

**Statement of Congressman Emanuel Cleaver, II**  
**Committee on Education and Labor**  
**Subcommittee on Health, Employment, Labor and Pensions**  
**Hearing on H.R. 2015, the Employment Non-Discrimination Act of 2007**  
**September 13, 2006**

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Mr. Chairman, I would like to thank you and Ranking Member Kline for holding this hearing and examining, what I hope to be the first of many discussions in the 110<sup>th</sup> Congress, on the status or perceived status of an individual's sexual orientation and their right to employment. I look forward to both bodies and both parties in Congress working together to help strengthen and expand the Civil Rights Act of 1964, so that our nation can further empower and engage the patchwork of all Americans in every community towards achieving full participation in every sphere of life in our nation.

Simply put, Mr. Chairman, we are talking about jobs and an individual's right to work. The measure we are examining here today, H.R. 2015, the Employment Non-Discrimination Act of 2007, known as ENDA, would strengthen the legal right for all individuals and allow them to be assessed on their ability to do a job because of their skill set and not based on who an individual's personal life-style choice. Most of the arguments against this measure have taken the form of "family values," and that somehow protecting those who are or are perceived to be gay, lesbian, bisexual, transgender from equal legal consideration for employment is an affront to family – and somehow, specifically their family. In all the discussions I have heard on this subject, no one has yet explained how keeping someone from gaining equal consideration based on their individual skill set to obtain lawful employment pleases God. How can an American's choice to live with the person they choose become an affront to someone they have never met and will never know?

Before I was elected to Congress, I, very happily I might add, considered my only full-time job to be that of Senior Pastor of St. James United Methodist Church in Kansas City Missouri. Against all odds and Wesleyan Tradition, I have held this appointment for 30 years. However, now I have two full time jobs. I still remain Senior Pastor at St. James while I serve as the Representative of Missouri's Fifth Congressional District. The role as pastor will never leave me, and I will never leave it. I am compelled to go home and preach every Sunday. I will pastor and counsel all people until I return to my maker. And I say here now, with absolute conviction and confidence, that an individual's sexual orientation has nothing, absolutely no connection with my God's issued mandate to minister to their needs, including their right to barrier-free access to employment. Three of the greatest sins, I believe, are indifference to, neglect of, and disrespect for God's other sheep.

Opponents of this legislation argue that homosexuality and transgender identity are "unnatural," "immoral," or that someone else's sexual orientation offends my religious senses. Let there be no doubt. I am certainly pro-marriage. As an ordained member of the clergy, I have performed more than 400 hundred weddings and I have been happily and fortunately married to the same lovely woman for three decades. However, to this I say, those opposing the legislation have their issue confused. We are not discussing whether a state should recognize an individual's right to marry. That was, is, and shall, hopefully, always fall to the wisdom of the state legislatures around the country. Although it is much to often discussed in Congress, marriage is not a federal issue. Today we are trying to further extend the rights of individuals who have been marginalized and discriminated against and denied legal federal protection for an equal playing field when they seek employment.

Further, the opponents of ENDA are concerned about creating a protected class that promotes homosexuality and thus negatively impacting the institution of marriage and family values. They cite the profusion of local laws on the subject, and suggest that country-wide protection is unnecessary. Again, I ask how protecting an individual's right to pursue a job on an equal playing field with equal consideration is promoting

homosexuality and hurting the values within their family? Moreover, I say to these naysayers the current draft of this legislation goes beyond every previous incarnation of the legislation to protect small businesses and religious-based organizations and institutions that may preach against and hold tenants opposing same sex orientation. There are protections within the measure, so as to exempt these groups who have centralized these values of marginalization and separation.

On July 2, 1964, the Civil Rights Act of 1964 was signed in to law. It was landmark legislation in the United States that outlawed segregation in the American schools and public places. Originally conceived to legally help African Americans, the bill was amended prior to passage to protect women. Once it was implemented, its effects were far reaching and had tremendous long-term impacts on the whole country. It prohibited discrimination in public facilities, in government, and in employment, invalidating the “Jim Crow” laws in the South. It became illegal to compel segregation of the races in schools, housing, or hiring. Powers given to enforce the law were initially weak, but were supplemented in later years.

On July 26, 1990, President George H.W. Bush signed one of the most groundbreaking civil rights laws in our nation’s history—the Americans with Disabilities Act (ADA). No law since the Civil Rights Act of 1964 has been as sweeping and all encompassing as the ADA addressing employment, businesses, public accommodations, and telecommunications. As far reaching and effective as the ADA is, now is the time for Congress to continue what we started a decade ago. Today, the words of Rev. Martin Luther King, Jr. still ring true, “I refuse to accept the idea that the ‘isness’ of man’s present nature makes him morally incapable of reaching up for the ‘oughtness’ that forever confronts him.” This legislation ought to be approved. Because of things that have happened to me and others who look like me, I have come to see that it is a first class mistake treat anyone as a second class citizen.

Now is the time for us to go further, so that all individuals will be able to work, promoting their own self-sufficiency and independent living. Now is the time for

millions of Americans who are gay, lesbians, bisexuals, or transgenders to receive equal protection under the law. Now is the time for a guarantee to all Americans the God given right to be. I know that everyone's participation is key. The same is true for enacting ENDA.

Although I was not a Member of Congress when the ADA was written and made its precarious way through Congress, I am keenly familiar with expanding individual's civil rights and the suffering of all people when constrained, confined, and cut off. The premise of civil rights is simple: that all men, women, and children are created equal. We include rather than exclude. We engage rather than withdraw. We become one rather than segregate. I was an active member of the Civil Rights movement, and feel blessed to be a participant in this civil rights movement. I am proud to cosponsor this legislation and I am proud to be speaking in support of it today.

Each year millions of Americans travel to Washington to talk to their elected officials, so that their voices can be heard by those who shape policy. Thank God they do come because they can effect change. The majority of Americans cannot make the trip to our nation's capital and are constrained by location and circumstances. As Members of Congress, we must reach out to our constituents through traditional and new technologies such as the Internet. I invite every Member of the House and Senate to engage our constituents and disabilities groups in our districts to participate in this vital discussion. Our nation is at the threshold of a vital second step, and as policy makers, this hearing is a chance to directly listen to the people affected by these issues, and to contribute to the national dialogue on the issues that affect their everyday lives, so that we can expand the rights and liberties of all Americans for full and equal employment.

Thank you Mr. Chairman and the Committee for the opportunity to join and address you today.