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Debunking George Will's Attack on Oakland's Anti-Harassment Policies

On June 25th, pundit George F. Will used his syndicated soapbox to slander the City of Oakland and our insistence on civility and tolerance in our workplace. Using a “reductio ad absurdum” style of argument that would be transparent to any high school debate team member, Will whined that the use of the words “marriage” and “natural family” is the equivalent of hate speech in the eyes of the City of Oakland. Will’s line of reasoning is both bizarre and false.

For the sake of anyone who may have been misled by Will’s vision of Oakland as some type of politically correct dystopia, here is the truth.

The City of Oakland successfully defended our anti-discrimination policy in a lawsuit brought by disgruntled employees who claimed that their First Amendment rights were violated when a supervisor removed a homophobic flyer from the workplace. Opinion-writer Will complains that Oakland’s victories in the courts are to be expected in the bleeding-heart-liberal Ninth Circuit Court of Appeals. What Will doesn’t tell his readers is this: four judges have now ruled in favor of the city’s action to promote a tolerant, harassment-free workplace. Three of those judges are conservatives – two were appointed by President Bush.

The Good News Employees Association was formed in response to an openly gay councilmember’s e-mail inviting both gay and straight employees to support a National Coming Out day. Two Oakland city employees formed the association as “a forum for people of faith to express their views ... with respect for the Natural Family, Marriage and Family Values” and generated a flyer titled: “Preserve Our Workplace Integrity”.

The flyer’s language judges homosexuality as something that hurts the “integrity” of the workplace. This is not a conclusion the city drew merely to protect a hypersensitive lesbian, as Will suggests. The employees who drafted the flyer actually declared under oath that they wanted to inject their intolerant worldview into the workplace. This point resonated, in

particular, with Circuit Court Judge Richard Clifton, a Bush appointee. He said, “It’s hard to avoid the inference, ‘We lack ethics, we lack integrity because these people are here.’.”

Supervisors reviewed the flyer and explained to the plaintiffs why the flyer had been removed. Will never tells his readers that the plaintiffs were invited to submit a new flyer without the discriminatory language. Instead, the plaintiffs filed a lawsuit complaining their free speech rights had been obstructed and that the city’s anti-discrimination policy “promotes homosexuality” and “openly denounces Christian values.” Ultimately, the association wanted to use city time and resources to validate their personal neurosis — which is that heterosexual marriage can only be validated by invalidating same-sex marriage.

Furthermore, the seemingly harmless flyer was not an isolated incident but part of a deliberate pattern of harassment. The association’s flyer was specifically posted outside of a lesbian co-worker’s cubicle, placed on her desk and in the restroom. The plaintiffs went out of their way to harass their lesbian co-worker as well as to proselytize about their belief on city time and on the taxpayer’s dime.

Ultimately, the four judges (again, three of whom are conservative) recognized that the city has a responsibility to protect all of its employees from discrimination and harassment. The court emphasized that the city has “significant interests in restricting discriminatory speech about homosexuals ... (and has) a duty under state law to prevent workplace discrimination on the basis of sexual orientation.” In addition, the court also found that the city had “a more substantial interest in maintaining the efficient operation of their office than the appellants had in their speech.”

Plaintiffs continue to work at the city and are free to express their views on marriage and gay rights over lunch or on a break. Plaintiffs were also not prohibited from organizing the Good News Employees Association or from publicly announcing its meetings.

But you gotta love George Will and his ilk. With neither a hint of shame nor a shadow of a blush, right-wing blowhards who denounce the use of “specious” lawsuits to dictate morality and who shed crocodile tears over the ways trial lawyers have “interfered” with the prerogatives of workplace management, will gladly race to the courthouse when it suits their dogmatic purposes. They would be wise to take heed from one of my favorite books: “First take the plank out of your own eye, and then you will see clearly to remove the speck from your brother’s eye.” (Matthew 7:5)