the entire spectrum of social changes sought by GLBT rights advocates, it should refuse all requests for corporate policy changes specifically directed toward GLBT employees. GLBT employees, like all other employees, can be adequately protected by corporate policies that promote treating all employees with dignity and respect.

## Endnotes

<sup>1</sup> GLBT advocates often proclaim that 10% of the population is homosexual. The 10% figure is based upon studies and publications by Dr. Alfred C. Kinsey. However, Dr. Kinsey’s methodology was defective. He used data gathered from interviews with felons, including sex offenders; volunteers who were coached to give answers that skewed the results; and the sexual stimulation of boys ages 2 months to 15 years old. (Judith A. Reisman, *Kinsey: Crimes & Consequences*, The Institute for Media Education, Inc.: Arlington, Va., 1998; Wardell B. Pomeroy, *Dr. Kinsey and the Institute for Sex Research*, Harper & Row: New York, 1972, pp. 97-137.) In contrast, a 1993 report from the Alan Guttmacher Institute found that only 1.1% of 3,321 men surveyed considered themselves to be exclusively homosexual, and only 2.3% had engaged in sex with another man in the prior ten years. (John O.G. Billy, et al., *Family Planning Perspectives*, Alan Guttmacher Institute, March/April 1993.) *Sex in America: A Definitive Survey* reported that of 3,432 respondents, “about 1.4 percent of women said they thought of themselves as homosexual or

bisexual and about 2.8% of the men identified themselves in this way.” (Robert T. Michael, et al., Warner Books: New York, 1995, p. 176.) An article published in *Pediatrics* likewise reported that of 34,706 adolescents surveyed (grades 7-12), 1.1% said that they were bisexual or predominantly homosexual. (Gary Remafedi, et al., abstract, “Demography of Sexual Orientation in Adolescents,” *Pediatrics*, Vol. 89, 1992, pp. 714-721.) No survey using random sampling techniques has duplicated Kinsey’s results.

<sup>2</sup> Human Rights Campaign (HRC), *Discrimination in the Workplace*, [www.hrc.org/worknet/nd/index.asp](http://www.hrc.org/worknet/nd/index.asp).

<sup>3</sup> HRC, *The State of the Workplace 2001*, pp. 18-19, [www.hrc.org/worknet/publications/state\\_workplace/2001/sow2001.pdf](http://www.hrc.org/worknet/publications/state_workplace/2001/sow2001.pdf).

<sup>4</sup> For example, see the Web sites of the Human Rights Campaign at [www.hrc.org/worknet/dp/index.asp](http://www.hrc.org/worknet/dp/index.asp), and the National Gay and Lesbian Task Force Web site at [www.nglft.org/downloads/dp/dp\\_99.pdf](http://www.nglft.org/downloads/dp/dp_99.pdf).

<sup>5</sup> HRC Worknet, *Discrimination in the Workplace*, [www.hrc.org/worknet/dp/index.asp](http://www.hrc.org/worknet/dp/index.asp).

<sup>6</sup> Marshall Kirk and Hunter Madsen, *After the Ball: How America Will Conquer its Fear & Hatred of Gays in the 90’s*, Penguin Books: New York, 1990, paperback edition, back cover.

<sup>7</sup> Sally Kohn, *The Domestic Partnership Organizing Manual for employee benefits* (“Manual”), p. 26, The Policy Institute of the National Gay and Lesbian Task Force, 1999, [www.nglft.org/downloads/dp/dp\\_99.pdf](http://www.nglft.org/downloads/dp/dp_99.pdf).

<sup>8</sup> *After the Ball*, back cover, paperback edition.

<sup>9</sup> *ibid.*, p. 183. Many homosexuals objected to portraying homosexuals as victims (*Ibid.*, pp. 185-86). Nevertheless, Kirk and Madsen argued that homosexuals “must deploy the special powers of the weak, including the play for sympathy and tolerance” (*ibid.*).

<sup>10</sup> *Ibid.*, p. 183.

<sup>11</sup> *Ibid.*, p. 154 (emphasis original).

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*, p. 149.

<sup>14</sup> *Ibid.*, pp. 153-54 (emphasis added).

<sup>15</sup> Kirk and Madsen consider any opposition to GLBT relationships to be the result of fear or hatred (*ibid.*, p. xxv).

<sup>16</sup> *Ibid.*, p. 146 (emphasis original). The authors are critical of NAMBLA for interfering with efforts to portray gays as just like everyone else. However, while they hint that opposition to pederasty may be valid, they do not explicitly condemn the practice (*ibid.*, pp. 146-47).

<sup>17</sup> *Ibid.*, pp. 186-87.

<sup>18</sup> David Thorstad, “Man/Boy Love and the American Gay Movement,” in “Male Intergenerational Intimacy: Historical, Socio-Psychological, and Legal Perspectives,” *Journal of Homosexuality*, Vol. 20, Nos. 1/2, 1990, p. 255.



<sup>19</sup> F. York & R. Knight, *Homosexual Activists Work to Lower the Age of Sexual Consent*, pp. 5-6, a Family Research Council publication.

<sup>20</sup> Pat Califia, *Public Sex: The Culture of Radical Sex*, Cleis Press: San Francisco, 1994.

<sup>21</sup> Book review of *Public Sex*, one of “Forty-two Things You Can Do to Make the Future Safe for Sex,” [www.amazon.com/exec/obidos/tg/stores/detail/books/1573440965/reviews/102-69145823557749#15734409655101](http://www.amazon.com/exec/obidos/tg/stores/detail/books/1573440965/reviews/102-69145823557749#15734409655101).

<sup>22</sup> William N. Eskridge, Jr., *The Case for Same-Sex Marriage*, The Free Press: New York, 1996, p. 65.

<sup>23</sup> *Ibid.*, p. 81 (emphasis added, footnotes omitted).

<sup>24</sup> *Ibid.*, p. 61.

<sup>25</sup> Michelangelo Signorile, “Bridal Wave,” *Out*, December/January 1994, p.161.

<sup>26</sup> Lambda’s Web site describes it as “a national organization committed to achieving full recognition of the civil rights of lesbians, gay men, and people with HIV/AIDS through impact litigation, education, and public policy work. Lambda carries out its legal work principally through test cases selected for the likelihood of their success in establishing positive legal precedents that will affect lesbians, gay men, and people with HIV/AIDS” ([www.lambdalegal.org/cgi-bin/pages/about](http://www.lambdalegal.org/cgi-bin/pages/about)).

<sup>27</sup> Thomas Stoddard, “Why Gay People Should Seek the Right to Marry,” in *Lesbians, Gay Men & the Law*, W.B. Rubenstein, ed., The New Press: New York, 1993, p. 401.

<sup>28</sup> Paula Ettelbrick, “Since When is Marriage a Path to Liberation?”, Rubenstein, pp. 401-405.

<sup>29</sup> *Ibid.*

<sup>30</sup> Kees Waaldijk, “The ‘Law of Small Change’: How the Road to Same-Sex Marriage Got Paved in the Netherlands,” a paper presented to the Conference on National, European, and International Law, King’s College, University of London, July 1-3, 1999, pp. 3-4.

<sup>31</sup> *Ibid.*, p. 5.

<sup>32</sup> GLBT advocates often ridicule the notion of a “GLBT agenda.” Yet, in *After the Ball*, the authors unabashedly refer to their “agenda for change” (*After the Ball*, pp. 106, 379).

<sup>33</sup> *Manual*, p. 1. The *Manual*, published by the National Gay and Lesbian Task Force (NGLTF), is available on the NGLTF Web site at [www.nglftf.org/downloads/dp/dp\\_99.pdf](http://www.nglftf.org/downloads/dp/dp_99.pdf). NGLTF describes itself as an organization that is “building a powerful political movement” to effect social change ([www.nglftf.org/about/work.htm](http://www.nglftf.org/about/work.htm)).

<sup>34</sup> *Ibid.*

<sup>35</sup> *Ibid.*, p. 17.

<sup>36</sup> *Ibid.*, p. 18.

<sup>37</sup> For unions, which are already organized, sexual orienta-

tion policies are “The First Step” (Pride at Work, AFL-CIO, “Domestic Partner Benefits & Union Bargaining,” [www.prideatwork.org/tools.html](http://www.prideatwork.org/tools.html)).

<sup>38</sup> *Manual*, p.18.

<sup>39</sup> *Ibid.* The *Manual* explicitly refers to internal enforcement, but corporate sexual orientation policies are also enforced through litigation (Lambda Legal Defense & Ed. Fund, “Sexual Orientation Discrimination in Employment: A Guide to Remedies,” p. 22, [www.lambdalegal.org](http://www.lambdalegal.org)).

<sup>40</sup> GLBT advocates argue that DP benefits are about “fair treatment of all employees . . . about fairness in the workplace for everyone” (*Manual*, p. 1). However, if an employer provides domestic partner benefits, unmarried employees without dependants and without a domestic partner will continue to receive fewer benefits than married employees or employees with domestic partners who perform the same work for the same salary. Since such employees account for approximately one third of the work force—far more than domestic partners—it is questionable whether domestic partner benefits provide more “fairness in the workplace for everyone.” In fact, “fairness” in insurance benefits simply means that a company provides health insurance that enables an employee to provide and pay for health care for those to whom the employee has legal obligations. Domestic partners generally have no legal obligation to pay for their partners’ health care. Moreover, domestic partnerships are neither legally nor socially equal to marriage, even in Vermont where civil unions are essentially the legal equivalent of marriage. Therefore, domestic partners are not situated similarly to married couples (Maggie Gallagher, *Why Supporting Marriage Makes Business Sense*, Corporate Resource Council 2002).

<sup>41</sup> HRC WorkNet, *How to Achieve Domestic Partner Benefits in Your Workplace*, p. 2, [www.hrc.org/worknet/dp/dptool.pdf](http://www.hrc.org/worknet/dp/dptool.pdf).

<sup>42</sup> *Ibid.*, p. 3 (emphasis added). The *Manual* asserts that “[i]ncreasingly, employers have realized that failing to provide equal benefits to employee’s [sic] partners, regardless of sexual orientation, violates the nature of [sexual orientation] policies,” (*Manual*, p. 9), and that “[o]nce a company says no, we won’t discriminate, then you have to say, my goodness, here we have some interesting discrimination in benefits. If they agree on the first point, then they absolutely have to look at the second” (*ibid.*, p. 18, citation omitted). The irony of this line of argument is that in advocating sexual orientation policies, GLBT activists will assert that such a policy does “not require the company to offer equal benefits to partners of gay employees.” Al Stamborski, “Guests add spice to Emerson’s annual meeting,” *The Post-Dispatch*, St. Louis, Mo., Feb. 7, 2001, p. 2.

<sup>43</sup> *Manual*, p. 20.

<sup>44</sup> In 1996 San Francisco passed an ordinance requiring all businesses that contract with the city to treat domestic partnerships the same as marriage for purposes of employee benefits. Other localities such as Seattle and Los Angeles have recently followed suit. As of October 2001, 3,087 of the 4,285 employers that provide domestic partner benefits are



businesses who contract with these cities. HRC, *The State of the Workplace 2001*, p. 18, [www.hrc.org/worknet/publications/state\\_workplace/2001/sow2001.pdf](http://www.hrc.org/worknet/publications/state_workplace/2001/sow2001.pdf).

<sup>45</sup> HRC Press Release, "San Francisco's Pioneering Domestic Partner Benefits Law Upheld by Federal Appeals Court," June 15, 2001.

<sup>46</sup> HRC, *The State of the Workplace 2001*, pp. 18-19.

<sup>47</sup> "SOFT BENEFITS are lower cost, non-health benefits that may include, among other benefits: Bereavement and sick leave; Adoption assistance; Relocation benefits; Child resource and referral services; Access to employer recreational facilities; Participation in employee assistance programs; [and] Inclusion in employee discount policies" (*Manual*, p. 5). "HARD BENEFITS are generally insurance benefits that may include: Medical benefits; Dental and vision care; Dependent life insurance; Accidental death and dismemberment benefits; Tuition assistance; Long-term care; Day care; [and] Flexible spending accounts" (*ibid.*). The AFL-CIO Manual describes soft benefits as "The Second Step," and hard benefits as "The Third Step" (AFL-CIO Manual, p. 2).

<sup>48</sup> *Manual*, p.6.

<sup>49</sup> *Ibid.* In fact, GLBT advocates may ultimately demand more benefits than are generally given to heterosexuals and their spouses. Early in 2001 San Francisco decided to pay up to \$50,000 each for sex-change operations for employees (*San Francisco To Pay for Sex Changes*, AP, 4/30/01). Avaya, a spin-off company of Lucent Technologies, has provided such benefits for some time (Karyn-Siobhan Robinson, "Gender reassignment benefits set companies apart," *HR Magazine*, June 2001, p. 9). Kim Mills, education director of the Human Rights Campaign, sees gender reassignment benefits as "a logical extension of what we have been working for—which is equal treatment and equal benefits in the workplace for all g/l/b/t Americans . . ." (*ibid.*, p. 11).

<sup>50</sup> *Manual*, p. 11. "According to a 1997 study by the National Lesbian and Gay Journalists Association, extending health-care benefits to same-sex couples raised overall health insurance costs by less than 0.5 percent, while covering both same-sex and opposite-sex couples increased costs by 1 percent to 3 percent" (*How to*, pp. 9-10). However, these figures may not reflect the true cost of DP benefits (Michael Hamrick, *The Hidden Cost of Domestic Partner Benefits*, Forthcoming).

<sup>51</sup> Gallagher, p. 9. GM offers the benefits only to same-sex partners.

<sup>52</sup> *Manual*, p. 1 (emphasis added).

<sup>53</sup> Nor is it clear that the subsequent steps are quite so well orchestrated as the procedure for obtaining DP benefits.

<sup>54</sup> HRC WorkNet, "Gay, lesbian, bisexual, employee support groups and workplace diversity programs," p. 2, [www.hrc.org/worknet/empgroup/emp\\_howto.asp](http://www.hrc.org/worknet/empgroup/emp_howto.asp).

<sup>55</sup> Out & Equal, seminar on "Extending the Reach of

ERG's," slide 16. GLBT advocates view events like Gay Pride marches as "important in helping move the [GLBT] community forward" (Tonia Holbrook, "March celebrates gains in gay rights: About 500 people mark Fairness group's 10 years," *The Courier-Journal*, Louisville, Ky., June 25, 2001, [www.courierjournal.com/localnews/2001/06/25/ke062501s42429.htm](http://www.courierjournal.com/localnews/2001/06/25/ke062501s42429.htm)).

<sup>56</sup> Ford GLOBE Home Page, [fordglobe.org](http://fordglobe.org); Ford Out & Equal advertisements.

<sup>57</sup> *Lambda Update*, "Donor Profile: United Airlines," Summer 2000, p. 18.

<sup>58</sup> The idea of silencing opposition to GLBT relationships is not new. In *After the Ball*, the authors define any opposition to GLBT relationships as bigotry or "homohatred" (*After the Ball*, p. xxv). Those who will not change their minds about opposing GLBT relationships are denominated "Intransigents" (*ibid.*, p. 176). The authors are explicit about their goal of silencing such opponents: "Our primary objective regarding diehard homohaters of this sort is to cow and *silence* them as far as possible, not to convert or even desensitize them" (*ibid.*, p. 176, emphasis original). The authors also stated their intent "to make the very expression of homohatred so discreditable that even Intransigents will eventually be silenced in public—much as rabid racists and anti-Semites are today" (*ibid.*, p. 189).

<sup>59</sup> United Employment Policies, [www.united.com/site/primary/0,10017,1404,00.html](http://www.united.com/site/primary/0,10017,1404,00.html).

<sup>60</sup> Out & Equal seminar on "Extending the Reach of ERG's," slides 16-17.

<sup>61</sup> Eskridge states his belief that there can be no valid opposition to GLBT relationships—or same-sex marriage—as follows: "the nonsense frequently found in the objections examined in this book may suggest that arguments against same-sex marriage rest only on ignorance and antihomosexual hysteria. That is probably the case for many people. The only strategy for persuading such persons is to urge them to work through their homophobia with a therapist" (*The Case for Same-Sex Marriage*, p. 183). Eskridge further states, without citation, that "medical professionals generally consider antihomosexual feelings mentally unhealthy" (*ibid.*, p. 185).

<sup>62</sup> Katherine A. O'Hanlan, M.D., et al., *Homophobia As a Health Hazard*, Report of the Gay & Lesbian Medical Association, p. 3, [www.ohanlan.com/phobiahzd.htm](http://www.ohanlan.com/phobiahzd.htm).

<sup>63</sup> *Ibid.*, p. 3.

<sup>64</sup> *After the Ball*, p. xxv.

<sup>65</sup> Laura Dean, et al., "Lesbian, Gay, Bisexual, and Transgender Health: Findings & Concerns," *Journal of the Gay & Lesbian Medical Association*, Vol. 4, No. 3, p. 102 (2000) ("'Homophobic' and 'antigay' are terms commonly used in this document and elsewhere to describe *negative attitudes* toward lesbians and gay men") (emphasis added); National Lesbian and Gay Journalists Association *Stylebook Addenda* similarly defines homophobia as the "Fear, hatred or *dislike of homosexuality*, gay men and lesbians" (emphasis added).

<sup>66</sup> On October 13, 1998, the San Francisco Board of Supervisors passed a resolution attacking an “advertisement campaign to encourage gays and lesbians to change their sexual orientation” as an “anti-gay campaign[]” that results “in violence and even death” (Resolution No. 873-98, City and County of San Francisco). Without citing any authority for any proposition in the resolution, the Board stated, “Advertising campaigns which insinuate sexual orientation can be changed by conversion therapy or other means are erroneous and full of lies; and . . . Advertising campaigns which insinuate a gay or lesbian orientation is immoral and undesirable create an atmosphere which validates oppression of gays and lesbians and encourages maltreatment of gays and lesbians . . .” (*ibid.*). A similar perspective by an employer would prohibit any employee from expressing opposition to gay sex or GLBT relationships.

<sup>67</sup> The Safe Space® program is licensed to LEAGUE at AT&T by EQUAL at Lucent.

<sup>68</sup> AT&T Safe Space® Program, [www.league-att.org/safe\\_space/index.html](http://www.league-att.org/safe_space/index.html), p. 1.

<sup>69</sup> *Ibid.*, p. 2 (emphasis added).

<sup>70</sup> Xerox “Galaxe,” [www.galaxe.org/programs/safe\\_space/index.html](http://www.galaxe.org/programs/safe_space/index.html).

<sup>71</sup> Personal interview with former Xerox employee.

<sup>72</sup> AT&T’s Safe Space® Program, p. 1. The description goes on to say that diversity “is about recognizing, valuing and taking full advantage of the unique and individual contributions that each person brings to the workplace” (*ibid.*, p. 1). However, the next paragraph, which states that “homophobia and hostility will not be tolerated in the workplace,” makes clear that only diversity supportive of GLBT relationships is permissible.

<sup>73</sup> Hewlett Packard January 12, 1999 letter, p.2.

<sup>74</sup> *Ibid.*, p. 4.

<sup>75</sup> *Ibid.*, p. 3 (emphasis added).

<sup>76</sup> EEOC Affidavit, December 8, 2000. The employee did not inform Trilogy that his reference to “the lies of homosexuality” expressed a religious belief.

<sup>77</sup> The employee allegedly was not very proficient with the e-mail program and did not realize that he was sending the “cc.”

<sup>78</sup> *After the Ball*, pp. 176, 189, 381.

<sup>79</sup> Many “straight” employees, who constitute the majority of the workforce, are offended when told that their corporation must adopt sexual orientation and DP benefit policies to attract or retain the “brightest and best” employees. In addition, some supervisors are reluctant to discipline the misconduct of GLBT employees because of fear that they will be accused of discrimination (personal interviews with employees from several Fortune 500 companies).

<sup>80</sup> Personal interviews with former employees of American Airlines and Xerox.

<sup>81</sup> Lawrence Morahan, “Domestic Partnerships Bill ‘Would Hurt Families,’” *CNSNews.com*, April 17, 2001. GLBT advocates often criticize opponents for objecting to GLBT relationships on moral grounds. They claim that no one has the right to impose their morals on GLBT persons. Yet, GLBT advocates repeatedly refer to “fairness” or “the fair thing to do” as a reason for giving domestic partner benefits. Arguments relying upon “fairness” are inherently based upon the moral beliefs of the proponent.

<sup>82</sup> “Scottsdale plan a good one: Health care for domestic partners serves society,” *Arizona Republic*, April 12, 2001.

<sup>83</sup> See page 5 and endnotes 44-46 above.

*For additional information, or for review of your Human Resource Policies for suggestions on how to avoid discrimination without undertaking unintended obligations, please contact Paul Weber at the Corporate Resource Council, (480) 444-0030.*

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