



## this issue:

Chai Feldblum, Nominee for  
 Commissioner on the Equal  
 Employment Opportunity  
 Commission

## Feldblum's Background

Professor, Georgetown University  
 Law Center

Director, Workplace Flexibility  
 2010

Legislative Counsel, American  
 Civil Liberties Union

Director of Legal Research, AIDS  
 Action Council

Clerk, Justice Blackmun, U.S.  
 Supreme Court

Clerk, Judge Coffin, 1st Circuit

Legislative Assistant, Rep.  
 Barbara Mikulski

Project Coordinator, Population  
 Resource Center

### EDUCATION

B.A., Barnard College

J.D., Harvard Law School

## Who is Chai Feldblum?

On September 15, 2009, President Obama nominated Chai Feldblum to be a Member of the Equal Employment Opportunity Commission.

Feldblum is a professor at Georgetown University Law Center.

### LGBT Issues

In 2005 Ms. Feldblum started the Moral Values Project which is "founded upon the conviction that a moral case for sexual and gender equity is both possible and necessary." Fn.1. She claims that when the state does not pass laws outlawing discrimination based on sexual orientation it is making a moral choice that same-sex orientation is bad. The truly morally neutral position would be to pass laws protecting persons from discrimination based on sexual

orientation.

She has also claimed that "when we pass a law

**"Feldblum's pronouncement that the 1st Amendment must be subservient to the whims of special interest groups is deeply disturbing. We need leaders who will follow the Constitution and not seek to circumvent it."**

*-Bill Wilson, President  
 Americans for Limited  
 Government*

that says you may not discriminate on the basis of sexual orientation, we are burdening those who have an alternative moral assessment of gay men and lesbians.' Feldblum added: 'You have to stop, think, and justify the burden each time. Respect doesn't mean that the religious person should prevail in the right to discriminate -- it just means demonstrating a respectful awareness of

the religious position.'

While Feldblum admitted that when religious liberty and sexual liberty conflict, she had 'a hard time coming up with any case in which religious liberty should win.'" Fn.2.

# What you really need to know about Chai Feldblum

*Continued from first page...*

## **Workplace Flexibility 2010**

"Workplace Flexibility 2010 is an Alfred P. Sloan Foundation Initiative located at Georgetown University Law Center and directed by Professor Chai Feldblum. First established in November 2003 and subsequently expanded in June 2004, this research, outreach and consensus-building effort is designed to support the development of a comprehensive national policy on workplace flexibility.

To accommodate the flexibility needs of today's employees, public and private actors must work together to create a national policy that relies on a combination of voluntary efforts by employers and employees and public policy efforts. Workplace flexibility includes the ability to enjoy different forms of part-time work without suffering disproportionate economic or job-related penalties, control over the timing of one's work (if the particular industry allows for that), and provisions for employees to deal with unexpected emergencies and daily, logistical needs. With an effective policy, such workplaces would exist in all sectors of the economy: public and private, and for-profit and not-for-profit." Fn.3.

## **Americans with Disabilities Act**

From Ms. Feldblum's testimony to the HELP Committee of U.S. Senate, July 15, 2008: "From 1988 to 1990, while working for the American Civil Liberties Union, I served as one of the lead legal advisors to the disability and civil rights communities in the drafting and negotiating of the ADA. From January 2008 until now, I have been actively involved in discussions between representatives of the disability and business communities on S. 1881 and H.R. 3195, the ADA Restoration Acts as introduced, to consider changes that would enable members of the business community to support those bills." Fn.4. She also claims that "the Supreme Court has restricted the reach of the ADA's protections by narrowly construing the definition of disability contrary to Congressional intent." *Id.*

## Sources for further reading:

**Fn.1.** The Moral Values Project website. Available online at: <http://www.law.georgetown.edu/moralvaluesproject/>. (Accessed October 30, 2009.)

**Fn.2.** Bill Berkowitz, *Religious Right Goes After Chai Feldblum*, Talk to Action, October 6, 2009. Available online at: <http://www.talk2action.org/story/2009/10/6/41729/7807>. (Accessed October 30, 2009.)

**Fn.3.** About Us, Workplace Flexibility 2010. Available online at: <http://www.law.georgetown.edu/workplaceflexibility2010/about/mission.cfm>. (Accessed October 30, 2009.)

**Fn.4.** Testimony of Chai R. Feldblum before the U.S. Senate Committee on Health, Education, Labor & Pensions, July 15, 2008. Available online at: <http://www.law.georgetown.edu/archiveada/documents/FeldblumTestimonyHELP7-15-08.pdf>. (Accessed October 30, 2009.)

## **NomineeAlert**

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