

Then-Treasurer Jack Markell wrote this letter to the editor of the Delaware State News on March 8, 2008

To the Editor:

Beginning this week supporters of important equal-rights legislation will collectively be lobbying their elected representatives to support Senate Bill 141, and I hope they are successful.

The measure bans discrimination against Delawareans based on their sexual orientation. Guaranteeing civil rights for everyone is the right thing to do, and it is also good for our economy.

The Delaware House of Representatives deserves credit for passing previous versions of this bill three times, but the legislation has not yet passed the Senate.

There has been so much public interest in this bill that the committee members should allow the bill to be heard and come for a vote before the full Senate. In fact, in 2002, a huge 78% of Delawareans polled were in favor of a full Senate vote for a previous version of this bill. And last year, 900 Delawareans signed an online petition, within a few days after I started it, urging senators to bring the bill up for a floor vote.

If the supporters' efforts fail this year, seeing this bill become law will be a high priority for me as governor. It's important to our economy and to our future as a state to pass this legislation. Simply put, Delaware must not be a state where citizens are denied a job or a place to live because of bigotry.

Personnel at 29 of Delaware's top 50 employers, and residents in 17 other states and the District of Columbia, already enjoy the protections SB 141 offers. Interestingly, Wisconsin became the first state to adopt such a law – in 1982. Twenty-six years later, Delaware, "the First State," has yet to enact such necessary protection.

The economic argument against such legislation has been that it will create risk of new lawsuits. But the federal General Accounting Office released a report in 2001 finding that there is "no indication that these laws have generated a significant amount of litigation."

In fact, instead of hurting businesses, eradicating discrimination will buoy the Delaware economy. Among the 500 largest companies in America, 90 percent have enacted policies forbidding discrimination on the basis of sexual orientation. This can only indicate that the most successful U.S. companies believe that prohibiting discrimination on the basis of sexual orientation is good business practice. Some corporations, including some very well respected and successful companies, have gone further and endorsed legislation forbidding any company from discriminating in this way. Company leaders know they will be unable to attract the employee talent they need if potential workers are not satisfied that companies are committed

to equal rights. A thriving Delaware economy of the future requires the best people, regardless of their sexual orientation.

Another argument against SB141 has been that we just do not need it, that incidents of sexual orientation discrimination are few or non-existent in Delaware. Actually, significant testimony of discrimination on the basis of sexual orientation has been submitted in committee hearings. The Lambda Foundation's 2005 Workplace Fairness Survey found 39 percent of gay and lesbian workers in the U.S. reported experiencing some form of harassment or discrimination in the past five years.

In addition to SB 141, I hope the legislature passes Senate Bill 10, which would make straight and gay domestic partners of state employees and pensioners eligible for the same benefits spouses receive.

Fourteen other states and at least 19 of Delaware's top 50 employers have already authorized benefits for domestic partners, and at least 264 of the Nation's 500 largest corporations and over 9,000 other private and public employers currently provide domestic partner benefits. Locally, New Castle County has been providing domestic partnership health insurance since 1997.

Both measures – the bill to protect Delawareans against discrimination based on sexual orientation and the measure to extend benefits to domestic partners – are ultimately about equality, a fundamental principle of America. All Delawareans deserve equality and these bills deserve to become law this year.

Jack Markell

Jack Markell is a Democratic candidate for governor and is serving his third term as Delaware's state treasurer.