

# Tolerance on Trial

At Kodak and Other Big Firms, Pro-Diversity Policies Clash With Free-Speech Rights

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**C**ognizant of gay Americans' economic power and growing political clout, many companies are adopting diversity policies aimed at making their environments friendlier places for gay workers.

But the policies have, in some workplaces, created a backlash, and have raised questions about how much tolerance there is for employees who disagree with these more inclusive policies.

At **Eastman Kodak**, the recent firing of an employee who criticized a company initiative on behalf of gay workers has touched off a rancorous debate between proponents of corporate diversity and free expression. The dispute echoes recent ones at companies including **AT&T** and **Verizon Communications** in which workers alleging they were disciplined for opposing policies advocating gay acceptance have sued, claiming violations of their rights to religious expression.

## 'Disgusting and Offensive'

**T**he Kodak dispute started late last year when Rolf Szabo, a millwright at a Rochester, N.Y., plant, received an e-mail touting "National Coming Out Day." The memo, forwarded by a supervisor, suggested ways to make "gay, lesbian, bisexual and transgendered" workers feel more comfortable discussing their sexual orientations.

Mr. Szabo typed out a terse reply: "Please do not send this type of information to me anymore as I find it disgusting and offensive." He hit the send button, dispersing his response to about 1,000 employees who had received the original memo.

Kodak says it fired the 23-year company veteran after he refused to sign papers apologizing for his e-mail and outlining the steps he had taken to prevent a reoccurrence of such actions.

Gerard Meuchner, a Kodak spokesman, said Mr. Szabo wasn't dismissed for holding a particular opinion or belief, which he says Mr. Szabo could have expressed to supervisors or the human-resources department without fear of recrimination. But he said Mr. Szabo erred by sending it as a mass-mailing. "In the company's view, this act created the potential for a hostile work environment," he said.

Mr. Meuchner said Mr. Szabo was told that Kodak didn't wish to dismiss him, but that it merely wished to counsel him about why his conduct was inappropriate. "He was not asked to admit that his opinions were wrong, but to acknowledge the way he communicated them was inappropriate."

Mr. Szabo declines to comment on the case, saying, "this is all going to end up in court."

The case has drawn the attention of conservative Christian groups as well as gay-rights organizations. Kodak says it has received e-mails about the dispute, most supporting Mr. Szabo. "Some people have said they will not buy Kodak products," says another company spokesman, James Blamphin, who declined to disclose how many messages had been received.

In the AT&T situation, a former employee sued the company in U.S. District Court in Denver last spring, alleging that he was fired after he refused to sign off on portions of the company's handbook that called on employees to respect and value differences among them, including "sexual orientation." The employee said his strongly held religious beliefs do not allow him "to condone, approve, respect or value" the practice of homosexuality. Later in the spring, a Verizon employee sued that company in federal court in New York claiming she was punished for her religious beliefs because she refused to sign the company's code of conduct, which she says requires employees to respect gays.

A Verizon spokeswoman said the suit had no merit. "We have a code of business conduct that governs the way we do business," she said. "It is based on integrity and respect for customers and employees."

The Verizon and AT&T plaintiffs are represented by Rutherford Institute, a Virginia group that specializes in religious-freedom cases. John Whitehead, the institute's president, said the group had been asked to take up Mr. Szabo's case, but would do so only if it was rooted in religious grounds. Nonetheless, Mr. Whitehead criticized Kodak's policies, which he said emphasized tolerance, "but when it gets to this one person who objects to it, they're not very tolerant."

Lou Sheldon, chairman of the Traditional Values Coalition, a Christian lobbying organization in Washington that organized boycotts against **Walt Disney** for its gay-friendly policies, also said he was appalled by Mr. Szabo's termination, attributing it to "political correctness gone berserk" and the influence of gays in Kodak's human-resources department. But Rev. Sheldon says his group wants to talk with Kodak before initiating any boycott.

"It's totally wrong to fire someone who opposes homosexuality," he says. "We need to go to the boardroom, the corporate players, to explain to them that this is not right."

## 'Crossed a Line'

**G**ay-rights advocates are divided on Kodak's handling of the matter. William Dobbs, a gay civil-libertarian who is part of an ad hoc group called Queer Watch, says that while he might find Mr. Szabo's sentiments appalling, the punishment seems excessive. "It is simply going to create a backlash instead of genuine understanding," he says.

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But Kim Mills, spokeswoman for Human Rights Campaign, a major gay-rights group in Washington, applauds Kodak's actions. She says that by sending the mass e-mail and using such inflamed rhetoric, Mr. Szabo had "really crossed a line." She adds: "What if he was talking about Jews or African-Americans or others protected by the Kodak policy?"

Joseph Weintraub, a management professor at Babson College in Wellesley, Mass., says Kodak appeared to be on "pretty

strong ground" in firing Mr. Szabo. Mr. Weintraub said employees check their free-expression rights at the workplace door. He noted that some religions don't believe men and women are equal, for example. "Just because you think women are second-class citizens doesn't allow you to exercise this belief at work," he says.

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*Do you believe Mr. Szabo acted appropriately? Do you believe Kodak acted appropriately? Write [tdetters.classroom@wsj.com](mailto:tdetters.classroom@wsj.com).*