

Idaho won't 'add the words' anytime soon

Chuck Malloy/Lewiston Tribune op-ed

Thirty years ago, the Idaho Legislature was among the last holdouts in recognizing Martin Luther King's birthday as a holiday and the Gem State was looking pretty silly. Finally, in 1990, the Legislature enacted a Martin Luther King/Idaho Human Rights Day as a state holiday, sparing Idaho from being a national laughingstock.

My guess is that same sort of political evolution will occur regarding adding the words, "sexual orientation" and "gender identity" to Idaho's Human Rights Act. The issue has been there for nine years and the Legislature finally agreed to hold a hearing. The bill came from the strangest of places, the House Ways and Means Committee, which rarely is heard from until the end of a session when lawmakers are putting together a "going-home" bill.

So, for the spirited proponents of "add the words," there at least is a significant measure of progress. Although the House State Affairs Committee killed the bill for this year, it will be back and it will pass eventually. Though the issue has been around for a long time, there will be a day when the Legislature wants to go on record saying that discrimination is wrong in any form - whether it's on the basis of gender, race, age or sexual preference.

But don't think that a law will magically put an end to discrimination, because it's not that simple.

Society's evolution has allowed women, African-Americans, Latinos and senior citizens to make significant gains over the years. Years ago, there were thoughts that black men did not have the intelligence to play quarterback at the highest levels - which is laughable today. President Obama, a black man, has occupied the White House for six years and there's a possibility that Hillary Clinton will be elected as the first woman president next year. In Idaho, Rep. Raul Labrador - a native of Puerto Rico - has what appears to be one of the "safe" seats in Congress. As for seniors, people are living longer and healthier lives and they have proven themselves valuable in the workforce.

But laws have not ended discrimination. Women overall are not paid as much as men and complaints still rage about women being passed over for promotions. In the deep South, where I once lived, the "N-word" remains a common part of the vocabulary.

As for myself, some people have treated me differently from 15-20 years ago. At my last newspaper job, I was a "must hire" at age 49 and expendable at age 63 for "economic" reasons. A few years ago, I was a candidate for a position that would have helped me launch a new and exciting career. The manager wanted me, a retired employee with significant influence gave me a high reference and I thought I had this job in the bag. As it turned out, I was not even among the finalists interviewed for the position.

A friend told me the rejection might have had nothing to do with qualifications or even age. As he explained, "When an employer hires, he also has to think about the possibility of firing."

Idaho, an at-will state, makes it easy for employers to fire. But it gets sticky when firing an aged worker because of anti-discrimination laws. The dismissal of an older worker, even for poor job performance, could lead to costly lawsuits and settlements for the company.

As one of the fairly new additions to the senior citizens club, I've never felt protected by anti-discrimination laws. Employers will never admit to discrimination in hiring, but they always can come up with creative reasons for rejection. "Add the words" won't necessarily help gays get or keep jobs. Employers just can't use sexual preference as a reason for hiring or firing.

The positive to "add the words" is that it will send a message that discrimination is wrong and that's a good message to send. But a law cannot mandate people to think differently.

House Assistant Majority Leader Brent Crane of Nampa, for instance, thinks that "add the words" is one step closer to changing the definition of marriage as he knows it. And there are a lot of folks who agree with him, especially in rural Idaho where elections are won or lost.

The day will come in "society's evolution" when voting for "add the words" legislation will be the right thing to do. But judging by the 13-4 party-line vote in the House State Affairs Committee, that day is still a long way into the future.

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