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Portland
Town
Council

THE HONORABLE MILDRED SCHWAB
PORTLAND CITY COMMISSIONER
CITY HALL
PORTLAND, OREGON 97204

OFFICE OF COMMISSIONER
OF PUBLIC AFFAIRS

FEBRUARY 15, 1977

DEAR COMMISSIONER SCHWAB:

ENCLOSED HEREWITH IS YOUR COMPLIMENTARY COPY OF A LEGISLATIVE GUIDE TO GAY RIGHTS. THE PORTLAND TOWN COUNCIL HAS PREPARED THE GUIDE AS OUR MAJOR LOBBYING TOOL FOR THE CURRENT LEGISLATIVE SESSION IN SALEM, WHERE WE HOPE TO ACHIEVE EQUAL CIVIL RIGHTS STATUS IN THE AREAS OF HOUSING, EMPLOYMENT AND PUBLIC ACCOMMODATIONS.

SPECIAL CITY COUNCIL INTEREST IN THE GUIDE MAY TURN TO THE CONCLUDING PAGE, ON WHICH MAYOR GOLDSCHMIDT'S STATEMENT OF SUPPORT FOR CITY RESOLUTION 31510 IS QUOTED. WHILE THE STATEMENT WAS NOTABLE AT THE TIME OF ITS INTENDED USE, IT IS INTERESTING--EVEN CRUCIAL-- TO NOTE THAT IN MORE THAN TWO YEARS SINCE ADOPTION OF THIS RESOLUTION, THE CITY OF PORTLAND HAS FELT NO VISIBLE NEGATIVE REACTION. PLEASE BE ASSURED THAT PASSAGE OF STATEWIDE CIVIL RIGHTS PROTECTION TO OREGON'S 100,000 TO 200,000 TAX-PAYING GAY CITIZENS WOULD RESULT IN EQUAL NON-VISIBILITY TO OTHER OREGONIANS.

WE HOPE YOU WILL READ THE GUIDE WITH CARE AND INTEREST. PLEASE REFER TO IT AS YOU REFLECT ON OUR LEGISLATIVE PROGRESS. IF YOU HAVE ANY QUESTIONS OR COMMENTS ON THE GUIDE OR OUR WORK IN SALEM, PLEASE ADVISE.

Larry Copeland
LARRY COPELAND

VERY TRULY YOURS,

Susie Shepherd
SUSIE SHEPHERD

Co-EDITORS,
A LEGISLATIVE GUIDE TO GAY RIGHTS

ENCLOSURE

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27
A Legislative Guide

to

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OFFICE OF COMMISSIONER
OF PUBLIC AFFAIRS

Gay Rights

Published by

The Portland
Town Council

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Suite 303
Portland, Oregon 97204
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Gladys McCoy, Ombudsperson

Dear Legislators:

Welcome to the 1977 Oregon Legislative Session. The concerns which you will address this year are as varied as your individual constituents. The decisions you make, however diverse each bill, share one common goal: To upgrade the quality of life for every Oregonian.

No request is more legitimate than for the freedom to live and work in an environment free of social/political pollution. The Oregon Revised Statutes do not currently provide adequate protection for homosexuals. Based on the research of Kinsey, Hooker, Freedman and others, this translates conservatively into 10% of the population, or some 200,000 Oregonians who have no legal protection in the areas of housing, employment and public accommodations on the sole basis of their sexual orientation. The constant fear of being discovered has forced generations of gay citizens into a social/political "closet."

Gay Rights proponents have been unsuccessful with their petitions before the past two legislative sessions, even though support was greatly increased between 1973 and 1975. However, the Governor, who is sympathetic to the needs of equal treatment and protection for all citizens, did request the Department of Human Resources to establish a Task Force on Sexual Preference. The purpose of the task force is to study the extent of the problems of gay people in Oregon and to make recommendations for corrections. The findings of that group will complement the contents of this booklet.

I worked very closely with D.H.R. personnel in establishing the task force and have followed its progress. I strongly support its recommendations and offer them to you, urging your support in justice, and charity, and because it's the "Oregon way."

Human dignity and freedom for all Oregonians without fear, discrimination or oppression is the goal. You, the lawmakers of Oregon, have the opportunity to construct the legal framework whereby ten percent of your constituents finally may live full, productive lives. Please support freedom, justice and dignity.

Best wishes for a fruitful, productive and successful session.

Gladys McCoy
Ombudsperson

INTRODUCTION

Why A Legislative Guide to Gay Rights? It is strangely paradoxical that in the year of our great nation's 200th Birthday, any group of human beings still would be "yearning to breathe free." Yet to homosexual citizens, these proudly-sung words are not only reminiscent of America's origin; they embody our plea for the most basic civil rights protected by law for every other American.

Based on the research of Kinsey, Hooker, Freedman and others, this translates conservatively into 10% of the total population, or 200,000 Oregonians who have no legal protection in the areas of housing, employment, and public accommodations, merely because of their sexual orientation.

In previous legislative sessions, we have taken great pains to "explain" ourselves. Now we feel we have passed the point of justifying our existence. We do exist, live and contribute to society in all capacities. Freedom in our society ought to be a two-way thoroughfare. As we participate positively, so too should we reap the benefits of freedom to live, work and recreate side by side with our fellow Oregonians and Americans. This is the greatest mandate of our Constitution: "We the people of the United States, in order to...secure the blessings of liberty..."

Respectfully submitted,
The Board of Directors
of the Portland Town Council

AN ACKNOWLEDGEMENT OF DEDICATION

A novel or treatise customarily is dedicated to some party particularly close to the subject matter, and then major contributors "and many others too countless to list" are thanked. The authors find ourselves in an all too familiar quandry. Fortunately, we are at no loss for Oregonians to whom to dedicate A Legislative Guide to Gay Rights. Many lawmakers and other citizens have devoted much of their recent lifetimes to ensuring that civil rights be extended to all citizens. We honor as primary dedicatees a few of these concerned citizens who offer supporting statements within.

But as to acknowledging the dozens of contributors by name, the very nature of this text precludes them from their dearly deserved thanks. We can compromise, however, by sharing some of the professions from whom talents made this work possible. We do so in alphabetical order, to avoid any subjective rank-ordering: accounting, performing and graphic arts, banking, brick-masonry, civil service (including counseling, job placement and road work), electronic assembly, food service, housekeeping, journalism, landscaping, law (both making and practicing), medicine, ministering, printing, psychiatry, psychology, publishing, real estate, secretarial, teaching, (primary through higher education) and unemployed volunteers. Specialists in these and many other professions poured countless hours of research and editing into the pages ahead.

We only wish we could thank them by name. But then if we could, without fear of threatening their personal and professional security, A Legislative Guide to Gay Rights wouldn't have to be written.

-- The Editors.

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Sen. Stephen Kafoury

Our nation's constitution provides for the equal treatment and opportunity of every individual. Oregon has always made a special effort to involve and protect every citizen. Our legislature must work not only to protect the rights of every person, but indeed to go one step further to encourage in society the participation of people from all walks of life.

Governor Straub's administration made a deep commitment to removing all barriers to equality in Oregon in March of 1976 when it created the Department of Human Resources Ad Hoc Task Force on Sexual Preference. The Governor made it quite clear that the task force was to concern itself with equal protection and opportunity under the law and NOT to concern itself with causes or justifications of homosexuality.

Oregon's gay community, via the Portland Town Council, is petitioning this legislature for one very basic and needed change. They are asking us to extend to them the protections offered by our civil rights laws. Specifically, they ask that we add the words "sexual orientation" to those laws, thereby making it an illegal practice to discriminate in the areas of housing, employment, and public accommodations solely on the basis of a person's sexual orientation.

Gay people in Oregon have worked hard since the failure of the same legislation in the 1975 (and 1973) Legislature. They have responded to the need for public education in this area and expect this legislature to respect those efforts. The issue of gay rights has been clouded for many years by a great deal of misinformation about homosexuality. Further complicating the issue is the lack of exposure the general public has had to gay people, given the invisibility of this group which comprises approximately 10 % of the population.

I urge you to read this publication carefully, examining your own thoughts and feelings, especially in relation to our roles as protectors of the public good. I also urge you to seek out representatives of the Portland Town Council if you have unanswered questions after reading this guide.

In closing, I would like to remind you that it is our responsibility as legislators to protect the individual rights and dignity of every Oregonian. We are not concerned here with legislating sexual behavior, but rather with removing barriers to equality. The right to privacy in sexual matters will remain as important as equal protection under the law. Let us join together in extending civil rights protection to include gay women and men, once again placing Oregon in the vanguard in assuring all citizens the right to life, liberty, and the pursuit of happiness.

Stephen Kafoury
State Senator

Rep. Vera Katz

The role of government is to protect the civil rights of its citizens. Laws have been written prohibiting discrimination based on sex, race, religion and marital status. In 1971, Oregon recognized that private consensual sexual activity of adults is of no concern to the state or law enforcement agencies. Such behavior was made legal.

The time has come for the State of Oregon to prohibit discrimination based on sexual orientation. The gay community has the right to be protected, by law, from losing their jobs and/or their homes. Equal rights for gay people is an imperative move for justice.

Vera Katz
State Representative

Rep. Gretchen Kafoury

"Mrs. Kafoury's priorities would be increasing civil rights protections in housing, employment and public accommodations to include gays...." OREGON JOURNAL, October 6, 1976

I have been an advocate for gay civil rights since the 1973 session of the Oregon legislature when I was the women's rights lobbyist. As a legislator, I will do everything possible to insure that 1977 will finally see the passage of this legislation. I am deeply indebted to the people from the Portland Town Council who have worked so faithfully and hard for my election to the Oregon legislature from District 13. I will not forget this support.

Gretchen Kafoury
State Representative

Overview

Legislative Goals, 1977

The Oregon gay community has a singular concern for the 1977 Legislative Session: that civil rights protection be extended to include all persons regardless of their **sexual orientation** or their **marital status**. This can be accomplished by simply adding these four words to already existing civil rights statutes.

In 1975, House Bill 2637 was introduced in the Oregon Legislature by Rep. Vera Katz and Rep. Stephen Kafoury. The cover of the bill carried the following summary:

Makes unlawful discrimination because of sexual orientation. Defines "sexual orientation." Makes unlawful discrimination in employment because of sexual orientation or marital status.

We shall be working for the passage of substantially similar legislation during 1977.

In this book we have dispelled many of the myths which serve to cloud the whole issue of "gay rights." Most of them are the result of misinformation or prejudicial attitudes.

In providing this information to you in advance of the Legislative Session, we hope that you will have time to give careful thought to each point. If you have any unanswered questions after studying this and subsequent chapters, please contact representatives of the Portland Town Council or gay acquaintances for correct and up-to-date information. We trust that your vote will be an educated one.

Psychology and Psychiatry

Dr. Alfred C. Kinsey, in his comprehensive **Sexual Behavior in the Human Male** (1948) and **Sexual Behavior in the Human Female** (1953), reported:

- A. 37% of the total male population has at least some overt homosexual experience to the point of orgasm between adolescence and old age. This accounts for nearly two males out of every five.
- B. 13% of all males (approximately) react erotically to other males without having overt homosexual contacts after the onset of adolescence.
- C. The combination of "A" and "B" above totals 50% of the male population.
- D. 16% of the male population has more than incidental homosexual experience or reactions over at least a three year period between the ages of 16 and 55.
- E. 28% of all females by age 30 have experienced erotic responses to other females.
- F. 19% of females sampled had physical sexual contact with other females by age 40.

In 1957, Dr. Evelyn Hooker administered a psychodiagnostic test to 30 nonpatient homosexual males and 30 matched heterosexual controls, with no evidence distinguishable that homosexuals were any different in psychosocial adjustment than heterosexuals.

Dr. Marmor points out that, "...If our judgment about the mental health of heterosexuals were based only on those whom we see in our clinical practice, we would have to conclude that heterosexuals also are all mentally ill."

Wilson pointed out in 1975 that, "It goes without saying that when terms like "sick" or "disturbed" are applied to individuals with the official approval of professional bodies which enjoy a high degree of public respect, the effects exerted...are deleterious at best and more often than not, disastrous."

Gerald Davison, inventor of "Playboy Therapy" (electro-shock treatment intended to "cure" homosexuals) now decries this as a dehumanizing exercise in futility, at best.

Dr. Joe Trainer notes that, "Hormonally, it is important to note that we are all primarily human and only in a minor way segregated into males and females..."

Marmor concludes: "I can fully understand how uninformed laymen can cling to this belief (that homosexuals are biologically unnatural), but it is utterly appalling that this unscientific prejudice still holds sway in a professional field like psychiatry."

Religion

Homosexual men, and, to a far lesser extent, homosexual women, have been hated and legislated against for many centuries in the Judeo-Christian world. The origins of such hatred, disgust and legal oppression are complex and to be found in many social, psychological and religious attitudes that today seem highly irrelevant to the discussion of civil rights for homosexual men and women.

In the more than 16 references to Sodom and Gomorrah in the Bible, none mentions homosexuality, but several make mention of the sins of pride, vain sacrifices, idolatry (the "abomination" for which the towns were destroyed), neglect of the poor and inhospitality.

Turning to the New Testament, we find St. Paul a most articulate source of condemnation of homosexual activity. It is important to realize that St. Paul, like the Old Testament writers in general, knew nothing of the distinction between homosexual activity and the homosexual **condition**. As the Jesuit moral theologian, Fr. John McNeill points out, the biblical writers "refer exclusively to homosexual activity undertaken by those they presume to be HETEROSEXUALLY inclined by nature."

Complicating the matter still further was the Church Fathers' exclusive focus on the procreative aspect of sex, as expressed by Justin Martyr when he writes: "We (Christians) do not enter marriage for any other reason than to have children." St. Jerome quotes the saying of Sextus with approval: "He who loves his own wife ardently is an adulterer."

"In recent years, there has been a growing insistence on the part of many people that the churches re-think the classical position on homosexuality and homosexual relationships. Theologians, philosophers, psychologists and pastors of many denominations...are beginning to believe and state openly that...a homosexual can express her/his sexuality...in a way that does not necessarily separate him/her from either the Christian community or the love of God." (Gramick)

"It is no longer permissible to take refuge in the contention that God himself pronounced these acts 'detestable and abominable' above every other sexual sin, nor to explain natural catastrophes and human disasters as his vengeance upon those who indulge in them." (Bailey)

"It is much to be hoped that we shall soon hear the last of Sodom and Gomorrah in connection with homosexual practices--though doubtless the term 'sodomy' will always remain as a reminder of the unfortunate consequences which have attended the reinterpretation of an ancient story in the interests of propaganda." (Bailey)

Education

In making their case for professional and social lives of dignity, safety and integrity, gay educators and citizens have society's interests and concerns at heart, one with their own.

Discrimination against gays, however absent from official statistics, is real and pervasive. The claim of the homosexual teacher is for the privacy and dignity of his or her life, free from social ridicule and prejudice and resulting professional threat. It is a plea for traditional American liberty and responsible individualism.

The two most prevalent myths misrepresenting homosexuals as teachers involve fears (1) of child molestation and (2) that "this kind of person" would teach pupils to be homosexual. First, child molestation is overwhelmingly a heterosexual phenomenon, committed far out of proportion to the number of heterosexuals in the total population. The assumption that gay teachers would preach homosexuality in the classroom is as startling and dismaying to them as to their detractors. The three R's have as little to do with homosexuality as with heterosexuality. Most subjects, after all, have no relevance to sex or sexuality.

Lifestyles

Many people label homosexuality as a "gay" or "alternative" lifestyle. This is an inaccurate assessment at best, because it confines the label-

ers to their own stereotypes of how a homosexual appears, behaves or dresses. "Lifestyle" seems to be the balance of each individual's time/energy expenditure within the bounds of financial reality.

In examining the great American phenomenon of the weekend, we find that millions of unattached people, gay and straight, go to singles bars, perhaps with the intention of "picking up" a sex partner for the evening. People who refuse to acknowledge that "cruising" is common to both sexual orientations lock themselves into just one of the many myths stereotyping homosexuals. Some people carry this myth a step further by alleging great promiscuity among male homosexuals. We must acknowledge the fact that male heterosexuals also are noted for their promiscuity, possibly more so with respect to the young and/or unmarried.

Sexual orientation is determined very early in life. To the young homosexual, growing up often holds an abundance of internalized growing pains. Like the homosexual adult, the homosexual child is virtually impossible to identify. The education system should be adapted to begin training counselors and teachers to accept their gay students as affirmatively as they do their straight students. Homosexuality is as natural to homosexuals as heterosexuality is to heterosexuals.

Homosexuals who wish to maintain contact with the gay community, but who reside in a rural area, resemble gay students inasmuch as they must keep themselves in the closet from fear of social reprisal. They go to large areas over the weekends where there are gay bars and businesses, just to keep in touch with people with whom they can relate. It can be an expensive lifestyle due to travel costs, but it is well worth the investment to keep some sense of social acceptance after living in an environment in which their established acceptance as a professional or skilled worker would be undone if this one aspect of their totality were known.

For the closeted gay and activist gay who would like to develop a life-fulfilling relationship equivalent to the heterosexual marriage, this option may be denied because two very different sets of values--the total "out-front" and the "behind the closet door"--for most practical purposes are diametrically opposed. Trying to live out the American Dream of life, liberty and the pursuit of happiness can dissolve into an emotionally draining nightmare.

Gay parents find themselves balanced, often precariously, between the worlds of traditional parenthood and gay rights, a tumultuous continuum of battling for the human dignity and basic civil rights which they took for granted until they discovered their homosexual orientation. As if by magic, most if not all of the social avenues formerly frequented by the parent and child are transformed into a hostile contingency of "if's." Any youth-oriented activities, from spiritual to tutorial to

recreational, are barred to the homosexual parent simply because of that adult's sexual orientation. There is no connection between a person's sexual orientation, be it heterosexual or homosexual, and his/her ability to contribute to community growth.

Family communication is another area in which the gay person frequently has serious problems. Parents, siblings, spouses and children of gays very often find it nigh-impossible to accept the acknowledged homosexuality of the beloved family member who reveals it to them. This is extreme trauma...for the family members involved, who need to learn that this is the same person they have loved, and that this revelation, which is of the greatest importance to that loved individual, because it is of her/his very essence, must not be allowed to destroy the warmth which has existed right up to the point of that sexually self-identifying statement.

A History of Gay Legislation

There are two basic areas of concern for gay people relative to legislation: the passage of consensual sex laws and the passage of civil rights laws.

Eighteen states have passed consensual sex laws for adults, with Oregon leading the way in 1971. This trend is steadily accelerating and hopefully the next ten years will see the removal of all laws which restrict private, consensual conduct among adults.

Although Congress and many state legislatures are currently considering civil rights laws for gay people, no such legislation has passed to date. Hopefully, Oregon again will show its leadership this year in becoming the first state to enact such laws. It is interesting to note that in the area of civil rights protection, local government had led the way in adopting appropriate legislation prohibiting discrimination on the basis of sexual orientation. As of June, 1976, thirty-nine cities and counties had adopted such legislation.

On December 18, 1974, our state's largest city passed Resolution No. 31510, making it the city's policy not to discriminate against gay people in City employment. While that move was a very important step in the right direction, it is important to note that this document was indeed a resolution and not legislation. In other words, the City of Portland established its policy but provided no method for enforcing it. There is as yet no legal recourse available for a person who might be fired from a job with the city on account of his or her sexual orientation.

The first national gay rights bill was introduced into Congress in March, 1975, by Rep. Bella Abzug, D-N.Y. This legislation, HR 5452 would add the phrase "affectional or sexual preference" to the list of grounds for discrimination banned by the 1964 Civil Rights Act. The bill currently has 24 co-sponsors, including Rep. Les

AuCoin of Oregon, and is stalled in the subcommittee on Civil and Constitutional Rights of the House Judiciary Committee. Rep. Don Edwards, the chairperson from California, plans to hold the first public hearings on HR 5452 in 1977.

The 1977 Oregon Legislative session marks the third time that legislation extending civil rights protection to homosexuals has been introduced. In 1973, 1975 and in 1977, the legislative goal is to add the phrase "sexual orientation or marital status" to the already existing civil rights laws.

HB 2637 was introduced into the House of Representatives of February 14, 1975, by Representatives Vera Katz and Stephen Kafoury. It carried fourteen additional co-sponsors in the House and had five sponsors in the Oregon Senate.

HB 2637 was assigned to the State and Federal Affairs Committee, where it waited for the first of two hearings on March 20, 1975. At the March 20, 1975, hearing, over 200 gay men and women and their supporters from around the state travelled to Salem in a show of support for the bill.

A second hearing was set for April 4, 1975. Gay people rallied to the second hearing in numbers almost as large as the first. The excitement, the hard work, the prayers seemingly were not enough, and members of the House did not get a chance to vote on the bill. It was stuck in the State and Federal Affairs Committee with four negative votes and three votes of support.

In 1975, a second and unexpected piece of legislation came in the form of House Bill 2288. This bill began as a simple, non-controversial housecleaning measure: it would have prohibited the state from hiring people simply because of their sex. Then Rep. Vera Katz amended the bill in committee to include sexual orientation.

The bill emerged from the Joint Ways and Means Committee with a do-pass recommendation and was carried on the floor of the House by Rep. Sam Johnson. The bill was defeated on the floor by one vote on April 21st, but then was referred to the Human Resources Committee by a vote of 31-22. The move to return the bill to committee was made by Rep. Drew Davis who thought a "different look at the bill by some different people would be a good idea." The bill emerged again from committee with a do-pass recommendation. In the vote which followed a heated debate, HB 2288 went down to defeat on April 30, 1975. The vote: 30 yeas; 29 nays; one absent.

The Creation of State-Level Task Forces

Gay leaders in Oregon took inspiration from the work of the Pennsylvania Council for Sexual Minorities, and after two separate gay rights bills were narrowly defeated in the 1975 Legislative Session, called upon Governor Straub of Oregon to create a similar task force. The Governor agreed that the time had come to conduct factual research and set down an unbiased account of the issue of gay civil rights. He did so by establishing under

the Department of Human Resources the **Ad Hoc Task Force on Sexual Preference**, in March of 1976. The findings of the Task Force will be published in March, 1977, and we urge you to watch for that publication.

The Portland Town Council

The Portland Town Council (PTC) is one of many gay organizations in Oregon working to improve the quality of life for gay men and women, by providing them with a sense of community. PTC has focused its energies in two major areas: legislative and educational. Our legislative objective is simple: We seek to add to currently existing civil rights laws the phrase "sexual orientation or marital status." Our educational objective is equally simple: To inform the general public of the facts concerning **homosexuals and homosexuality**.

Since its official incorporation in the State of Oregon in early 1975, PTC has grown to include over 800 members in equal numbers of women and men. The governing body consists of a five-member board of directors. PTC members convene once monthly for a general business meeting. Persons who wish to participate in our

decision-making process must earn their right to vote through attendance requirements and active work on committees. This is a vital consideration because we believe that gay people are responsible for their own progress-- the desire and willingness to contribute time and energy at the grass roots level is of utmost importance.

Our purpose in legislation and in society at large is not to be the group set apart, which society has tried to make us. We want all people to come to terms with their own sexuality. Diversity should not be met with fear. We would like to enjoy the opportunity to participate fully in society and contribute the individual gifts we have to offer.

In our capacity as a professional lobby, as a public educator and as an often-used liaison with the media, PTC strives to provide ways to upgrade the quality of life for gay people. But it is always important to remember that we do not claim to speak for all gay people. Such a task would be impossible, for the gay community contains as much diversity as does the heterosexual population. But on one topic all gay people agree: we will work together to insure that our civil rights are secure.

Chapter I

Legislative Goals, 1977

"I am not an advocate for frequent changes in laws and constitutions, but laws and institutions must go hand in hand with the progress of the human mind."

"Thomas Jefferson

The Oregon gay community has a singular concern for the 1977 Legislative Session: that civil rights protection be extended to include all persons regardless of their **sexual orientation** or their **marital status**. This can be accomplished by simply adding these four words to already existing civil rights statutes.

In 1975, House Bill 2637 was introduced in the Oregon Legislature by Rep. Vera Katz and Rep. Stephen Kafoury. The cover of the bill carried the following summary:

Makes unlawful discrimination because of sexual orientation. Defines "sexual orientation."
Makes unlawful discrimination in employment because of sexual orientation or marital status.

We shall be working for the passage of substantially similar legislation during 1977. Obviously this bill will be known by a different number, but we have reproduced the entire text of HB 2637, with a few minor changes, at the end of this chapter for your reference and study in advance of the new bill's introduction. Please refer to the Legislative History chapter for a complete discussion of the fate of HB 2637.

In the following pages we have dispelled many of the myths which serve to cloud the whole issue of "gay rights." Most of them are the result of misinformation or prejudicial attitudes.

In providing this information to you in advance of the Legislative Session, we hope that you will have time to give careful thought to each point. If you have any unanswered questions after studying this and subsequent chapters, please contact representatives of the Portland Town Council or gay acquaintances for correct and up-to-date information. We trust that your vote will be an educated one.

MYTH: Such a small minority of the population would be affected that the matter scarcely merits special legislative action.

Most directly affected are the 10% of the population whose sexual activity, according to the Kinsey studies (see psych. chap.), is predominantly same-sex. But the one-third of the American public who at one time or another have had an adult same-sex experience also have a vital interest in this bill. Public revelation of even a single experience can result in a person's being considered a homosexual and thus subject to social sanctions, including the loss of employment and housing, and the inability to obtain public accommodations.

MYTH: There is no real discrimination against homosexuals.

Many business and government agencies refuse to hire gays despite the employee's competence for the job. Gays on the job, if discovered, may be fired or not promoted. If fired, their records subsequently make it difficult or impossible to obtain jobs commensurate with their training.

MYTH: I see no reason why I should support this, because there are no gay people in my constituency.

Homosexuality occurs everywhere, in communities of every size, at every social level, in every profession and among people of every walk of life. Because of the rampant homophobia in America today, it is understandable that most gays find it necessary to conceal this particular part of their lives, since it could subject them to professional, economic, and social ostracism. The

group is totally amorphous, as diffuse and varied as the world's coffee drinkers, smokers, left-handed people--or heterosexuals, for that matter--and far less visible. If you see no gay people in your constituency, it is evidence of efficient social integration. All that this legislation will do is preserve rights so that the integration will continue.

MYTH: I am afraid that my support of legislation for homosexuals would not only be politically embarrassing to me but dangerous as well: I could lose my office.

For the May 15, 1976 Primary, the Portland Town Council published a Voter's Guide which was distributed exclusively to the gay community and had a circulation of over 4,000. The recommendations made were based on a questionnaire sent to each candidate, the candidate's previous voting records, and (where possible) personal interviews. A full 81% of those candidates endorsed for the State Senate and House were elected! In the case of one 1975 gay rights sponsor, Senator Bill McCoy, who won by 8 votes, the gay voters clearly got him re-elected. Rod Monroe with the help of gay voters defeated Grace Peck, who had been in office since 1949. Likewise, Stephen Kafoury, a sponsor of the 1975 gay rights bill, defeated long-time conservative Norm Howard who had been in the legislature since 1955. In only one legislative race did gay rights and the support of the gay community become an issue. That race was the Howard/Kafoury race where Howard tried to use it against Kafoury. Obviously that tactic did not work, and Kafoury won. For the general election a Voter's Guide was again published with a circulation of over 5,000. A success rate of 80% was achieved in spite of a slanderous campaign by a group singling out the Kafoury/Huss (senate district 7), AuCoin/Bladine (congressional district 1), McCready/Lorenz (Portland City Council) races, making an issue of homosexual rights. All three gay rights proponents (Kafoury, AuCoin, McCready) had no difficulty in winning.

Of the 21 sponsors of the 1975 gay rights bill, 19 were re-elected, and two ran for higher office which they did not attain. Beside publishing the Voter's Guide, PTC worked on voter registration and signed nearly 1,000 new voters--voters who used the PTC Voter's Guide to help them determine for whom they would vote. PTC members worked for candidates in a variety of ways: individual monetary contributions, blitzing, holding benefits, work parties, putting up lawn signs, canvassing, and doing mailings for candidates. Even the *Wall Street Journal* in a front page article (October 20, 1976) recognizes the new political realities, fading risks, and power of the gay vote which no longer can be ignored. Among the many cited examples of politicians and legislators across the country who actively seek out gay support and sponsor civil rights leg-

islation is Vera Katz, Oregon State Representative from Portland. Her activist stance has drawn criticism from only one minor group; as for the rest of her constituency, Mrs. Katz says they are "proud of me for not running away from the issue." In Oregon there could be as many as 100,000 gay people. Any votes lost to a conservative minority who might be swayed on this single issue would be offset or more likely outnumbered by gains in the gay vote, not to mention concerned heterosexuals who want to prevent governmental intrusion into private life. In other words, the gay voter can be a powerful friend in getting a supportive legislator elected and in keeping him/her in office.

MYTH: This legislation would allow men to dress in women's clothes on the job.

This viewpoint is erroneous on two grounds. First, very few gays are transvestites and most transvestites are in fact heterosexual. Second, such legislation does not deal with business or government dress codes, and in no way limits the right of employers to prescribe dress codes. **MYTH: This bill would place a governmental endorsement on homosexual behavior and foster immorality.**

This is a civil rights bill which deals with the rights of 10% of Oregon women and men to hold jobs and homes. Those who dislike homosexuals will remain free to do so, but will not be allowed to deprive gays of jobs, housing and recreation because of personal prejudices.

This bill does not deal with on-the-job behavior, either heterosexual or homosexual. People still could be fired for cause, but not merely for sexual orientation.

If homosexuals do not have the legal right to hold a job they would have very few alternatives to going on welfare. To deny a productive citizen the right to work is a gross waste of human resources.

The Revised Oregon Criminal Code, which went into effect January 1, 1972, amended the previous Code by ceasing to regard the gender of the sexual partner as a factor in offenses other than rape, and by removing all sanctions against "deviate sexual intercourse" per se. Age, consent, and privacy are the only criteria now applied to define a sexual offense. In effect, Oregon has made private homosexual activity between consenting adults completely legal. However, that is the only legal protection gay people have. Just as other minorities have discovered, homosexuals must have civil rights protection under the law. For example, it was legal to be black in America, but until the 1964 Civil Rights Act most Blacks did not have civil rights protection.

MYTH: Homosexuality is a sin.

So is eating pork, smoking, driving a car, drinking coffee, paying taxes, and allowing whites to marry Blacks, depending on the religion in

question. For some churches homosexuality is a sin; for others it is not. The United States Constitution upholds the division between Church and State; consequently, one must always differentiate between crime and sin. Those who argue that our law is based on the Judeo-Christian ethic sometimes are highly selective in their application of Biblical sanctions and ignore how much these concepts have evolved: e.g., being a non-virgin bride is no longer a capital offense. Since private homosexual activity between consenting adults is no longer a crime in Oregon, the moral question is not an issue. The legislation under consideration is to be viewed in the light of a church/state dichotomy: the issue is not moral sanction but legal equality.

MYTH: Homosexuals are sick people and should submit to psychiatric treatment in order to be cured.

In 1935 Sigmund Freud wrote "Homosexuality is assuredly no advantage, but it is nothing to be ashamed of, no vice, no degradation, it cannot be classified as an illness..." (From Freud's "Letter to an American Mother"). Forty years later, one of the most cogently penetrating works on the subject, *The Homosexual Matrix*, by C.A. Tripp, states: "There are no known 'cures' for homosexuality, nor are any likely, since the phenomena which comprise it are not illnesses in the first place." (p. 251) On December 15, 1973, the American Psychiatric Association's board of trustees voted to remove homosexuality from the category of mental illness.

Where did the "sick" notion come from? Xenophobia--our innate fear of that which is different or unknown. But where did psychiatry get the notion? Definitions of homosexual "pathology" were originally based on studies of people in crisis, i.e., those who came to a psychiatrist in a state of self-doubt, major depression, in the throes of broken love affairs with their accompanying hysterical behavior and emotional regression. Little wonder that homosexuals were judged sick! Current psychiatric opinion on the nature of homosexuality has moved away from the view that homosexuality is a neurotic disorder because of a multitude of controlled studies of nonpatient homosexuals who are well integrated in society and leading happy lives.

Despite society's apparent desire to keep homosexuality and heterosexuality as separate as possible, there is no sharp division between them. As Dr. Joe Trainer said in his article in *Northwest Magazine* (Sunday Oregonian, April 6, 1975), "Society in the United States is not merely antagonistic toward the homosexual, but is irrationally fearful of such a person and as a society acts ferociously toward such individuals." Note that Dr. Trainer calls the heterosexual with an antagonistic attitude toward gays "irrationally fearful;" it would appear that it is the antagonist who is ill.

MYTH: This bill would let gays into schools, summer camps, and other situations where children could be harmed by them.

All scientific research on the subject agrees that child molestation is primarily the activity of neither homosexuals nor heterosexuals, but a distinct category of men, who are known as "pedophiles". Child molestation by women, either of males or females, either is extremely rare or virtually unreported. Pedophilic men are exclusively attracted to children, without regard to their sex, and it is noted in all studies that the majority of those apprehended for molesting young boys also have a history of molesting young girls.

Though some cases of child molestation are not committed by pedophiles, the myth that homosexuals are more likely to have such lapses of judgment and control is disproved by the statistics.

Most child molestation takes place away from a school or camp setting, and no greater percentage of males are molested in these sensitive settings. In fact, in the entire history of the New York City school system, there have been many reported cases of molestation of females, but only one case of molestation of a male.

Homosexuals join heterosexuals in agreeing that young people as well as adults must be protected from unwanted sexual advances. The idea that a homosexual teacher or counselor is less trustworthy is just another example of the society's refusal to see gay women and men as responsible human beings. (References: V. DeFrances, *Protecting the Child Victim of Sex Crimes by Adults*, American Humane Society, 1969; P. Gebhard, J. Gagnon, W. Pomeroy, and C. Christenson, *Sex Offenders*, the Kinsey Institute, 1965.)

MYTH: A more liberal stance toward gays is going to permit them to recruit more young people and turn them into homosexuals.

The determination of one's sexual orientation is such a complex question of multitudinous and diverse inputs that no single element in homosexuality, no one original influence, can be definitive. It is ironic that the least effective starting sources are those about which society is most anxious and on guard. Neither "child seduction" nor the kind of overt experiences described by the courts as "impairing the morals of a minor" seem to have much effect. According to the Tripp study, "Child seduction, though it can be traumatic when parents make an issue of it is virtually powerless to start a sexual pattern." (p. 91) Instances of same-sex experiences in teen-agers, young people, and adults which allegedly "started" their homosexuality, turn out on closer examination to be evidence of a long-established orientation that simply had not previously been given expression. Uninformed individuals who assert that such sexual overtures produce new homosexuals would have difficulty explaining the fact that

in societies where males **must** participate in homosexuality to be within the socially accepted norm, they gladly do so while single, and later gladly give it up as they pass into marriage, their basic heterosexual orientation being unchanged in the process.

The guiding of gender identity starts at birth: a child is raised as a boy or a girl. By age 5, children have very clear ideas as to what is gender-role appropriate for their sex, and gender differences are perceived more intensely and are held in sharper emotional focus than by adults. Depending on how the myriads of input are internalized and depending on how they reinforce each other, a sexual orientation is formed at a very early age and once fixed is not subject to change, i.e., it is just as impossible to turn a heterosexual into a homosexual as to change a homosexual into a heterosexual. The Kinsey researchers sought people whose sexual orientation was changed by therapy; none was found. Wardell Pomeroy (a long-time member of the Kinsey research team and now a New York psychotherapist) has continued the search to no avail. Elusive stories of "cures" turn out to be sheer repression often accompanied by neurosis, heightened feelings of guilt, and less self-acceptance than the patient started with. If therapists are unable to change sexual orientation after months, sometimes years of therapy, how then can a gay "convert" a heterosexual? One does not "choose" one's sexual orientation; neither can it be "taught" in a school room. Recruitment is a myth.

MYTH: Such permissive legislation is just going to increase the whole homosexual problem.

The latest scholarly research by Dr. Gilbert Geis et al in the Program in Social Ecology at The University of California, Irvine, indicates just the contrary. What follows is an abstract of his latest publication in this regard:

This article reports results of a survey of police officials, prosecuting attorneys, and members of homosexual groups in the seven states that had decriminalized private homosexual behavior between consenting adults. Despite the dire predictions of many, the responses indicate that, among other things, decriminalization has had no effect on the involvement of homosexuals with minors, the use of force by homosexuals, or the amount of private homosexual behavior. Additionally, decriminalization reportedly eased somewhat the problems of the homosexual community and allowed the police to devote more time to the investigation of what generally are regarded as more serious criminal offenses.

MYTH: Homosexuality is a private issue; they can just lead their lives out of the public eye.

Most homosexuals would like nothing better; however, it is the public eye which ferrets out

the homosexual in the following ways:

- Private investigatory agencies are commonly used to investigate job applicants.
- Insurance investigators often concern themselves with people's sex lives.
- Draft records are sometimes available to employers.
- Arrest records for sodomy-solicitation may be uncovered, regardless of conviction or acquittal.
- Anonymous charges may result in the investigation of an employee.
- Security investigations are concerned with people's sex lives.
- Chance meetings with straight acquaintances within a gay social setting may lead to job difficulties.
- Since many gays are unmarried, single persons over thirty are generally suspect.

MYTH: Homosexuality constitutes a threat to the nuclear family.

Crossculturally, no matter what is done or not done, homosexuality is a variant in human sexuality and generally will constitute a fairly stable statistical minority. There is no contagion; it will not spread. Any illusion of increasing numbers is due to the fact that more gays (already homosexual) are more visibly claiming their constitutional rights. The real tragedy comes when a covert homosexual is forced by social pressure into a heterosexual marriage with all its commitments and then finds it is impossible to continue. In a nation tortured by pollution and overconsumption, struggling toward zero population growth, it would appear that homosexuality is more of an asset than a liability. This is not to dismiss the fact that many gays enter into stable relationships perfectly conducive to rearing their own or adoptive children.

MYTH: This legislation would require companies to hire quotas of homosexuals in affirmative action.

Many people mistakenly believe that the passage of civil rights laws regarding sexual orientation would mean the compulsory hiring of a certain number of gay people. This is not the way the law would work, and certainly no gay person would want to become a statistic or part of a quota system of hiring.

It is an important consideration that homosexuals as a group are not identifiable. Because of this, gay people suffer more from the threat of discrimination and the fear of losing jobs, were a person's sexual orientation to become known. The problem is not to find, train and hire gay men and women, as is necessary with identifiable minorities such as women and racial minorities; rather, it is to protect the jobs and dignity of gay people who are already employed.

It is important to keep in mind that the purpose of civil rights laws is to prevent arbitrary

job-related discrimination. What gay people want is "equal employment opportunity," which is a phrase often used in connection with legislation, but which should instead be viewed as a policy. Equal employment opportunity is the goal of all working people, whether or not they belong to a "protected class." It should not be confused with EEOC, the Equal Employment Opportunity Commission, which is a federal agency which has been established to assure the enforcement of Title VII of the 1964 Civil Rights Act.

Affirmative action, on the other hand, is a specific plan to eliminate discrimination against women and minorities. Affirmative action plans are not created by legislation, but are the result of executive or judicial orders. Affirmative action plans are instigated as remedies in situations where an identifiable minority is markedly underrepresented in a particular work force. It is a concept that is irrelevant to civil rights for gay people, because gay people are already represented in proportionate numbers in every occupation and every walk of life. The affirmative action plans which have previously been instituted in Oregon as a result of executive or judicial action would not be affected by the proposed sexual orientation bill; they would continue to be, as they have been in the past, concerned solely with affirmative action for women or racial minorities. Employers would not be required to hire any certain number of gay people, any more than they are required to hire any certain number of Presbyterians, left-handed people, or people who wear glasses. **Affirmative action simply is not a part of the gay rights bill.**

MYTH: The inclusion of sexual orientation in civil rights laws would mean that an employer would lose the right to hire whom he or she wants.

Untrue.

The Oregon Bureau of Labor has established that **Business Necessity** is the only justifiable reason for discrimination. Business Necessity is described as something that is vital to the operation of a business and its survival. For instance, a restaurant which builds a business on the basis of its Oriental atmosphere may legally restrict its hiring to people of Oriental extraction. Likewise, a Playboy Club is justified in hiring women who fit their "bunny" image because their entire business is built on that premise.

A critical distinction is that **customer preference and image** are not justification for discrimination. Customer preference as to the kind of employees they want to serve them is not considered to be a Business Necessity.

Some employers worry that if they were to employ gay people to work in their business, the public might be offended by the dress or behavior of gays. This of course is the result of the mistaken idea that all gay people are easily recognizable or fit one of several stereotypes.

Any company which employs more than ten people very possibly has at least one gay person working for it already.

The request for gay civil rights does not mean that all gay people immediately would reveal their personal sexual orientation. All people have and want the right to privacy regarding their private sex lives. Furthermore, an employer would continue to have control over the dress and behavior codes of his or her employees, just as he or she does now, as long as these codes are consistently applied to all employees.

The following text was introduced in the 1975 Oregon Legislative Assembly as House Bill 2637, with the following sponsors: Representatives Katz, Kafoury, Chrest, Dereli, Fadeley, Grannell, Groener, Gustafson, Kinsey, Kulongoski, Lindquist, Marsh, Priestley, Rieke, Whiting, Wyatt; Senators Fadeley, Hallock, McCoy, B. Roberts, F. Roberts.

Note: Matter in **bold face** in an amended section is new; matter [*in italics and bracketed*] is existing law to be omitted.

HB 2637

A Bill for an Act

Relating to discrimination; amending ORS 30.670, 30.680, 30.685, 659.010, 659.020, 659.022, 659.030, 659.033, 659.037, 659.045, 659.100, 659.103 and 659.115.

Be it enacted by the People of the State of Oregon:

Section 1. ORS 659.010 is amended to read: 659.010. As used in ORS 659.010 to 659.110 and 659.400 to 659.435, unless the context requires otherwise:

- (1) "Bureau" means the Bureau of Labor.
- (2) "Cease and desist order" means an order signed by the Commissioner, taking into account the subject matter of the complaint and the need to supervise compliance with the terms of any specific order issued to eliminate the effects of any unlawful practice found, addressed to a respondent requiring him to:

(a) Perform an act or series of acts designated therein and reasonably calculated to carry out the purposes of ORS 659.010 to 659.110 and 659.400 to 659.435, eliminate the effects of an unlawful practice found, and protect the rights of the complainant and other persons similarly situated:

(b) Take such action and submit such designated reports to the commissioner on the manner of compliance with other terms and conditions specified in his order as may be required to assure compliance therewith; or

(c) Refrain from any action designated in the order which would jeopardize the rights of the complainant or other person similarly situated or frustrate the purpose of ORS 659.010 to 659.110 and 659.400 to 659.435.

(3) "Commissioner" means the Commissioner of the Bureau of Labor.

(4) "Conciliation agreement" means a written agreement settling and disposing of a complaint under ORS 659.010 to 659.110 and 659.400 to 659.435 signed by a respondent and an authorized official of the Bureau of Labor.

(5) "Employee" does not include any individual employed by his parents, spouse or child or in the domestic service of any person.

(6) "Employer" means any person, including state agencies, political subdivisions and municipalities, who in this state, directly or through an agent, engages or utilizes the personal service of one or more employees reserving the right to control the means by which such service is or will be performed.

(7) "Employment agency" includes any person undertaking to procure employees or opportunities to work.

(8) "Entity" includes employers, labor organizations, employment agencies, places of public accommodation as defined in ORS 30.675 or vocational, professional or trade schools.

(9) "Labor organization" includes any organization which is constituted for the purpose, in whole or in part, of collective bargaining or in dealing with employers concerning grievances, terms or conditions of employment or of other mutual aid or protection in connection with employees.

(10) "National origin" includes ancestry.

(11) "Person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees on bankruptcy or receivers.

(12) "Respondent" includes any person or entity against whom a complaint or charge of unlawful practices is filed with the commissioner or whose name has been added to such complaint or charge pursuant to subsection (1) of ORS 659.050.

(13) "Sexual orientation" means choice of sexual partner according to gender. Sexual orientation is limited to heterosexual, homosexual or bisexual preferences.

[13] (14) "Unlawful employment practice" includes only those unlawful employment practices specified in ORS 659.024, 659.030 and subsection (1) of ORS 659.026.

[14] (15) "Unlawful practice" means any unlawful employment practice or any distinction, discrimination or restriction on account of race, religion, color, sex, **sexual orientation, marital status** or national origin made by any place of public accommodation as defined in ORS 30.675 by any person acting on behalf of any such place or by any person aiding or abetting any such place or person in violation of ORS 30.685, or any violation of ORS 345.240, 659.033, 659.037, or rules and regulations adopted pursuant to subsection (1) of ORS 659.103, but does not include a refusal to furnish goods or services when the refusal is based on just cause.

Section 2. ORS 659.020 is amended to read: 659.020 (1) It is declared to be the public policy of Oregon that practices of discrimination against any of its inhabitants because of race, religion, color, sex, **sexual orientation, marital status** or national origin are a matter of state concern and that such discrimination threatens not only the rights and privileges of its inhabitants but menaces the institutions and foundation of a free democratic state.

(2) The opportunity to obtain employment without discrimination because of race, religion, color, sex, **sexual orientation, marital status** or national origin hereby is recognized as and declared to be a civil right. However, this section shall not be construed to prevent a bona fide church or sectarian religious institution, including but not limited to a school, hospital or church camp, from preferring an employe or applicant for employment of one religious sect or persuasion over another when:

(a) That religious sect or persuasion to which the employe or applicant belongs is the same as that of such church or institution; and

(b) In the opinion of such bona fide church or sectarian religious institution, such a preference will best serve the purposes of such church or institution.

(c) The employment involved is closely connected with or related to the primary purposes of the church or institution and is not connected with commercial or business activity which has no necessary relationship to the church or institution, or to its primary purposes.

Section 3. ORS 659.022 is amended to read: 659.022. The purpose of ORS 659.010 to 659.110 and 659.400 to 659.435 is to encourage the fullest utilization of available manpower by removing arbitrary standards of race, religion, color, sex, **sexual orientation, marital status**, national origin or age as a barrier to employment of the inhabitants of this state; to insure human dignity of all people within this state, and protect their health, safety and morals from the consequences of inter-group hostility, tensions and practices of discrimination of any kind based on race, religion, color, sex, **sexual orientation, marital status** or national origin. To accomplish this purpose the Legislative Assembly intends by ORS 659.010 to 659.110 and 659.400 to 659.435 to provide:

(1) A program of public education calculated to eliminate attitudes upon which practices of discrimination because of race, religion, color, sex, **sexual orientation, marital status** or national origin are based.

(2) An adequate remedy for persons aggrieved by certain acts of discrimination because of race, religion, color, sex, **sexual orientation, marital status** or national origin or unreasonable acts of discrimination in employment based upon age.

(3) An adequate administrative machinery for the orderly resolution of complaints of discrimination through a procedure involving investigation, conference, conciliation and persuasion; to encourage the use of good faith of such machinery by all parties to a complaint of discrimination and to discourage unilateral action which makes moot the outcome of final administrative or judicial determination on the merits of such a complaint.

Section 4. ORS 650.030 is amended to read:

659.030 (1) For purposes of ORS 659.010 to 659.110 and 659.400 to 659.435, it is unlawful employment practice:

[1] (a) For an employer, because of the race, religion, color, sex, **sexual orientation, marital status** or national origin of any individual or of any other person with whom the individual associates, to refuse to hire or employ or to bar or discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment. However, discrimination is not an unlawful employment practice if such discrimination results from a bona fide occupational requirement reasonably necessary to the normal operation of the employer's business, including, but not limited to, discrimination due to the physical requirements of the employment, lack of adequate facilities to accommodate both sexes or special environmental conditions justifying such employment.

[2] (b) For a labor organization, because of the race, religion, color, sex, **sexual orientation, marital status** or national origin of any individual to exclude or to expel from its membership such individual or to discriminate in any way against any such individual or any other person.

[3] (c) For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or the use any form of application for employment or to make any inquiry in connection with prospective employment which expresses directly or indirectly any limitation, specification or discrimination as to race, religion, color, sex, **sexual orientation, marital status** or national origin, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification. But identifying employes according to race, religion, color, sex, **sexual orientation, marital status** or national origin does not violate this section unless the commissioner, after hearing conducted pursuant to ORS 659.103, determines that such a designation expresses an intent to limit, specify or discriminate on the basis of race, religion, color, sex, **sexual orientation, marital status** or national origin.

[4] (d) For any employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because he has opposed any practices forbidden by this sec-

tion or because he has filed a complaint, testified or assisted in any proceeding under ORS 659.010 to 659.110 and 659.400 to 659.435.

[5] (e) For any person, whether an employer or an employe, to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under ORS 659.010 to 659.110 and 659.400 to 659.435 or to attempt to do so.

[6] (f) For any employer, labor organization or employment agency to inquire into or investigate the sexual orientation of any employe or prospective employe. However, it is not an unlawful employment practice, with respect to an employe or prospective employe who is or would be working primarily with minors, to inquire of such person as to whether he has any prior convictions, involving conduct with a minor, for violation of ORS 163.355, 163.365, 163.375, 163.385, 163.395, 163.405, 163.415, 163.425, 163.435, or 163.445.

Section 5. ORS 659.033 is amended to read: 659.033. (1) No person shall, because of race, color, sex, **sexual orientation, marital status**, religion or national origin of any person:

(a) Refuse to sell, lease or rent any real property to a purchaser,

(b) Expel a purchaser from any real property.

(c) Make any distinction, discrimination or restriction against a purchaser in the price, terms, conditions or privileges relating to the sale, rental, lease or occupancy of real property or in the furnishing of any facilities or services in connection therewith.

(d) Attempt to discourage the sale, rental or lease of any real property to a purchaser.

(e) Publish, circulate, issue or display, or cause to be published, circulated, issued or displayed, any communication, notice, advertisement or sign of any kind relating to the sale, rental or leasing of real property which indicates any preference, limitation, specification or discrimination based on race, color, sex, **sexual orientation, marital status**, religion or national origin.

(f) Assist, induce, incite or coerce another person to commit an act or engage in a practice that violates this section.

(2) No real estate broker or salesman shall accept or retain a listing of real property for sale, lease or rental with an understanding that a purchaser may be discriminated against with respect to the sale, rental or lease thereof because of race, color, sex, **sexual orientation, marital status**, religion or national origin.

(3) No person engaged in the business of selling, renting or leasing real property shall inquire into the sexual orientation of a purchaser, renter lessee, or prospective purchaser, renter or lessee.

[3] (4) This section does not apply with respect to sex discrimination if the real property is such that common use of bath or bedroom facilities by unrelated persons of opposite sex is a necessary result of the act or engaging in

practice of the person engaged in the business of selling real property.

Section 6. ORS 659.037 is amended to read: 659.037. No person acting on behalf of any place of public accommodation as defined in ORS 30.675 shall publish, circulate, issue or display, or cause to be published, circulated, issued or displayed, any communication as defined in ORS 30.675 shall publish, circulate, issue or display, the accommodations, advantages, facilities, services or privileges of such place of public accommodation will be refused, withheld from or denied to, or that any discrimination will be made against, any person on account of race, religion, sex, **sexual orientation, marital status**, color or national origin.

Section 7. ORS 659.045 is amended to read: 659.045. (1) Any person claiming to be aggrieved by an alleged distinction, discrimination or restriction on account of race, religion, sex, **sexual orientation, marital status**, color or national origin made by any place of public accommodation as defined in ORS 30.675 or by any person acting on behalf of such place or in violation of ORS 30.685 or any person claiming to be aggrieved by a violation of ORS 659.033 may, by himself or his attorney, make, sign and file with the Commissioner of the Bureau of Labor a verified complaint in writing which shall state the name and address of the person, the place of accommodation or the vocational, professional or trade school alleged to have committed the act complained of and which complaint shall set forth the particulars thereof. The complainant may be required to set forth in the complaint such other information as the Commissioner of the Bureau of Labor may deem pertinent.

(2) The Attorney General or the Commissioner of the Bureau of Labor may make, sign and file a complaint in a like manner as a complaint filed under subsection (1) of this section whenever he has reason to believe that any place of public accommodation or any person acting on behalf of such place or any person aiding or abetting such place or person has denied any person his rights under ORS 30.670 or 30.685 or has violated ORS 659.037 or that a violation of ORS 345.240 has occurred or that any person has violated the provisions of ORS 659.033.

Section 8. ORS 659.100 is amended to read: 659.100 (1) The Bureau of labor may eliminate and prevent discrimination in employment because of race, religion, color, sex, **sexual orientation, marital status** or national origin or by employers, employes, labor organizations, employment agencies or other persons and take other actions against discrimination because of race, religion, color, sex, **sexual orientation, marital status** or national origin as provided in ORS 659.010 to 659.110 and 659.400 to 659.435. To eliminate the effects of discrimination the Bureau of Labor

may promote voluntarily affirmative action by employers, labor organizations, governmental agencies, private organizations and individuals and may accept financial assistance and grants or funds for such purpose.

(2) Except for discrimination against employes who are described in subsection (2) of ORS 659.026, the Bureau of Labor is given jurisdiction and power over instances of discrimination in employment because of age, as prohibited by ORS 659.024 and 659.026.

(3) The Bureau of Labor may eliminate and prevent violations of ORS 659.033 and may eliminate and prevent discrimination or restrictions because of race, religion, color, sex, **sexual orientation, marital status** or national origin by vocational, professional and trade schools licensed under any law of the State of Oregon, or by any place of public accommodation as defined in ORS 30.675 or by any person acting on behalf of such place or by any person aiding or abetting such place or person in violation of ORS 30.685. The Bureau of Labor hereby is given general jurisdiction and power for such purposes.

(4) The commissioner shall employ a deputy commissioner and such other personnel as may be necessary to carry into effect the powers and duties conferred upon the Bureau of Labor and the commissioner under ORS 659.010 to 659.110 and 659.400 to 659.435 and may prescribe the duties and responsibilities of such employes. The Commissioner of the Bureau of Labor may delegate any of his powers under ORS 659.010 to 659.110 and 659.400 to 659.435 to the deputy commissioner employed under this subsection.

(5) The commissioner may issue subpoenas to require the production of evidence necessary for the performance of any of his duties under ORS 659.010 to 659.115 and 659.400 to 659.435.

(6) No person delegated any powers or duties under this section and ORS 659.103 shall act as prosecutor and examiner in processing any violation under ORS 659.010 to 659.110 and 659.400 to 659.435.

Section 9. ORS 659.103 is amended to read: 659.103. (1) In accordance with any applicable provision of ORS chapter 183, the commissioner may adopt reasonable rules:

(a) Establishing what acts and communications constitute a notice, sign or advertisement that public accommodation or real property will be refused, withheld from, or denied to any person or that discrimination will be made against him because of race, religion, sex, **sexual orientation, marital status**, color or national origin.

(b) Establishing what inquiries in connection with employment and prospective employment express a limitation, specification or discrimination as to race, religion, color, sex, **sexual orientation, marital status**, national origin or age.

(c) Establishing what inquiries in connection with employment and prospective employment soliciting information as to race, religion, color, sex,

sexual orientation, marital status, national origin or age are based on bona fide job qualifications.

(d) Establishing rules for internal operation and rules of practice and procedure before the commissioner under ORS 659.010 to 659.110.

(e) Establishing rules covering any other matter required to carry out the purpose of ORS 659.010 to 659.110 and 659.400 to 659.435.

(2) In adopting rules under this section the commissioner shall consider the following factors, among others:

(a) The relevance of information requested to job performance in connection with which it is requested.

(b) Available reasonable alternative ways of obtaining requested information without soliciting responses as to race, religion, color, sex, **sexual orientation, marital status**, national origin or age.

(c) Whether a statement or inquiry soliciting information as to race, religion, color, sex, **sexual orientation, marital status**, national origin or age communicates an idea independent of an intention to limit, specify or discriminate as to race, religion, color, sex, **sexual orientation, marital status**, national origin or age.

(d) Whether the independent idea communicated is relevant to a legitimate objective of the kind of transaction which it contemplates.

(e) The ease with which the independent idea relating to a legitimate objective of the kind of transaction contemplated could be communicated without connoting an intention to discriminate as to race, religion, color, sex, **sexual orientation, marital status**, national origin or age.

Section 10. ORS 659.115 is amended to read:

659.115 (1) The Commissioner of the Bureau of Labor shall create such advisory agencies and inter-group-relations councils, local, regional or state-wide, as in his judgment will aid in effectuating the purposes of ORS 659.010 to 659.110 and 659.400 to 659.435. The commissioner may empower them:

(a) To study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination because of race, religion, color, sex, **sexual orientation, marital status** or national origin.

(b) To foster, through community effort or otherwise, goodwill, cooperation and conciliation among the groups and elements of the population of the state.

(c) To make recommendations to the commissioner for the development of policies and procedures in general and in specific instances, and for programs of formal and informal education.

(2) Such advisory agencies and councils shall be composed of representative citizens, serving without pay, but with reimbursement for actual and necessary expenses in accordance with laws and regulations governing state officers.

(3) The commissioner may make provisions for technical and clerical assistance to such agencies and councils and for the expenses of such assistance.

Section 11. ORS 30.670 is amended to read: 30.670. All persons within the jurisdiction of this state shall be entitled to the full and equal accommodations, advantages, facilities and privileges of any place of public accommodation, without any distinction, discrimination or restriction on account of race, religion, sex, **sexual orientation, as defined in ORS 659.010, marital status**, color or national origin.

Section 12. ORS 30.680 is amended to read:

30.680. All persons against whom any distinction, discrimination or restriction on account of race, religion, sex, **sexual orientation, as defined in ORS 659.010, marital status**, color or national origin has been made by any place of public accommodation, as defined in ORS 30.675, by any person acting on behalf of such place or by any person aiding or abetting such place or person in violation of ORS 30.685 shall have a cause of action to recover compensatory and punitive damages from the operator or manager of such place or the employe or person acting on behalf of such place or the aider or abettor of such place or person. In the action the operator or manager of such place, the employe or person acting on behalf of such place or the aider or abettor of such place or person shall be jointly and severally liable. Any person recovering damages under this section shall be entitled to reasonable attorney fees as determined by the court in addition to costs and necessary disbursements.

Section 13. ORS 30.685 is amended to read:

30.685. It is unlawful for any person to aid or abet any place of public accommodation, as defined in ORS 30.675 or any person acting on behalf of such place to make any distinction, discrimination or restriction on account of race, religion, color, sex, **sexual orientation, as defined in ORS 659.010, marital status** or national origin.

Chapter II

Psychology and Psychiatry

Nearly a decade ago, the National Institute of Mental Health (NIMH) appointed a Task Force of fifteen noted behavioral, medical, social and legal scientists--each with extensive research and study experience in the areas of sexuality and sexual deviation, headed by noted sex researcher Dr. Evelyn Hooker--to conduct an in-depth study of mental health aspects of homosexuality, for the purpose of making recommendations to the NIMH for programming in this area. The final report of this Task Force was issued on October 10, 1969, with the following conclusions abbreviated hereunder:

- Homosexuals are found in all walks of life, regardless of socioeconomic level, cultural grouping or geographic setting.
- Homosexuals are very heterogeneous, as are heterosexuals.
- Three to four million adults in the United States are predominantly homosexual; many more have homosexual tendencies which are important to them in the private lives they lead.
- Information on homosexuality should be collected and tabulated by the NIMH and distributed to the public at large to facilitate factual understanding about homosexuals and the problems which society levels at them.
- Police entrapment, job discrimination and other civil rights infringements imposed upon homosexuals should be studied separately and in conjunction with their effects upon the homophile community.
- Special training should be offered for all law enforcement personnel who come in contact with homosexual issues or problems, and for guidance and caretaking personnel. Special efforts should be made to modify attitudes which interfere with an objective understanding.
- Present lack of knowledge of the subject has done more social harm than good to the maintenance of public order and human decency.
- There is no evidence suggesting that legal penalties are effective in preventing or reducing the incidence of homosexual acts in private between consenting adults. Elimination of these penalties would reduce the emotional stresses upon the parties involved and thereby contribute to an improvement in their mental health. (Two years after this report was issued, Oregon eliminated criminal penalties on private homosexual conduct between consenting adults.)
- Changing laws restricting homosexual acts between consenting adults would encourage revisions in governmental hiring and firing regulations based solely on the potential employee's

sexual orientation. Removal of this anxiety would contribute to the mental health of homophiles and would reduce the threat of blackmail, a constant hazard to the homosexual under present conditions. Such changes may help to facilitate the recasting of public attitudes that are ultimately needed.

On December 15, 1973 the American Psychiatric Association Board of Trustees removed the word "homosexuality" from its official nomenclature as a mental disorder because it "implies no impairment in judgement, stability, reliability, or general social or vocational capabilities. The statement went on to urge civil rights legislation to protect homosexuals. A year later, the American Psychological Association followed suit.

Psychological Research on Homosexuality

The figures: Alfred C. Kinsey, in his comprehensive studies of *Sexual Behavior in the Human Male* (1948), and *Sexual Behavior in the Human Female* (1953) reported the following:

- 37% of the total male population has at least some overt homosexual experience to the point of orgasm between adolescence and old age. This accounts for nearly two males out of every five.
- 13% of all males react erotically to other males without having overt homosexual contacts after the onset of adolescence.
- The combination of the two above groups totals 50% of the male population.
- 16% of the male population has more than incidental homosexual experience or reactions over at least a three year period between the ages of 16 and 55. This means that approximately one male out of every four has had or will have such distinct and continued homosexual experience. (Kinsey, *Male*, pp. 650-651)
- 28% of all females by age 30 have experienced erotic responses to other females.
- 19% of females sampled had had physical sexual contact with other females by age 40. (Kinsey, *Female*, p. 453)

In 1957, Evelyn Hooker administered a battery of psychodiagnostic tests to 30 nonpatient homosexual males and 30 matched heterosexual controls. She submitted the protocols for randomly ordered blind analysis by experts of the stature of Dr. Bruno Klopfer et al. These judges not only found no evidence that homosexuals were any different in psychosocial adjustment, they were

unable to distinguish in any way between the two groups. (Dr. E. Hooker, *Journal of Projective Techniques*, 21, 18-31, 1957)

More recently, Riess and Gundlach substantiated Hooker's findings with respect to females. Groups of 226 lesbians and 234 control heterosexual women, with less than half of each group having had psychotherapy, completed a 500 item questionnaire which dealt with home background, family relationships, sexual development, attitudes and behavior. No decisive differences were evidenced between the lesbians and their straight counterparts.

Another study, by Evans in 1970, used Cattell and Stice's 16 Personality Factor Questionnaire and found that "the major difference between homosexuals and heterosexuals appeared to be one of sexual orientation rather than psychopathology." (Evans, *Journal of Consulting Psychology*, 1970, 2, 34)

Dean and Richardson, in 1964 compared 40 male homosexuals and heterosexuals on the MMPI, concluding that, "the results obtained...could in no way be interpreted as being symptomatic of any general and severe personality disturbance... Homosexual subjects at a high level of intelligence and effective functioning do not show clear signs of disturbance on the MMPI." (Dean & Richardson, *Journal of Consulting Psychology*, 1964, 28, 6)

In 1970, Dr. George Weinberg studied some 260 male homosexuals over the age of 45 and found that "the psychological consequences that are supposed to stem from this particular style of life are not at all evident...On the contrary, the older homosexual does not appear more lonely or depressed; the older the homosexual, the more psychologically adjusted he appears to be." (Dr. G. Weinberg, *Social Problems*, 1970, 17)

A study of 89 nonpatient homosexuals by Saghir et al in 1970 is noteworthy both because of its findings that "there is little difference demonstrated in the prevalence of psychopathology between the homosexual and control (heterosexual) groups," and because of its findings that "homosexual men tend to work productively and to share the national pattern of an upward mobility of sons when compared with their fathers." While "there is no evidence of a downward drift," the authors show concern particularly in their caution that "the generalizability of these findings to the entire population of male homosexuals is not established and cannot be so long as homosexuality retains its legal and social stigma." (emphasis added) (M. Saghir, E. Robins, B. Walbran and K. Gentry, *American Journal of Psychiatry*, 1970, 126, 8) Saghir et al of course refer to the reluctance of homosexuals to reveal their identity for the purposes of social research. It should be noted here that in the Evans study cited previously, as possibly in others in which "mild" neuroticism was noted in homosexuals, homosexuals were obtained from a Los Angeles-based "pioneer, non-

militant organization founded to advance the cause of homosexuals through law reform and education," indicating that "any form of social activism may well arise out of emotional factors which are more tension laden than those found in the general population."

It should be stressed that the statistics and findings cited above do not by any means encompass all the professional research undertaken to date which substantiates that homosexuals are indistinguishable from the heterosexual population in terms of mental health. The authors hope that providing excerpts of such studies will help clarify common misunderstandings regarding homosexuality. The following discussion is intended to put these data into a more fluid framework of thought and understanding about homosexuals and homosexuality.

Several of the above studies point out the testing of nonpatient homosexual samples. This is important because, as Marmor points out, "the concepts of psychoanalysts are all derived from the study of homosexuals who have sought psychoanalytic therapy or else have been referred because of external difficulties. (Dr. J. Marmor, *Sexual Inversion*, 1965, 11) Certainly no equivalent studies have been used to generalize about heterosexuals, based on heterosexuals seeking psychiatric aid. If that were the case, we all would have as misleading an understanding about heterosexuals as many people have about homosexuals. Marmor sums up this argument well: "As I have often pointed out, if our judgment about the mental health of heterosexuals were based only on those whom we see in our clinical practices we would have to conclude that heterosexuals also are all mentally ill. There is no longer any justifications for stereotyping of all homosexuals and ignoring the fact that there are many homosexuals in our society who function responsibly, effectively, and honorably, many in positions of the highest trust, and who despite their alternative sexual life style, are emotionally mature and reasonably well-adjusted individuals. Many of them love their partners with the same degree of tenderness, warmth, and romantic feeling that is found in the best of heterosexual attachments. Much of the 'dis-ease' that such homosexuals suffer from in our culture is not intrinsic to their homosexuality at all but is a consequence of the prejudice and discrimination that they encounter in a hostile society."

Effects of Social Attitudes

Society long has dictated to homosexuals that they are "sick," "immoral," or any other of a long list of derisive terms. Over a great enough period of time, nearly anyone can be convinced that s/he is not "normal" or not meeting expected standards. This kind of pressure has led many homosexuals through analysts' doors, with two major types of results. First, homosexuals who have received the aid of knowledgeable analysts and doctors have been reinforced in understanding

that there really is nothing "wrong" with them, just because their orientation is that of a minority group. Marmor points out that other groups are not subject to legal or social exclusion because of their socially deviant behavior, citing such minorities as vegetarians, astrology and numerology believers and sexual ascetics. Second, it still is not an uncommon phenomenon today to find the homosexual who comes for help to a doctor or analyst who subscribes to the now disproven theory that homosexuals can be "cured" of their "condition." Likewise there are analysts who still prey upon guilt, moralizing, or other debasing reflections of self in the homosexual who has not developed a positive self-identity. Untold harm has been wrought upon countless homosexuals by such vendors of society's standards. Wilson pointed out in 1975 that "it goes without saying that when terms like 'sick' or 'disturbed' are applied to individuals with the official approval of professional bodies which enjoy a high degree of public respect, the effects exerted upon such individuals by the society in which they live are deleterious at best and more often than not, disastrous. The field of Social Psychology is replete with studies illustrating the impact of prior labeling upon the subsequent perception of one individual by another...As regards the effects of categorization per se, McIntosh (1968) asserts that, 'The practice of labeling of persons as deviant operates as a mechanism of social control. It helps provide a clear-cut, publicized, and recognizable threshold between permissible and impermissible behavior...If the culture defines people as falling into distinct types...then these types will tend to become polarized, highly differentiated from the other.' " (Wilson quoting McIntosh, *Social Problems*, 1968, 16)

What often has happened, then, is that one member of each of these polarized groups has come together in a cataclysmic setting: the doctor or analyst, representing a society hostile to homosexuals, and a homosexual saying, "Help me discover who I am," or words to that effect. The homosexual knows s/he is homosexual, just as heterosexuals know they are heterosexual. The role of the doctor in this case should be to help clarify confusions wrought upon the homosexual by an uninformed, unsympathetic social environment. Instead, what too often has happened has been an attempt to "cure" this orientation.

Attempts to "Cure" Homosexuality

Medical procedures for "curing" homosexuality range from the gruesome to the bizarre:

Brain surgery: The September 25, 1970 *Medical World News* reported on Dr. Fritz Roeder in an article entitled "Homosexuality Burned Out." Based on his belief "that homosexuality is a sad pathologic upshot of faulty brain programming, often due to a severe androgen deficiency in early infancy," Dr. Roeder's procedure involved "pinpointing" a section in the hypothalamus "that oc-

cupies less than a cubic centimeter of matter" and destroying it "with a series of tiny electrical burns...with the reported result that young homosexual men, most of them pedophiliacs, are promptly transformed into the straight world." (All quotes from *Society and the Healthy Homosexual*, Dr. George Weinberg, 1973) Three blatant fallacies compose the basic inhumanity of Roeder's technique.

1. No lack of androgen ever was reported in Dr. Roeder's patients. He then assumed that there must have been one in the past.
2. Like prefrontal lobotomy (another unsuccessful surgical method of "curing" homosexuality), Dr. Roeder's "Burn Out" technique produced no lasting change in sexual orientation. It did destroy brain matter. In many cases, it annihilated the possibility for fantasy or pleasure in the sexual experience.
3. Dr. Roeder equated normal, average, run-of-the-mill homosexuals with pedophiliacs, or persons with strong sexual desires oriented toward young children, otherwise known as child molesters. The vast majority of homosexuals have no sexual interest in children. (See Appendix.)

Emetic Persuasion: An emetic is a vomit inducing substance. It frequently is introduced into the system intramuscularly, sometimes with a measure of dexamphetamine, to hasten the process of vomiting. The subject would be given fetish objects or pictures of nude men. The proposed result was, of course, associating pleasure-related experiences with acute physical illness. Emetic persuasion has not proved notably successful in "curing" homosexuals of their sexual orientation. Dr. J. C. Barker, formerly a strong advocate of emetic persuasion, noted in a paper he prepared for a 1965 *British Journal of Psychiatry* that he thought electroshock treatments might be more efficacious in "treating" the homosexual. Electroshock therapy in fact has been another common method of such attempts. It may be bitterly amusing for the thousands of homosexuals on whom this treatment failed to hear that its inventor, Gerald Davison, now decries his "playboy therapy," as he called it, as a dehumanizing exercise in futility at best. "Playboy therapy" thus is based on the idea of "aversive counter-conditioning," the opposite of positive reinforcement approaches. A description follows:

Playboy therapy: "The client (usually a man) sits before a screen and views slides of attractive men, clothed and nude. He holds a switch which changes the slides, but the therapist has final control over the projector. While he watches the men, he receives an uncomfortable shock delivered through electrodes strapped to his legs. This shock is supposed to set up an unpleasant association with the sexual imagery before him. "After this association has been conditioned, he is given the opportunity to avoid the shock by changing the slide within a certain number

of seconds. As he changes the slide, a picture of an attractive woman appears. Sometimes the picture of the woman will appear while the man is being shocked and then the shock stops. The idea is to develop an avoidance reaction to homosexual images and to make the man associate female images with relief. There are refinements to the procedure, but these are the basic features." (Ron McCrea interviewing "playboy therapy" designer Gerald Davison for the Alicia Patterson Foundation, in *New York* February 19, 1976.)

Davison explains why "playboy therapy" does not work, picking up where Marmor left off. "I start with the premise that there's no such thing as a neutral therapist. The naturalness of what most of us agree to do...tends to blind us to the prejudices and biases that we exercise. I would suggest to you that our biases are most subtle, problematic, and insidious when we deal with people who are inclined to favor sexual contacts with members of the same sex...Converting homosexuals to heterosexuals tends to validate the prejudice...impede change, and...to limit the options available to homosexuals."

Davison does not limit his discussion to practitioners who would urge "playboy therapy" for their clients; he also is addressing clients themselves who come to a therapist for the purpose of being converted. The reason, as stated above, simply is that "playboy therapy" does not work. Davison reviewed all the literature on change or orientation therapy, only to discover that, "if you look very carefully at those data you will find that there are no cures...Follow-up studies on celebrated cases of 'success' reveal that they ended up in worse shape than before. The changes were ephemeral, they got themselves into heterosexual marriages--and a heterosexual marriage is a problematic situation as any clinician, anyone who's alive and aware, knows--and with all those problems plus the fact that they were still turned on and trying to suppress their urges, these people ended up in worse shape." "Curing" homosexuality may be akin to Carl Jung's effort to convince a woman interested in graduate studies in mathematics that, during that Victorian Age, such behavior exhibited "pathological masculine tendencies."

"Playboy therapy" is "out" because it does not work. Since sexual orientation is a non-changeable personal status, where should the homosexual, who feels society's guilt pressures, turn in order to feel more comfortable with her/himself? Charles Silverstein, director of the Institute of Human Identity, has one quick, effective answer: "People have been treated much better by therapists who suggested that they get in touch with other gay people. Sufficient role-modeling by other gay people can be a much quicker cure for some of their problems than any other kind of treatment."

Causes Of Homosexuality

What about biochemically-"caused" homosexuality, or homosexuality "derived" from instinct, genes, hormones and the like? These theories, too, have undergone severe scrutiny over the last decade, and none has fared very well. "Instinct theories have not been considered seriously" for the last three decades, according to Bradford Wilson in his *Memorandum to Committee on Nomenclature of the American Psychiatric Association*, March, 1975, co-authored by Dr. George Weinberg. Moreover, the question must be asked with respect to heterosexuality: Do cases in which this "instinct" (heterosexuality) does not manifest itself necessarily invite labels of "malformation?" As Green countered so succinctly, "At what point, if any, does the nonemergence of an innate tendency signify disorder, and how much (or how little) innate tendency must there be present before this assumption can be made?" (R. Green, *International Journal of Psychiatry*, 1972, 10, 1)

With regard to the gene and hormone theories, Dr. Joe Trainer, noted physician and student of human sexual behavior, explains: "In the human, the female has 46 chromosomes, plus two X chromosomes; the male has 46, plus one X and a fragmentary blob we call a Y chromosome. It is a very incomplete piece of genetic stuff. We now feel that all humans are basically female, with the male variant dependent upon this fragment. Hormonally, it is important to note that we are all primarily human and only in a minor way segregated into males and females...Our adrenal glands produce both male and female hormones, and with aging there is a distinct move to a commoner sex hormone manufacture in both sexes. "The hormones determine sexual behavior in early embryonic life, and the normal development of an individual can be altered by administration of the wrong hormone during or immediately following pregnancy....

"We can conclude that we sometimes have genetic conditioning of and sometimes hormonal determinations of unusual sexual behaviors. What part, and when, these factors enter in the sexual orientation of a human we of course have no idea at the present time...

"This embraces the whole problem of gender identity. The most important thing that happens to us in our lives is being assigned to a gender. 'It's a girl' or 'It's a boy' signals a whole train of individual and social pressures, cues, lessons and attitudes that mold us into conventional males or females. In effect, we set about taking the shared characteristics of all humans and artificially dividing them into one population of males, with their own values, views, clothes, language, attitudes and behaviors, and into another of females, with entirely differing parameters of the same things." (Dr. Joe Trainer, "Northwest" Magazine, *The Sunday Oregonian*, April 6, 1975.)

Marmor states most pointedly: "I can fully understand how uninformed laymen can cling to this belief, but it is utterly appalling that this unscientific prejudice still holds sway in a professional field like psychiatry." ("Homosexuality and Cultural Value Systems: Should Homosexuality be Classified as a Mental Illness?" Annual meeting of the APA, May 9, 1973.)

Homophobia

Speaking of "uninformed laymen," one interesting and useful outgrowth of the gay rights movement is the invention of the word "homophobia," which is "the dread of being in close quarters with homosexuals--and in the case of homosexuals themselves, of self-loathing," as Dr. George Weinberg defines this phobia in *Society and the Healthy Homosexual* (1973, pp. 4-5.)

Kenneth Smith is a colleague of Dr. Weinberg and did possibly one of the first researches on homophobia. The following is Smith's "Homophobic Scale" as given in *Society and the Healthy Homosexual*, 1973, 129-130.

- | | | |
|---|-----|-----|
| 1. Homosexuals should be locked up to protect society. | YES | NO |
| 2. It would be upsetting for me to find out I was alone with a homosexual. | ___ | ___ |
| 3. Homosexuals should be allowed to hold government positions. | ___ | ___ |
| 4. I would not want to be a member of an organization which had any homosexuals in its membership. | ___ | ___ |
| 5. I find the thought of homosexual acts disgusting. | ___ | ___ |
| 6. If laws against homosexuality were eliminated, the proportion of homosexuals in the population would probably remain about the same. | ___ | ___ |
| 7. A homosexual could be a good President of the United States. | ___ | ___ |
| 8. I would be afraid for a child of mine to have a teacher who was homosexual. | ___ | ___ |
| 9. If a homosexual sat next to me on a bus I would get nervous. | ___ | ___ |

"Yes" answers to questions 1, 2, 4, 5, 8, and 9, and "no" answers to questions 3, 6, and 7 reveal homophobic attitudes. While this scale may not guarantee 100% accuracy in detecting homophobia, it serves as a valid indicator of dominant feelings toward homosexuals and homosexuality.

The only sure-fire cures for homophobia are direct contact with known homosexuals, and, of course, displacing previous misconceptions with factual data on homosexuality.

When all is said and done, then, the old-line mental health attitudes decrying homosexuality as pathological abnormality boil down to just that--attitudes, feelings void of factual substantiation, bulging with the prejudices of the society in which they are voiced. Immeasurable waste of time,

energy and money has been wrought upon homosexuals who, feeling the pressures of a hostile society, have sought "help" from psychiatrists and psychologists. Countless psychiatrists have echoed the morals of a society unwilling to deal with any form of nonprocreative sexual experience through the impressive jargon of the mental health field. It is interesting to note that Freud, the father of psychoanalysis, wrote to the mother of an American homosexual, "Homosexuality is... nothing to be ashamed of, no vice, no degradation; it cannot be classified as an illness: we consider it to be a variation of the sexual functions." (S. Freud, "Letter to an American Mother" April 9, 1937, *American Journal of Psychiatry*, 1951, 107.) Even more impressive is this excerpt of a letter written by Freud in response to a written inquiry as to whether a homosexual candidate should be accepted for training as a psychoanalyst: "Your query, dear Ernest (Jones) concerning prospective membership of homosexuals has been considered by us (Freud and Rank) and we disagree with you. In effect we cannot exclude such persons without other sufficient reasons, as we cannot agree with their legal prosecution. We feel that a decision in such cases should depend upon a thorough examination of the other qualities of the candidate." (H. Ruitenbeck, *Seven Rings*, New York, in press at time excerpted by B. Wilson & G. Weinberg in *Memorandum*, Supra, 1973)

While the negative effect of psychiatrists and psychologists on homosexuals and homosexuality in general no doubt will be felt for some time, it is clear that antiquated prejudices echoed through mental health pedants will come under increasing scrutiny as previously closeted homosexuals confront unsuspecting family, friends and employers with their sexual orientation and the healthy attitudes they have toward themselves and others. Wilson and Weinberg (*Memorandum*, Supra, 1973) reminds us that we are not dealing only with the homosexual when we speak in terms of these outdated prejudices: ".....the continuance of "Homosexuality" as a sub-group of the Sociopathies inflicts untold pain and social as well as civil injustice upon members of the homosexual community. Such classification does considerable damage not just to the ten to twenty million homosexuals in this country, but to nearly twice that many parents, who in many cases are tormented or estranged and feel like failures because their sons or daughters are homosexual. Psychiatry must help these people learn that the hostility toward homosexuals is society's prejudice, and is therefore surmountable."

Marmor sums it up more poignantly: "Most importantly, to call homosexuality the result of disturbed sexual development really says nothing other than that you disapprove of the outcome of that development...I submit that (the diagnosis of homosexuality as an illness) rests chiefly

on the fact that our society disapproves of this behavior and psychiatrists who label it as being ill are merely acting as agents of such cultural value-systems...Such labeling tends to define normality in terms of behavioral adjustment to cultural conventions...and it puts psychiatry clearly in the role of an agent of cultural control rather than of a branch of the healing arts...The deviance in homosexuality is not a quality of the act, but rather a consequence of the application by others of rules and sanctions that label it as offensive.

"This might all be just a harmless theoretical discussion except that the social and legal consequences of our labeling such a group of human beings as all being ipso facto mentally ill are enormous...Surely the time has come for psychiatry to give up the archaic practice of classifying the millions of men and women who accept or prefer homosexual object-choices as being by virtue of that fact alone mentally ill. Let us base our diagnoses of psychiatric disorders on clear-cut evidence of serious ego-dystonic feelings or irrational behavior and not on the basis of alternative life styles that happen to be out of favor with existing cultural conventions. It is our task to be healers, not watchdogs of our social mores." (Dr. J. Marmor, "Homosexuality and Cultural Value-Systems: Should Homosexuality be Classified as a Mental Illness?" May 9, 1973, before the annual meeting of the American Psychiatric Association.)

Appendix-Pedophilia

Only 8.3% to 10% of child molestation is performed by homosexual pedophiliacs: the vast majority is heterosexual. (U. DeFrances, *Protecting the Child Victim of Sex Crimes by Adults*, 1969, 38) J. Gagnon and W. Simon indicate similar findings in *Sexual Encounters be-*

tween Adults and Children (1970, p. 11). Nathaniel N. Wagner, Ph. D., University of Washington, who works with the Sex and Assault Center in Seattle, addressed the pedophilic on a telecourse "Human Sexuality" aired fall term, 1976 on KGW-TV. Dr. Wagner asserts that child molestation most frequently is committed within the context of a prior heterosexual relationship, usually with an uncle, older brother, step-father, father or friends of the family. Dr. Wagner finds it "very striking" that such relationships constitute the majority of child molestations. He goes on to say that the greatest harm done by pedophiliacs occurs in two situations: 1) When the victim does not talk about it. This is encouraged by our current social climate which dictates "you mustn't talk about sexual things," making it "very easy for people not to deal with anything." Dr. Wagner sees no end to this frequent child molestation occurrence until people can talk about it in a "comfortable, or appropriate way." 2) Where it occurs in the context of a previously trusting relationship. The implications here are obvious: the family is the single most influencing factor in the development of the very young. Violation of a trust at any age, much less a very tender one, with no recourse for righting or even comprehending that violation, opens the potential for an entire spectrum of psychological problems. Dr. Wagner notes that following his previous lectures on pedophilia, women students frequently confided in him such experiences of being molested by previously trusted males. Upon even an objective examination such as that stimulated by Dr. Wagner's lectures, they discovered in themselves suppressed feelings of distrust and distaste toward men. In concluding his lecture, Dr. Wagner emphasizes that "most of the sex crimes are done by males and against women; that's just a reality."

Endorsements

In an open letter dated June 30, 1975, Judd Marmor, M.D. acting as President of the American Psychiatric Association, 1700 Eighteen Street NW, Washington DC 20009, wrote:

"TO WHOM IT MAY CONCERN:

"The American Psychiatric Association has gone on record as strongly advocating the limitation of all discrimination against homosexual men and women that is based solely on the fact that they are homosexual. In a resolution, passed on December 15, 1974, the Board of Trustees of the American Psychiatric Association adopted the following resolution:

WHEREAS homosexuality per se implies no impairment in judgment, stability, reliability, or general social or vocational capabilities, therefore, be it resolved that the American Psychiatric Association deploras all public and private discrimination against homosexuals in such areas as employment, housing, public accommodation, and licensing and declares that no burden of proof of such judgment, capacity, or reliability shall be placed on homosexuals greater than that imposed on any other persons. Further, the American Psychiatric Association supports and urges the enactment of civil rights legislation at the local, state, and federal level that would offer homosexual citizens the same protections now guaranteed to others on the basis of race, creed, color, etc. Further, the American Psychiatric Association supports and urges the repeal of all discriminatory legislation singling out homosexual acts by consenting adults in private.

"In the reasoned judgment of most American psychiatrists today, homosexuality per se does not constitute any form of mental disorder and it is no longer listed as such in the current revision of the official nomenclature of mental disorders published by the American Psychiatric Association. The Association believes firmly that these considerations apply to homosexual men and women in the armed forces no less than in all other walks of life. If individual homosexual women or men prove to be unsuited to military life by virtue of specific actions that would apply equally to heterosexuals, those individuals should be separated from the service. As a class, however, there is no sound psychiatric basis for treating homosexual men and women any differently from other people in the armed services. In actuality innumerable gay men and women have served in the armed forces with distinction and have received honorable discharges. The fact that they were undetected as homosexuals merely indicates that their sex life, no less than that of heterosexuals, was a private matter, as indeed it should be."

The following is the text of an open letter released by John P. Spiegel, M.D., then President of the American Psychiatric Association at a press conference of Congresswoman Bella Abzug on March 25, 1976. The letter was a reply to an inquiry from Dr. Bruce Voeller of the National Gay Task Force:

"Dear Doctor Voeller:

"In response to your query about the position of the American Psychiatric Association on the rights of members of the gay community, I would like to share with you some of my thoughts on this subject.

"Legislation of the sort you are discussing with members of Congress and of state legislatures is in accord with the recommendations of the Board of Trustees of the American Psychiatric Association, as well as the members of the Association, as determined by referendum vote of the entire membership. Because of growing awareness of scholarly evidence concerning homosexuality, professional attitudes toward homosexuality have undergone revision. The recent vote of members of the American Psychiatric Association to exclude homosexuality from the list of mental illnesses and disorders is a reflection of these changes....

"I realize that many lay persons are concerned about the hiring of homosexuals as teachers. These concerns are the product of misunderstanding, not of scientific knowledge. Some, for instance, have feared that homosexual teachers might affect the sexual orientation of their students. There is no evidence to support this thesis, nor is there evidence to believe that seduction of a student by a homosexual teacher is any more likely to occur than heterosexual seduction.

Discrimination on the basis of sexual or affectional preference--like all forms of discrimination--is not only morally wrong, but results in tremendous waste of our human resources. Many

fine teachers--from Socrates on--have been homosexuals. There are many homosexual teachers in our school systems now, but they are forced to live in fear of being "found out"--at considerable psychological cost to themselves and in turn to society. Others stay out of the teaching profession because they fear exposure. This situation should be remedied. A teacher should be judged on the basis of professional competence, not on the basis of personal lifestyle or sexual preference.

"I hope very much that legislation will be enacted to end a cruel and wasteful form of discrimination that is based on prejudices rather than on scientific knowledge."

The American Psychological Association, 1200 17th Street NW, Washington, DC 20036, adopted the following resolution on January 24, 1975:

"1. The American Psychological Association supports the action taken on 15 December 1973 by the American Psychiatric Association removing homosexuality from the Association's official list of mental disorders. The American Psychological Association therefore adopts the following resolution:

"Homosexuality per se implies no impairment in judgment, stability, reliability, or general social or vocational capabilities;

"Further, the American Psychological Association urges all mental health professionals to take the lead in removing the stigma of mental illness that has long been associated with homosexual orientations.

"2. Regarding discrimination against homosexuals, the American Psychological Association adopts the following resolution concerning their civil and legal rights:

The American Psychological Association deploras all public and private discrimination in such areas as employment, housing, public accommodation, and licensing against those who engage in or have engaged in homosexual activities and declares that no burden of proof of such judgment, capacity, or reliability shall be placed upon those individuals greater than that imposed on any other persons;

"Further, the American Psychological Association supports and urges the enactment of civil rights legislation at the local, state and federal level that would offer citizens who engage in acts of homosexuality the same protections now guaranteed to others on the basis of race, creed, color, etc.;

"Further, the American Psychological Association supports and urges the repeal of all discriminatory legislation singling out homosexual acts by consenting adults in private.

"The Council also amended the Association's "Statement of Policy Regarding Equal Employment of Policy Regarding Equal Employment Opportunity" to include sexual orientation among the prohibited discriminations listed.

The American Public Health Association, 1015 18th Street NW, Washington, DC 20036, adopted the following resolutions on November 19, 1975:

"WHEREAS, homosexuality (male and female) per se implies no impairment in judgment, reliability, ethicality, or general social or vocational capabilities; and

"WHEREAS, about ten per cent of the population, including providers and recipients of public health services, is predominantly homosexual in one aspect of their lives, but these persons constitute an essentially hidden minority for fear of aggressive ridicule, job loss, or even arrest due to outmoded but widely held assumptions about homosexuality; and

"WHEREAS, discrimination and hostility on the basis of affectional or sexual orientation infringe on human and civil rights, including the rights to privacy, health care, equal opportunity in employment, and full development of one's human potential; and

"WHEREAS, homophobia (discrimination, hostility or fear on the basis of affectional or sexual orientation) adversely affects the health of the people in that it (1) interferes with the proper delivery of health care to the homosexual minority, (2) restricts or eliminates opportunities of this minority to make optimal contributions as health workers, and (3) causes needless physical and mental health problems among this minority;

"THEREFORE BE IT RESOLVED that the American Public Health Association deploras all public and private discrimination against person with homosexual orientation in such areas as employment, education, licensing, housing, credit, public accommodation, worship, social welfare, and health services, and declares that no burden of proof of judgment, reliability, ethicality,

capability, or entitlement shall be placed upon such persons which are greater or different than that placed upon other persons; and

"BE IT FURTHER RESOLVED that APHA supports the enactment of civil rights laws at the local, state and federal levels which would provide to persons with homosexual orientation the same protections now provided to others on the basis of religion, color, sex, etc., and, in particular, endorse H.R. 5452, a Bill "to prohibit discrimination on the basis of affectional or sexual preference" introduced into the 94th Congress by Representative Bella Abzug and others; and

"BE IT FURTHER RESOLVED that APHA supports the repeal of laws which classify as criminal conduct consensual sexual activity of any form in private, saving only those portions which protect children, the mentally incompetent, and other helpless persons from rape and other forced sexual activity; and

"BE IT FURTHER RESOLVED that APHA will include discrimination on the basis of sexual orientation among the prohibited discriminations in its own policies regarding equal employment opportunity for its own staff and for its employment service, and urges all health agencies to do likewise; and

"BE IT FURTHER RESOLVED that APHA urges all health agencies which engage in educational activities for their own staffs and for other health workers to provide education regarding the adverse effects of homophobia on the health of the people and regarding ways for health workers to respond better to the needs of patients with homosexual orientation; and

"BE IT FURTHER RESOLVED that APHA request the Public Health Service, U.S. Department of Health, Education, and Welfare to study, with the assistance of knowledgeable gay persons, the problems encountered by homosexually oriented persons both when receiving and providing health care."

The 1970 annual meeting of the American Anthropological Association, 1703 New Hampshire Avenue NW, Washington DC 20009, passed the following resolutions:

RESOLUTION 11

"WHEREAS anthropological studies of homosexuality are important to the advancement of Anthropology as a science and to the well being of society, and

"WHEREAS homosexual men and women are a taboo minority group even within the American Anthropological Association, and

"WHEREAS increasing numbers of homosexual women and men entering anthropological fields wish to undertake research on homosexuality and homoerotophobia, and

"WHEREAS such studies, and the training of students to undertake them, are almost nonexistent,

"BE IT RESOLVED that the American Anthropological Association recognizes the legitimacy and immediate importance of such research, and training, and urges the active development of both.

RESOLUTION 12

"WHEREAS homoerotophobia in this culture discriminates overtly and covertly against professionally qualified homosexual individuals,

"AND WHEREAS anthropological data gathered by non-homosexual Western anthropologists is becoming recognized as woefully ethnocentric,

"BE IT RESOLVED that the American Anthropological Association opposes such discrimination and urges the protection of homosexual anthropologists and encourages homosexual studies by homosexual anthropologists or others.

RESOLUTION 13

"WHEREAS eroticism is an accepted part of life in many cultures, and the same erotic acts are illegal in most Western countries for both homosexuals and heterosexuals,

"BE IT RESOLVED that the American Anthropological Association go on record as urging the immediate legalization of all consensual sexual acts.

The American Association for the Advancement of Science, 1776 Massachusetts Avenue NW Washington, DC 20036, adopted the following resolution on January 31, 1975:

"WHEREAS some American scientists are members of sexual minorities (homosexuals, transvestites, transsexuals, etc.), and

"WHEREAS these persons may be valued members of their professions, capable of making great contributions to the progress of science and to the national welfare, and

"WHEREAS there still exist many forms of discrimination against these scientists because of their sexual orientation, without regard to their professional qualifications, and

"WHEREAS because of this discrimination some scientists are denied an opportunity to practice their professions and others are treated inequitably in terms of salary, promotion, or assigned duties, and

"WHEREAS such discrimination constitutes a loss to science and an injustice to these individuals,

"THEREFORE BE IT RESOLVED that the American Association for the Advancement of Science deplores any form of discrimination on the basis of sexual behavior between consenting adults in private, and

"BE IT FURTHER RESOLVED that the Board of Directors be requested to charge its Committee on Opportunities in Science to take due cognizance of this resolution in its work."

At the 124th Annual Convention of the American Medical Association, 534 North Dearborn Street, Chicago, Illinois 60610 the following resolution was adopted:

Legal Restrictions on Sexual Behavior Between Consenting Adults

HOUSE ACTION: That the American Medical Association support in principle repeal of laws which classify as criminal any form of non-commercial sexual conduct between consenting adults in private, saving only those portions of the law which protect minors, public decorum, or the mentally incompetent."

April 9, 1935

Dear Mrs. X,

I gather from your letter that your son is a homosexual. I am most impressed by the fact that you do not mention this term yourself in your information about him. May I question you, why do you avoid it? Homosexuality is assuredly no advantage, but it is nothing to be ashamed of, no vice, no degradation, it cannot be classified as an illness; we consider it to be a variation of the sexual function produced by a certain arrest of sexual development. Many highly respectable individuals of ancient and modern times have been homosexuals, several of the greatest men among them (Plato, Michelangelo, Leonardo da Vinci, etc). It is a great injustice to persecute homosexuality as a crime, and cruelty too. If you do not believe me, read the books of Havelock Ellis.

By asking me if I can help, you mean, I suppose, if I can abolish homosexuality and make normal heterosexuality take its place. The answer is, in a general way, we cannot promise to achieve it. In a certain number of cases we succeed in developing the blighted germs of heterosexual tendencies which are present in every homosexual, in the majority of cases it is no more possible. It is a question of the quality and the age of the individual. The result of the treatment cannot be predicted.

What analysis can do for your son runs in a different line. If he is unhappy, neurotic, torn by conflicts, inhibited in his social life, analysis may bring him harmony, peace of mind, full efficiency, whether he remains a homosexual or gets changed. If you make up your mind he should have analysis with me (I don't expect you will!!!) he has to come over to Vienna. I have no intention of leaving here. However, don't neglect to give me your answer.

Sincerely yours with kind wishes,

Freud

If the disadvantages, disabilities, and penalties which the homosexual faces are a result of society's prejudices--and of course they are, in their entirety--then suggesting that the homosexual improve his lot by submission to those prejudices, at cost of his personal integrity, is fundamentally immoral. One does not propose to solve the problems of anti-Semitism by conversion of Jews to Christianity, much as that might improve the life of many individual Jews. The homosexual has a right to remain a homosexual, and in fact a moral obligation to do so, in order to resist immoral prejudice and discrimination.

Dr. Franklin E. Kamery
Physicist, Astronomer and
founder of the Washington,
D.C. Chapter of the Mattachine Society

Chapter III Religion

"The emergence of a visible homosexual community both in society and in the Church can be seen as providential, because the homosexual community must perforce learn to deal with human sexuality outside the context of procreation. Their own happiness and human fulfillment demand that they find in the framework of interpersonal relationships those forms of sexual expression which can be healthy and conducive to growth. In searching out this framework, the homosexual community could supply the entire human community with irreplaceable empirical evidence on how sexual morality and sexual mores must change in the future."

John S. McNeill,
The Church
and the Homosexual

Homosexual men, and, to a far lesser extent, homosexual women, have been hated and legislated against for many centuries in the Judeo-Christian world. The origins of such hatred, disgust, and legal oppression are complex and to be found in many social, psychological, and religious attitudes that today seem highly irrelevant to the discussion of civil rights for homosexual men and women. The following discussion outlines these various areas. The reader who is interested in pursuing any point at greater length can do so by referring to the within bibliography.

The Old Testament

"Probably the most familiar passages quoted against homosexuality are those which refer to the destruction of Sodom and Gomorrah (Gen. 19:4-11). In recent years, however, both Protestant and Catholic scripture scholars have proposed that the reason these two towns were destroyed had nothing to do with the supposed sin of homosexuality, and since 1955 no serious writer has used these texts as an argument against homosexuality." (Sr. J. Gramick, Fr. T. Oddo, Fr. R. Nugent, *Homosexual Catholics: A Primer for Discussion*, Boston: Dignity, 1976.)

In the more than 16 references to Sodom and Gomorrah in the Bible none mentions homosexuality, but several make mention of the sins of pride, vain sacrifices, idolatry (the "abomination" for which the towns were destroyed), neglect of the poor and inhospitality. (See Isaiah 1:10; Ezekial 16:48-39; Matthew 10:14-15; Luke 10:10-12.)

In the story of Sodom, after describing Lot's invitation to two angels to spend the night in his home, the biblical author tells how "the men of the city, the men of Sodom, both young and old, all the people to the oldest man, surrounded the house; and they called to Lot, 'Where are the men who came to you tonight? Bring them out to us, that we may know them.'" (Genesis 19:4-5.)

The current argument about the meaning of Sodom and Gomorrah focuses on the word "know" contained in the narrative. Since Lot was a resident alien in Sodom, with all the restrictions attendant on that status, it was only reasonable that the citizens of that city wanted to know, wanted to get acquainted with, wanted to inquire into the bona fides of the two strangers staying in Lot's house. As scholars have pointed out (e.g., Bailey, *Homosexuality and the Western Christian Tradition*, Longmans, Green & Co., 1955, pp. 2-3), the Hebrew word *yadha* (to know) "occurs very frequently in the Old Testament, yet excluding the present text...it is only used ten times (without qualification) to denote coition." At any rate, at least one scholar has pointed out that even if homosexual acts were indeed alluded to, the passage could only be used to condemn homosexual rape.

What is certain, however, is this: "The sexual interpretation of the story...did not arise until the second century B.C. in the Book of Jubilees, and, here again, it was in the context of the struggles against homosexuality as expressed in the pagan fertility rites. The classical historians Josephus and Philo in the first century also interpreted the sin of Sodom as homosexuality, but Josephus was reading back into the story some of the features he disliked about life in the city of Alexandria, namely, homosexual practices." (Gramick, *Primer*.)

Concerning other Old Testament references to homosexual activity: "In the First Book of Kings (14:24; 15:12; 22:24) and in the Book of Deuteronomy (23:17) there are references to a fertility cult flourishing in the temples of Israel's pagan neighbor states. In the pagan religions, fertility of the earth was closely linked with human sexuality, and human sexual acts were performed in the temples to insure fertility of the earth. In these references, according to Bailey in his classic *Homosexuality and the Western Christian Tradition*, the word for male cult prostitute (part of the pagan temple rites) was incorrectly translated as 'sodomite.'

"In the Levitical Holiness Code (18:22; 20:15) there are two other references to homosexual acts (between men) as punishable by death. In understanding these passages two things must be kept in mind. These acts which are punishable by death appear in the list of offenses attributed to Egypt (the pagan neighbor), and they are always condemned as being directly associated with pagan worship, and, hence, with idolatry. It is the intent of the writer of the Code to keep the Jewish people clean from all pagan worship and anything associated with it, such as homosexual acts. The background of these prohibitions, then, is cultic defilement, and there are no clues in the passages that would allow us to draw a sharp and clear distinction between ethical and cultic laws.

"If we wish to maintain that these injunctions about homosexuality are permanently valid for (all people) today, then the logical conclusion must be drawn that the other injunctions in these passages are also valid: the prohibition of sexual intercourse during menstruation; eating meat from an animal containing blood; the killing of a medium or fortune teller," rounding off the hair at the temples or marring the edges of the beard, etc. (Gramick, *Primer*.)

Courts in the United States continue to cite Old Testament texts in support of rulings in cases involving homosexual conduct. In the case of *Doe vs. Commonwealth*, for example, lower court judges in Virginia recently upheld the constitutionality of a law against sodomy and supported their opinion by a reference to the Bible. Since legal and social condemnation of homosexuality in the United States invariably appeals to the pro-

hibitions against sodomy found in the Old Testament it is important to know something about the origin and interpretation of these scriptural passages. Verses frequently quoted are those in the Book of Deuteronomy and in the First and Second Books of Kings where mention is made of measures taken to purge Jewish society of sodomites. Two representative passages are found in the First Book of Kings: "And Judah did evil in the sight of the Lord...for they built them high places, and images...and there were also sodomites in the land: and they did according to all the abominations of the nations..." (I Kings 14:22-24). "And Asa did that which was right in the eyes of the Lord, as did David his father. And he took away the sodomites out of the land, and removed all the idols..." (I Kings 15:11-12). Other references to sodomites are found at Deuteronomy 23:17, I Kings 22:46, II Kings 23:7.

The meaning and derivation of the Hebrew word which is translated "sodomite" in these passages, however, is not what one might expect. The Hebrew word is *qadesh* or *kadhes*, a noun derived from a verb which means "to dedicate," "to hallow," "to consecrate," "to sanctify oneself." This verbal noun was used to designate males who devoted their lives to serving God. In the Greek text of the Old Testament the term is translated *hierdouloi*, which means, literally, "sacred servants." In the beginning, therefore, the "sodomites" were not social outcasts, but men of God, as respectable in their age and society as our priests, ministers or rabbis are today.

Little information about the *qadeshim* remains and it is briefly summarized. According to an article in the *Encyclopedia of Religion and Ethics*, "...some modern scholars believe that the religion of Jahweh had its roots in the soil of primitive Semitic ritual, and that *hierdouloi* were one of the features of Jahweh's religion, like other Semitic religions, inherited from the parent stock... (it was) an institution consecrated by religious sanction and hoary with age..." (George Barton, "Hierdouloi," James Hastings, Ed., *Encyclopedia of Religion and Ethics*, Edinburgh, T&T Clark, 1934, IX, 675.) The *qadesh* were communities of men and boys who lived at the temple and at local shrines where they were available for cultic rites of sexual intercourse. Intercourse with a *Hierdoulos* was a rite of worship, a ritual offering believed to be pleasing in the sight of God. For primitive people sexual intercourse is a very natural thing, and much more; it is sacred, an occasion of grace, an encounter of the divine and the human. To an ancient Semite life was more than precious, it was holy, and in ritual intercourse he made an oblation of self, soul, and body, and gave back as a thank-offering that life which his Creator had given to him. These rites of sacred homosexual intercourse were an accepted practice in Judaism as in other New Eastern religious traditions; the brother-

hoods were an ancient institution which had long enjoyed the blessing and protection of the priestly hierarchy of Judaism. The *qadesh* communities disappeared during the prophetic movement which swept Judaism in the 7th century B.C. and reached its culmination in the reign of King Josiah (d. 608 B.C.). The prophetic movement was something like a combination of a Protestant Reformation and a Chinese Cultural Revolution. The leaders of the movement aroused hysterical religious fervor among the masses and directed this popular zeal to bring about drastic, radical changes in society. The program of the movement is preserved in the sections of the Old Testament which scholars have labelled the "D" text. Johannes Pedersen, a Danish Biblical expert, explains the program and its motives: "Behind the utterances of D we see a very self-contained society, fighting convulsively to preserve its individuality from the foreign innovations threatening it. Notably it endeavors to keep free from the gods of foreign peoples and what belongs to them. A strong clannish spirit is necessary within the community... Not everyone can be admitted to this closed community. Ammonites and Moabites must never be admitted... Amalekites are to be exterminated like all Canaanite peoples." (Johannes Pedersen, *Israel: Its Life and Culture*, London: Oxford University Press, 1953, IV, 583-585.)

The prophets wanted to secure the independence of their nation, preserve the ethnic purity of their people, and isolate their religion from contamination by alien influence. The proposal for genocide, the plan to kill every Canaanite man, woman, and child, is an indication of the prophets' determination to achieve their goal, and of the savage means they were prepared to use. Since communities of *hierdouloi* were found in the neighboring non-Jewish religions the prophets ruthlessly destroyed the homosexual brotherhoods in order to make Judaism a religion as exclusive and as distinctively different as possible.

Seen in their proper perspective, therefore, the Old Testament condemnations of "sodomy" cannot legitimately be used to support modern prohibitions against homosexual conduct. More importantly, regardless of how the Biblical passages may be interpreted, it is illegitimate to use them as the basis for governmental sanctions against homosexuality, for to do so constitutes an establishment of religion in violation of the First Amendment. Judges and lawmakers would no doubt be deeply offended if it were suggested that the United States should have laws prohibiting the eating of pork or lobster, simply because it is prohibited in the Old Testament, for elevating a religious scruple into a law violates the First Amendment. Moreover, it would be absurd to suggest that an American community should adopt as binding law an edict of a Chinese emperor of the Chou dynasty, and it is no less absurd to use police powers and the courts in a twentieth century, pluralistic, democratic Ameri-

can society to enforce laws that were enacted to deal with local conditions in a small nation governed by an absolute monarch seven centuries before Christ. It is not only absurd; it should be seen as a violation of the principle of separation of church and state.

The New Testament

Turning to the New Testament, we find St. Paul a most articulate source of condemnation of homosexual activity. (See Romans 1:26-27) It is important to realize that St. Paul, like the Old Testament writers in general, knew nothing of the distinction between homosexual activity and the homosexual CONDITION. As the Jesuit moral theologian Fr. John McNeill points out, the biblical writers "refer exclusively to homosexual activity undertaken by those they presume to be HETEROSEXUALLY inclined by nature." He goes on to say that "the only condemnation of homosexual activity to be found with certainty in scripture is a condemnation of perverse homosexual activity indulged in by otherwise truly heterosexual individuals as an expression of contempt or self-centered lust and usually associated with some form of idol worship." (McNeill, *The Church and the Homosexual*, 1976, pp. 65-66.)

It should also be noted that Paul's attitude toward sexuality in general is problematic for heterosexuals as well as for homosexuals:

It is well for a man not to touch a woman. But because of the temptation to immorality, each man should have his own wife and each woman her own husband. (I Cor. 7:1-2)

I wish that all were as I myself am (unmarried). (I Cor. 7:7)

To the unmarried and widows I say that it is well for them to remain single as I do. But if they cannot exercise self-control, they should marry. For it is better to marry than to burn with passion. (I Cor. 11:8-9)

Paralleling his attitude toward sexuality is Paul's attitude toward women which is mentioned here because of its relevance to the discussion below:

...women should adorn themselves modestly and sensibly in seemly apparel, not with braided hair or gold or pearls or costly attire but by good deeds, as befits women who profess religion. Let a woman learn in silence with all submissiveness. I permit no woman to teach or to have authority over men; she is to keep silent. For Adam was formed first, then Eve; and Adam was not deceived, but the woman was deceived and became a transgressor. Yet woman will be saved through bearing children if she continues in faith and love and holiness, with modesty. (I Tim. 2:9-15)

Any man who prays or prophesies with his head covered dishonors his head, but any woman who prays or prophesies with her head unveiled dishonors her head--it is the same as if her head were shaven. For if a woman will not veil herself, then she should cut off her hair; but if it is disgraceful for a woman to be shorn or shaven, let her wear a veil. For a man ought not to cover his head, since he is the image and glory of God; but a woman is the glory of man. (For man was not made from woman, but woman from man. Neither was man created for woman, but woman for man.) That is why a woman ought to have a veil on her head, because of the angels...Judge for yourselves; is it proper for a woman to pray to God with her head uncovered? Does not nature itself teach you that for a man to wear long hair is degrading to him, but if a woman has long hair, it is her pride? For her hair is given to her for a covering. (I Cor. 11:4-15)

...the women should keep silence in the churches. For they are not permitted to speak, but should be subordinate, as even the law says. If there is anything they desire to know, let them ask their husbands at home. For it is shameful for a woman to speak in church. (I Cor. 14:34-34.)

Paul's less than elevated view of sex and women is magnified somewhat by the early Church Fathers, for example: St. John Damascene speaks of women as "the frightening worm in the heart of man" and "the advance guard of hell." And Tertullian: "the devil's gate."

Complicating the matter still further was the Church Fathers' exclusive focus on the procreative aspect of sex, as expressed by Justin Martyr when he writes: "We (Christians) do not enter marriage for any other reason than to have children." St. Jerome quotes the saying of Sextus with approval: "He who loves his own wife ardently is an adulterer." (Quoted by S. J. McNeill, *The Church and the Homosexual*, Sheed Andrews and McMeel, 1976.)

"Sodom and Gomorrah, as we have seen, actually have nothing whatever to do with such (homosexual) practices; the interpretation of the Sodom story generally received by Western Christendom turns out to be nothing more than a post-exilic Jewish reinterpretation devised and exploited by patriotic rigorists for polemical purposes. Thus disappears the assumption that an act of Divine retribution in the remote past has relieved us of the responsibility for making an assessment of homosexual acts in terms of theological and moral principles. It is no longer permissible to take refuge in the contention that God himself pronounced these acts 'detestable and abominable' above every other sexual sin, nor to explain natural catastrophes and human disasters as his vengeance upon those who indulge in them.

It is much to be hoped that we shall soon hear the last of Sodom and Gomorrah in connexion with homosexual practices--though doubtless the term 'sodomy' will always remain as a reminder of the unfortunate consequences which have attended the reinterpretation of an ancient story in the interests of propaganda." (Bailey, *Tradition*, p. 155.)

At this point, let us touch on the fact that there are "certain anomalies in the tradition which has affected so profoundly our laws and public opinion in regard to homosexual practices. Perhaps the most remarkable of these anomalies is the almost complete disregard of sexual acts committed by women with one another." (Bailey, p. 160.)

"At various stages in our enquiry we have already encountered the notion that in MALE homosexual acts, and especially in sodomy, there is something peculiarly degrading or disgusting. In regard to this revulsion of feeling two points deserve notice: first, that it is never attributed directly to the fact that sodomy...involves copulation per anum--a mode of sexual indulgence which is by no means uncommon in heterosexual relationships; and secondly, that it is a reaction more characteristic of men than of women, who often exhibit a commendable open-mindedness and sympathy towards the homosexual...When male homosexual acts are considered per se, and with a mind free (as far as that is possible) from emotional prejudices, it cannot be said that they are intrinsically either more or less reprehensible than lesbian practices. Hence the reason for the traditional discrimination against the former and disregard of the latter must be sought elsewhere than in the nature of male homosexual acts as such.

"Both the terminology used with reference to male practices, and the assumptions underlying the attitude of society, are revealing. There has been a marked tendency to regard sodomy in particular as though it were, so to speak, 'playing the woman' to another man, or using another man 'like a woman,' according to whether the part taken was passive or active. In other words, this act has been looked upon as one which involves the degradation not so much of human nature itself as of the MALE, since in it he simulates or encourages or compels another to simulate the coital function of the female--a 'perversion' intolerable in its implications to any society organized in accordance with the theory that woman is essentially subordinate to man. Thus in certain male dominated cultures, and especially that of the Christian West, a man who acted 'like a woman' was treated as one who had betrayed not only himself but his whole sex, dragging his fellows down with him in voluntary disgrace...The lesbian practices, on the other hand, do not imply any lowering of her personal or sexual status, and can be ignored by society which is still in some respects fundamentally male dominated. To 'corrupt' a younger girl by initiating her into the pleasure of lesbianism is thought trivial com-

pared with the 'corruption' of a youth by 'making a woman' of him." (Bailey, pp. 161 ff.)

"Another reason for the distinction traditionally made between male and female homosexual practices is undoubtedly the fact that only the former involves seminal emission. To understand this, it is necessary to appreciate the remarkable influence exerted upon our sexual attitudes (and, indeed, upon our theology) by what can be only described as a superstitious reverence for semen, a reverence which had its origins in antiquity, and in an ignorance of human physiology which happily no longer exists. The ancients had no knowledge of the process of ovulation in woman, nor of the way in which conception occurs. According to the medical philosophers, the embryo was concocted from semen and menstrual fluid; but the woman's contribution was confined to the provision of a suitable place in which this mixture could coagulate into the fetus. She was little more than a well-equipped incubator in which the seed was deposited by means of coitus...Fully acquainted with the science of their day, the Christian Fathers express the same views, which Clement of Alexandria epitomizes in the statement that semen is... 'something almost, or about to become, a man.' This conception of semen as a substance 'almost human' overshadowed the sexual thought not only of antiquity, but of the whole Western world until the 16th century, and has left its mark upon our ideas of sexual conduct and morality. It has undoubtedly been responsible in no small measure for the fact that society has always tended to reprobate and punish the homosexual practices of males while more or less ignoring those of females, dismissed as mere feminine lewdness." (Bailey, pp. 163 ff.)

The abbreviated historical perspective given above gives some explanation of why many churches still do not acknowledge civil rights for gay men and women. "However, in recent years there has been a growing insistence on the part of many people that the churches rethink the classical position on homosexuality and homosexual relationships. Theologians, philosophers, psychologists and pastors of many denominations... are beginning to believe and state openly that... a homosexual can express her/his sexuality (including genital sex) in a way that does not necessarily separate him/her from either the Christian community or the love of God." (Gramick, *Primer*.) In fact one of the oldest and most influential denominations in the United States, the United Church of Christ, overwhelmingly voted at its national synod in 1975 to endorse civil rights legislation that would prohibit discrimination on the basis of sexual orientation.

Nearly two thousand years of repression for homosexuals will not change overnight. The debates will continue, on many different levels. There is, however, one thing that clearly is NOT debatable, the one thing that all gay men and women share with all straight men and women: their

humanity.

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1. **The Church and the Homosexual**, McNeill, S. --J., Sheed Andrews and McMeel, 1976.
2. **Homosexuality and the Western Christian Tradition**, Bailey, Longmans, Green & Co., 1955.
3. **Homosexual Catholics: A Primer for Discussion**, Sr. J. Gramick, Fr. T. Oddo, Fr. R. Nugent, DIGNITY, Boston, 1976.

In the light of the preceding discussion, it is easy to see how millions of Jewish and Christian Americans have struggled to reconcile two violently conflicting points of view: on the one hand, the view that certain acts per se were immoral and loathsome; and on the other, the view that love and compassion should control every thought, word and deed. Thousands of homosexuals have left organized religions, convinced at least for a time that their sexual orientation was unacceptable to their God and/or their congregation. Recently, however, several Christian and Jewish groups, both within and without the traditional structures of the established religions, have been organized to respond to the spiritual needs of gay men and women. A brief description of some of them follows:

MCC

Metropolitan Community Church
1050 S. Hill St.
Los Angeles, CA 90015

With over 90 groups throughout the U.S. and in some foreign countries, MCC is easily the largest alternative church for gay people, although it does not limit its membership to gay people. The church has its own magazine and communications network.

There are two congregations in Oregon affiliated with the Universal Fellowship of Metropolitan Community Churches. These are located in Eugene and Portland.

The Eugene group was formed in September, 1975 and is known as MCC of the Willamette Valley. Their services of worship and Holy Communion are held at the Covenant Presbyterian Church, 38th and Perry Streets at 1:00 pm each Sunday. The Reverend Ann Montague is Pastor.

The Portland Congregation was recognized by the Fellowship in January, 1976. It is known as MCC of Portland. Their Sunday services are held at 6:00 pm. They also conduct a Children's Activities Hour at the same time. This congregation shares facilities with the Centenary Wilbur Methodist Church, S.E. 9th and Ash Streets. Midweek services and social activities are now being implemented.

METHODIST

United Methodist Gay Caucus
No. 2 Janssen Place
Kansas City, MO 64109

The first national meeting of UMGC was in July of 1975. The group has a newsletter, several "task forces," and includes an ecumenical outreach to other gay caucuses in its statement of purpose.

CATHOLIC

Dignity
National Office
755 Boylston St.
Room 514
Boston, MA 02116

This organization for gay Catholics was founded in 1968. It now has chapters in 40 cities and has received official support in some Catholic dioceses around the country. A list of local chapters and a statement of purpose may be obtained from the national office.

Dignity
P.O. Box 42475
Portland, OR 97242

Dignity is alive and well in the Portland metropolitan community.

EVANGELICALS

Evangelicals Concerned
National office
P.O. Box 33129
Miami, FL 33133

A relatively young group, EC was founded in February, 1976. It states as its main purpose "dialogue with evangelical churches."

QUAKERS

The Friends' Committee for Gay Concerns
P.O. Box 541
Oneonta, NY 13820

Committee of Friends of Bisexuality
723 Hastings Hall
Union Theological Seminary
600 W. 122 St.
New York, NY 10027

The Quakers have two outreach programs for gay people. Further information may be obtained from either of these groups.

EPISCOPALIANS

Integrity
National Office
5014 Willows Ave.
Philadelphia, PA 19143

This group of gay Episcopalians and their friends now have chapters in over 35 cities throughout the country.

UNITARIANS

Unitarian-Universalist Gay Caucus
10 Eberle Road
Latham, NY 12110

This group is organized as an educational activity within the Unitarian-Universalist Church and supports the Unitarian-Universalist Office of Gay Concerns.

Office of Gay Concerns
Unitarian-Universalist Church
25 Beacon St.
Boston, MA 02108

UNITED CHURCH OF CHRIST

United Church of Christ Gay Caucus
P.O. Box 24005
Philadelphia, PA 19139

This group has been active in bringing the concerns of gay people to the attention of this denomination.

LUTHERANS

Lutherans Concerned for Gay People
Box 19114A
Los Angeles, CA 90029
or
Lutherans Concerned
Box 15592
Salt Lake City, UT 84115

The main function of Lutherans Concerned is "educating and ministering to the Lutheran church." They will give information via the mails, and have speakers available for consciousness-raising meetings.

PRESBYTERIANS

Presbyterian Gay Caucus
P.O. Box 2073
Chicago, IL 60690

This caucus has coordinators in nearly all of the 15 synods of the United Presbyterian Church in the U.S. Its function is primarily educational within the Presbyterian church.

JEWISH

The number of Jewish groups throughout the country is growing. There is no national office of gay Jewish concerns as of this writing. However, most of the Jewish groups, from caucus to synagogue, are in touch with one another, and either of these two congregations can provide further information.

Congregation Beth Chayim Chadashim
1945 Westwood Blvd.
Los Angeles, CA 90025
or
Congregation Beth Simchat Torah
G.P.O. 1270
New York, NY 10001

In addition to the nationally-based groups mentioned above, there are numerous churches and religious organizations with outreach to local gay communities.

There are also a few organizations that have had religious concerns generally, but are not identified with any single denomination or caucus. Two such organizations are:

The National Alliance of Christian Homosexuals
P.O. Box 1273
Anderson, SC 92622
and
Council on Religion and the Homosexual
1076 Guerrero St.
San Francisco, CA 94110

(Listings above provided by *The Advocate*, Oct. 6, 1976.)

CHURCH SURVEY

In an attempt to pinpoint the present stand of organized religion toward civil rights for homosexuals in the areas of housing, employment and public accommodations, the authors sent a questionnaire to the national headquarters of each of the 240 organized religious bodies in the United States. Names and addresses were obtained from *The Yearbook of American and Canadian Churches*, (Abingdon Press: Nashville, 1976), with additional input provided by the National Gay Task Force (NGTF). We included those churches who indicated geographical exclusion of Oregon because we felt it was important to represent as complete a voice as possible. Thirty-one groups responded of the 240 addressed, or 12.91 per cent. An additional thirteen statements from the NGTF boost our chart representation to 44, or 18.33 per cent of organized religion in American today. Interestingly enough, it is virtually impossible to project any kind of anti- or pro-gay trend in religious circles based on the responses (and low percentage thereof); for while we received words both of the greatest support and condemnation, the numerical responses for civil rights affirmation averaged out to 50.25 per cent.

Respondents were asked to indicate the strength of their church's stand on civil rights for homosexuals in the separate areas of housing, employment and public accommodations on a 1 to 5 scale as follows:

- 1--Strongly favor
- 2--Favor
- 3--Church has not determined and is not predictable in response
- 4--Disapprove
- 5--Strongly disapprove

Since each respondent indicated identical attitudes toward each of the three areas, we have consolidated the three into one response per church.

In preparing the survey, the authors requested that each church indicate its Oregon membership. From this, we hoped to approximate the number of Oregonians whose religious affiliation might influence their thinking on the issue of gay civil rights, remembering, though, that individuals within each denomination might differ from their church's platform. However, too few respondents included this information to make such a tabulation possible.

The chart has been organized in alphabetical order so as to avoid any subjective rank ordering of the churches and their responses. This is noteworthy insofar as concerns those denominations with multiple sects; e.g., the Baptist General Conference is not the Reformed Baptist Church; their responses are not the same, and readers are cautioned not to generalize on the basis of a response given by one sect of a denomination for that entire denomination. The Reformed Baptist Church and the Pentecostal Assemblies of the World, Inc. dichotomized their responses, explaining that while they considered homosexuality contrary to God's will, that nonetheless they recognized the need for civil rights legislation

on all levels of government to include the homosexual population. The Mennonite Brethren of North America indicated no determination except with regard to positions of leadership, in which they strongly disapproved of homosexual appointment. Other churches called for an end to police brutality aimed at gay persons.

To the right of each numerical response, we have placed either the letter "A" or "P". This is because not every respondent marked a number. Some simply wrote a few lines reflecting their church's stand toward homosexuals in general without actually addressing the issue at hand, which of course was civil rights in three specific areas. Consequently, for respondents who wrote such answers as "The...Church...is opposed to homosexuality and all forms of sex perversion, sorcery, and witchcraft..." (Pentecostal Church of God, from June, 1975 resolution); or, "Gays have no rights to their moral decadence...Let's not feed the cesspool" (Paul F. Loizeaux, for the Plymouth Brethren); but who failed to indicate a numerical reflection of their church's feelings, we translated their words into a number and added the letter "P" to represent a "projection" of their feelings on the subject. (In truth, the "cesspool" respondent gave a "5" in each area, but his articulation was too poignant not to be mentioned.) An "A" represents an "actual," or given, numerical indication.

We hope the information provided below will be of use to you as you examine the issue of civil rights for homosexuals from the religious perspective; or rather, the many religious perspectives.

Name of Church	Level of Support	Actual or Projected feelings
Advent Christian Church	5	P
American Jewish Committee (New York Chapter)	1	A
Anglican Orthodox Church	5	A
Archbishop of Boston	1	A
Archdiocese (Roman Catholic) of Portland, Ore.	3	P
Baptist General Conference	5	A
Beachy Amish Mennonite Churches	5	A
Bishop (Anglican) of New York	1	A
Central Conference of American Rabbis	3	P
Church of Illumination, Congregation of the New Age	5	P
Church of the Nazarene	5	P
Conservative Congregational Christian Conference	4	A
Diocese (Anglican) of Michigan	1	A
General Association of Regular Baptist Churches	5	P
Holiness Church of God	5	A
International Church of the Foursquare Gospel	5	A
Lutheran Church in America	2	P
Mennonite Brethren of North America	3*	A

Metropolitan Community Church	1	A
National Council of Churches	1	A
National Federation of Priests' Councils (Roman)	1	A
North American Jewish Students' Network	1	A
Pentecostal Assemblies of the World, Inc.	2	A
Pentecostal Church of God	5	P
Plymouth Brethren	5	A
Presbyterian Church in the United States	3	A
Protestant Episcopal Church	3**	P
Reformed Baptist Church	4	A
Reformed Episcopal Church	5	P
Reformed Presbyterian Church of North America	5	A
Seventh Day Baptist Church	3	A
Society of Friends--Yearly Meetings:		
Australia	1	A
Baltimore	1	A
Illinois	1	A
Iowa	2	P
Pacific	1	A
Philadelphia	1	A
Southern Methodist Church	5	A
Ukrainian Autocephalic Orthodox Church in Exile	5	P
Union of American Hebrew Congregations and Central Conference of American Rabbis	3	A
Unitarian-Universalist Association	1	A
United Church of Christ	1	A
United Presbyterian Church of the U.S.A.	3	A
United States Catholic Conference	3	A

*Stipulated a "5" for positions of leadership
 **September, 1976, accepted homosexuals into the church; tabled civil rights resolution.

Endorsements

In a resolution on civil rights without discrimination as to affectional or sexual preference the National Council of the Churches of Christ in the U.S.A., 475 Riverside Drive, New York City, 10027 asserted:

"The National Council of the Churches of Christ has always held that, as a child of God, every person is endowed with worth and dignity that human judgment cannot set aside. Therefore every person is entitled to equal treatment under the law.

"For this reason the National Council of the Churches of Christ has endeavored to insure for all persons regardless of race, class, sex, creed, or place of national origin their full civil rights.* To this list the Governing Board now adds affectional or sexual preference. Discrimination based on any of those criteria is morally wrong.

"Many persons, including some of the members and pastors of some of our churches, have been and are being deprived of their civil rights and full and equal protection of the law because of their affectional or sexual preference.

"THEREFORE:

"1. The Governing Board reiterates the Christian conviction that all persons are entitled to full civil rights and equal protection and to the pastoral concern of the church.

"2. The Governing Board urges its member churches and their constituencies to work to ensure the enactment of legislation at the national, state and local levels that would guarantee the civil rights of all persons without regard to their affectional or sexual preferences.

"3. The Governing Board asks the General Secretary to request the appropriate units of the Council to gather for the Board's information work already done or in process in the communions on this subject and to explore the most effective ways of relating the theological insights of the churches on the effects of discrimination and prejudice to the lives of homosexual persons in the community and the churches.

"*See the policy statement on HUMAN RIGHTS adopted by the Council's General Assembly. December 6, 1963.

"The following Denominations requested that it be recorded that they cast a vote in opposition to the Resolution:

Orthodox Church in America, Constantine H. Kallaur
 Armenian Church in America, (Diocese of Rev. Mampre Kouzouian)
 Antiochian Orthodox Church of North America (Frank Maria)

In a letter to the members of the New York City Council on May 20, 1974, Daniel S. Shapiro representing the American Jewish Committee (New York Chapter), 165 East 56 Street, New York City, 10022 said:

"The American Jewish Committee strongly supports Intro 2.

"As Jews, we are particularly sensitive to discrimination in housing, employment and public accommodations. We have fought it for years, on behalf of ourselves and other minority groups. We have heard all the arguments and emotional appeals that attempt to legitimize such discrimination, and we are not persuaded of their validity.

"We remain convinced that if society permits discrimination against any minority group based on status, this will threaten all minority groups."

At the Twelfth General Assembly of the Unitarian-Universalist Association, 25 Beacon Street, Boston, Massachusetts, 02108 held May 29-June 3, 1973 the following resolution was adopted:

"CREATION OF AN OFFICE ON GAY AFFAIRS

"WHEREAS it is among the purposes of the Unitarian Universalist Association to affirm, defend and promote the supreme worth of every human personality, and

"WHEREAS the 1970 General Assembly passed a resolution urging all peoples immediately to bring to an end all discrimination against homosexuals, homosexuality, bisexuals and bisexuality, and

"WHEREAS the Association since then has established no mechanism by which this resolution might be implemented within our churches, fellowships and denominationally related organizations, and

"WHEREAS second class status keeps all oppressed minorities disabled and robs everyone of their potential contributions,

"NOW, THEREFORE BE IT RESOLVED: That the 1973 General Assembly urges the Board of Trustees of the UUA to create at the denominational headquarters an Office on Gay Affairs. The Office shall be staffed by Gay people and it shall have the full benefit of the experience, talent and status of the UUA in developing sources of funding outside the denominational budget. Should such sources be unavailable, the UUA will not be further responsible for funding the Office.

BE IT FURTHER RESOLVED: That the functions of the Office be a resource to the denomination at all levels in all matters pertaining to Gay people and the Gay community. The Office shall initially make a 30-day study of the immediate needs of Gay Unitarian Universalists and ways of developing an outreach into the Gay community. Results of the study shall be distributed to all churches, fellowships and denominationally related bodies with recommendations for implementation."

In an address to the 196th Convention of the Episcopal Diocese of New York on May 11, 1974 Bishop Paul Moore, Bishop of New York, 1047 Amsterdam Avenue New York City 10025, stated:

"Since the days of Bishop Potter and before, this Diocese has had a long and distinguished record in its advocacy of civil rights for those who are oppressed. While there is still much to do in the securing of full civil rights for racial minorities and women, a beginning needs to be made in behalf of homosexually oriented persons who, until recently, have had very few who would speak in behalf of their civil rights.

"Homosexuality is a condition which is given, not chosen. They, like every other minority, deserve to receive equal opportunity and justice before the law. There is a bill before the City Council designated as Intro. 2. As proposed, this bill will amend the administrative code of the City of New York and prohibit discrimination in jobs, housing, and public accommodations on the basis of sexual preference. I support this bill and hope you will give it thoughtful and fair-minded consideration. To quote a report of the Commission on Homosexuality of the Diocese of Michigan, July 1973. 'We believe the Church is that agency in history called upon to bear witness to the all embracing love of God. We have no evidence that this love does not include all homosexuals.'"

In response the Convention adopted the following resolution on the same day:

"WHEREAS, the Bishop of New York has called for justice and equal opportunity for homosexuals, and

"WHEREAS, the Bishop has given his support to a bill before the City Council designated as Intro. 2 as an effective means toward this goal, and

"WHEREAS, the Convention, without making any judgment on the morality of homosexuality, agrees that homosexuals are entitled to full civil rights,

"NOW THEREFORE BE IT RESOLVED, that this Convention support laws guaranteeing homosexuals all civil rights guaranteed to other citizens;

"AND BE IT FURTHER RESOLVED, that this Convention support the City Council Bill designated as Intro 2 as an effective means toward attaining this goal in the City of New York, and instruct the Secretary of the Convention to immediately communicate this support to the President and members of the City Council."

In May of 1974 the Executive Council of the Episcopal Diocese of Michigan, 4800 Woodward Avenue, Detroit, Michigan 48201, passed the following resolution:

"1. The Church should take steps to create an atmosphere of openness and understanding about human sexuality and particularly about homosexuality. Programs to assist in this process should be encouraged at all levels: national, diocesan, convocational, and parochial. Such programs should be at the disposal of institutions of learning and in particular our seminaries and church-related schools.

"2. All ministries, professions, and occupations should be open to otherwise qualified people whatever their sexual orientation. The use that any person makes of sexuality should be open to a reasonable evaluation by individuals competent to judge the relevance of such use of the exercise of the ministry or other profession in question. An oppressive or destructive use of sexuality within personal relationships, whatever the sexual preference or orientation, should give reason to doubt the candidate's fitness for office.

"The Executive Council request the Commission on Ministry to study and review the Commission Report on Homosexuality with the purpose of writing a policy which will clarify the Commission's position on the ordination of homosexual persons in the Church.

"3. All aspects of the Church's life--education, liturgy, pastoral care, fellowship--should be available to all persons regardless of their sexuality. Gatherings for homosexuals on church property should be accepted to the extent that they serve the same purpose of other social gathering--enabling people to meet in an atmosphere of love and acceptance.

"4. The Church's concern for individuals and a just social order should lead it to speak publicly for repeal of all laws which make criminal offenses of private, voluntary sex acts between mature persons. The Church ought also to oppose police harassment of homosexuals and investigatory practices which sometimes verge upon entrapment. Likewise the Church should speak publicly on behalf of homosexual persons in the area of civil rights legislation. There should be no discrimination against any person in housing, employment, business services, or public accommodations on the grounds of sexual orientation."

The Diocesan Commission on Ministry of the Diocese of Michigan later passed the following resolution on September 3, 1974:

"The Diocesan Commission on Ministry has as one of its responsibilities the duty of assisting the Bishop in his judgment on the emotional maturity and stability of persons seeking Holy Orders. The use that a person makes of his sexuality is one way in which he exhibits his responsibility and maturity in living with others. In attempting to give its best judgment on the general maturity and stability of an applicant for Holy Orders the Commission on Ministry finds it essential to consider each person individually. Any applicant for Holy Orders presenting himself as a 'pro-

fessed homosexual" will be reviewed by the Commission on Ministry as an individual person and not as a representative of a particular life-style. Because the manner in which a person handles his sexuality can lead to maturity and stability or to a destructive disruption of his own life and the lives of others, the Commission on Ministry must concern itself with the manner in which a candidate's sexual orientation finds its expression in his life."

In the May 25, 1974 issue of *Commonweal*, the editorial board made the following comments:

"The unqualified opposition of the Archdiocese of New York to a bill in the New York City Council aimed at guaranteeing the civil rights of homosexuals was perhaps to be expected, given the rigorism of formal theological attitudes and the Church's continuing failure to provide adequate moral and pastoral guidelines whereby homosexual men and women might grow in love and service to God within the formal ecclesial community. Expectation realized, however, does not lessen distress over the Archdiocese's blanket condemnation of Intro. 2, the proposed measure that would ban discrimination in employment, housing and public accommodations.

"Considering some of the problems confronting citizens and government these days, concern over a bill like Intro. 2 may seem somewhat quixotic. Yet the issues are not unimportant. The civil rights of the homosexual do not transcend those of the general public; on the other hand, they do exist, and if they are to be constantly ignored or abused--as historically they have been--then they must be protected in law. The Intro. 2 proposal presented the Archdiocese with an opportunity to witness, not only to the rights of the homosexual as citizen, but also to his dignity as a person created in the image of God; it provided further opportunity to clear up some ancient theological ambiguities with respect to homosexuality and the Church. Instead, the Archdiocese spoke in tones that betrayed fears and misconceptions from the dark ages of genetic, behavioral and moral understandings. In fairness to the Archdiocese, it may well be that Intro 2 contains some dubious provisions. But in that case, the challenge was to argue particulars and work for provisions, not hurl anathemas.

"The Archdiocese's position drew impressive rejoinders from some 28 members of the Jesuit academic community at Woodstock College, and from the New York-New Jersey chapter of Dignity, an organization of homosexual Catholics. But not before the Archdiocese had provided a rallying point for some of the most reactionary elements in the city, and not before the media had passed to other interests, leaving the Woodstock and Dignity statements relatively unpublicized. Both statements were instructive. The Woodstock response pivoted on the admonition of the 1971 Synod of Bishops that all members of the Church be prophetic in championing the rights of individuals and groups that are treated unjustly, and cited the Synod reminder that "the Christian finds in every man God himself and God's absolute demand for justice and love." The Dignity statement added that "after centuries of persecution" the time has come for the spirit of Jesus to prevail among Catholics, to love your neighbor, to respect the dignity of every person, and to oppose all forms of oppression.

A position favoring the civil rights of homosexuals may require a certain courage, particularly since there are those who mistakenly equate a defense of those rights with an oblique sanctioning of homosexual sex as an alternative form of sexual expression--another issue entirely, as was demonstrated at the recent convention of the National Federation of Priests' Councils, which endorsed the civil rights of homosexuals but quashed a report on ministry that appeared to presume that homosexuality was natural and therefore good. To defend the rights of homosexuals is merely to align one's self on the side of social prerogatives that all should have, homosexual or not, as individuals. If the Church, in New York or elsewhere, cannot do this then its thinking is indeed where one dismayed New York Catholic politician said it is: back in the 1880s.

In a House of Delegates Meeting on March 17-21, 1974 the **National Federation of Priests' Councils**, the largest association of Roman Catholic Priests in the United States, passed the following resolution:

"WHEREAS a significant minority in this country is homosexual in orientation and/or behavior; and

"WHEREAS gay persons have been the target of severe discrimination by society and in particular by the legal branch and other arms of government; and

"WHEREAS present laws and governmental practices regarding employment and prosecution of homosexuals are based on certain assumptions about the nature of homosexuality in general

and the danger of homosexuals in particular; and

"WHEREAS a number of gay persons having children of their own, or involved in the education of children are many times denied the opportunity to raise and educate their children because they are homosexual in orientation, in spite of their parental or professional abilities;

"BE IT RESOLVED that the National Federation of Priests' Councils hereby declare its opposition to all civil laws which make consensual homosexual acts between adults a crime and thus urges their repeal; and

"BE IT FURTHER RESOLVED that the NFPC also express its opposition to homosexuality as such being the basis of discrimination against homosexuals in employment, governmental service, housing and child rearing involving natural or adoptive parents."

The **Board of Social Ministry of the Lutheran Church in America**, 231 Madison Avenue, New York City 10016 adopted the following at its Fifth Biennial Convention, June 25-July 2, 1970:

"Scientific research has not been able to provide conclusive evidence regarding the causes of homosexuality. Nevertheless, homosexuality is viewed biblically as a departure from the heterosexual structure of God's creation. Persons who engage in homosexual behavior are sinners only as are all other persons--alienated from God and neighbor. However, they are often the special and undeserving victims of prejudice and discrimination in law, law enforcement, cultural mores, and congregational life. In relation to this area of concern, the sexual behavior of freely consenting adults in private is not an appropriate subject for legislation or police action. It is essential to see such persons as entitled to understanding and justice in church and community."

SOCIETY OF FRIENDS

Yearly Meeting Minutes on Gay Civil Rights

1972-New York: Passed a minute in the summer of 1972.

1972-Pacific: Now more aware of the socially inflicted suffering of people who love others of the same sex, we affirm the power and joy of non-exploitive, loving relationships. As a Society and as individuals we oppose arbitrary social, economic, or legal abridgement of the right to share this love.

1973-Pacific: ...wishes to minute its deep sense of outrage at the injustice being perpetrated against homophiles and homophile establishments. The arson and fire-bombing in the last six months of the San Francisco and Los Angeles Metropolitan Community Churches...a bar in New Orleans, in which 32 people were murdered recently, is all too reminiscent of the similar experience faced by other minorities in their struggle for equality.

We call upon all people of God's world to open their hearts and minds to the struggle of the oppressed minorities. We ask that each individual take the responsibility for seeking to establish a culture in which people of difference can live as a united family.

1973-Baltimore: We urge Friends to put new energy into the struggle to end the oppression, often unconscious, that is imposed on people because of their sex or their sexual orientation. Men and women must be freed of the rigid roles society teaches them. The myths about bisexuality and homosexuality, myths that perpetuate deep-rooted discrimination, need to be dispelled through educational efforts, perhaps undertaken by the monthly meetings. Equally important are the efforts each individual must make to develop positive attitudes toward his or her sexuality and the sexuality of others, and to build mutually affirming relationships. In accordance with Friends' testimony of the right and responsibility to follow the Inner Light, we hope we will come to respect the decisions of others about their own sexuality.

1973-Philadelphia: We should all be aware that there is a great diversity in the relationships that people develop with one another. Although we neither approve nor disapprove of homosexuality, the same standards under the law which are applied to heterosexual activities should also be applied to homosexual activities.

Since persons who engage in homosexual activities suffer serious discrimination in employment, housing, and the right to worship, we believe that civil rights laws should protect them. In particular we advocate the revision of all legislation imposing disabilities and penalties upon homosexual activities.

1974-Illinois: Homosexual and bisexual people in this society are subject to serious discrimina-

tion in many areas....We believe sexual acts in private between consenting adults should be removed from all criminal sanctions. Civil rights should be extended to protect homosexual and bisexual people just as they now protect other groups which suffer discrimination. We urge Friends and Friendly organizations to work for appropriate legislation.

Friends encourage everywhere the development of love and trust in human relationships. In this light, we urge Friends to explore and examine their knowledge and assumptions about sexuality, with special reference to homosexuality, with a view to achieving awareness of the possibilities and potentials for growth, love, and trust in these and other intimate relationships. 1974-Australia: ...Sydney Regional Meeting has brought to our attention their concern that we should support changes in laws which at present help to increase prejudice against homosexuals within society and which seriously limit the development of many people's personal lives.

We believe that the law should be changed so as to eliminate discrimination against homosexuals and to take the area of personal conduct between adults out of the concern of the law. At the same time the law should protect individuals and society through laws preventing indecent behaviour in public and protecting victims of exploitative relationships either between adults or involving children.

On April 12, 1969 the United Church of Christ Council for Christian Social Action, 289 Park Avenue South, New York City 10010, adopted the following resolution:

"WHEREAS homosexual practices between consenting adults in private endanger none of the properly protective functions of civil law, and

"WHEREAS laws against consensual homosexual practices between adults in private violate the right of privacy and are virtually unenforceable, except through the abhorrent practices of police entrapment and enticement, and

"WHEREAS such laws have no effect on the degree of homosexuality (as indicated by various studies abroad showing that homosexuality exists to no greater extent in countries without such laws than in the United States), and

"WHEREAS present laws and government practices regarding employment and military service of homosexuals are based on false assumptions about the nature of homosexuality in general and the danger of homosexuals to society in particular,

"THEREFORE the Council for Christian Social Action hereby declares its opposition to all laws which make private homosexual relations between consenting adults a crime and thus urges their repeal.

"The CCSA also expresses its opposition to the total exclusion of homosexuals from public employment and from enlistment and induction into the armed forces, especially the dismissal of less than honorable discharges from the armed forces for homosexual practices with consenting adults in private. The CCSA supports dismissal of homosexuals from public employment and from the armed forces and their prosecution under the law when they have been found guilty of homosexual practices in public, against children and minors; or where force is used.

"The CCSA also opposes, where they exist, police practices of entrapment and enticement in their attempts to enforce laws against homosexual practices and solicitation.

"Finally, the CCSA encourages the UUC Conferences, Associations, and local churches to hold seminars, consultations, conferences, etc., for honest and open discussion of the nature of homosexuality in our society."

The following announcement and explanation were later released by the United Church of Christ on July 1, 1975:

"A Pronouncement is a declaration of Christian conviction on a matter of social principle, approved by the General Synod and directed to the churches and to the public. (63 GS 18)"

"The purpose of this pronouncement is to make a statement on civil liberties. It is not within the province of this pronouncement to make an ethical judgement about same-gender relationships. However, this pronouncement may well serve to further dialogue that will clarify the ethical issues involved in human sexuality.

"There is, in the United States, a significant minority of persons whose civil liberties, and whose right to equal protection under the law, are systematically and routinely violated. Discrimination related to affectional or sexual preference in employment, housing, public accommodations, and other civil liberties, has inflicted an incalculable burden of fear into the lives of persons in society and in the church whose affectional or sexual preference is toward persons of the same gender.

"Most directly affected are the 10% of the population whose affectional or sexual preference, according to the research of Alfred Kinsey, is predominately toward persons of the same gender. Also affected is the one-third of the American population which Kinsey found to have had at one time or another an adult same-gender sexual experience. Public revelation of even a single experience often results in the presumption that a person is same-gender-oriented and thus subject to social sanctions including violations of her or his civil liberties. Even the civil liberties of persons whose affectional or sexual preference is a well-guarded secret are vulnerable. Inquiry by private investigatory agencies into the personal life of the individual is often a prerequisite for employment. Draft records, insurance investigations, arrest records (even when charges have been dismissed or the defendant acquitted), and investigations instigated on the basis of anonymous accusation of rumor, all provide an employer, landlord, and other persons information used to justify discrimination.

DISCRIMINATION CAUSES SUFFERING

"A constant fear of losing one's job and home, and the economic and social consequence of such a loss, creates suffering in human life. Living as presumed heterosexuals, same-gender-oriented women and men are intimidated into silence, forced into lives of duplicity and deception, by the hostility of the majority society. Such duplicity and deception, and their current alienation, sometimes evolving to isolation and depression and culminating in suicide, are necessarily detrimental to the growth of the individual and to the growth of interpersonal relationships. Today, same-gender-oriented persons, our sisters and brothers in human community and in Christian community, are struggling to free themselves from the fear which the reality of discrimination, particularly in employment and in housing, has inflicted upon them. Such persons are taking a moral stance against discrimination and the violence that it does to human dignity. They seek to secure protection for their full civil liberties and equal protection under the law. The church must bear a measure of responsibility for the suffering visited upon same-gender-oriented persons since often the traditional Judeo-Christian attitude toward same-gender relationships has been used as a primary justification for denial and violation of civil liberties and the perpetuation of discrimination against such persons.

THE RELIGIOUS PERSPECTIVE

"Christian love for God and our neighbor in God impels us to cherish the life and liberty of all women and men. We proclaim a unity under God which transcends our division, and find in Christ our measure for being human.

"As Christians, we seek to personify the liberating Gospel of Jesus the Christ and to follow its example in our relationships with others. This means that we try to have love and respect for each other--for individual well-being, quality of life, personality, dignity, and self-actualization.

"The Christian churches have a long tradition of concern for human justice and civil liberties. From the days of the Hebrew prophets, we have been charged to pursue justice for all who are oppressed. In its most faithful moments the church has been recalled to the word of Amos: "I hate, I despise your feasts, and I take no delight in your solemn assemblies...But let justice roll down like the waters, and righteousness like a mighty stream" (Amos 5:21, 24). Insofar as the church has been concerned for social justice, it also necessarily has been concerned for civil liberties. Historically, branches of the Protestant churches have been the most significant single influence in the rise of concern for basic civil rights in the Western world. The tradition of the United Church of Christ is a particularly rich heritage of such concern. First suffering the denial of liberty at the hands of both civil and ecclesiastical authorities in the Old World, our ancestors claimed these rights for themselves in the New World. Realizing that the rights of none were secure until the rights of all were secure, our ancestors-in-faith gradually extended their civil liberty concern to the whole of society.

"In faithfulness to that biblical and historic mandate, we hold that, as a child of God, every person is endowed with worth and dignity that human judgment cannot set aside. Denial and violation of the civil liberties of the individual and her or his right to equal protection under the law defames that worth and dignity and is, therefore, morally wrong. Our Christian faith requires that we respond to the injustice in our society manifested in the denial and violation of the civil liberties of persons whose affectional or sexual preference is toward persons of the same gender.

AFFIRMATION OF CIVIL LIBERTIES

"Therefore, without considering in this document the rightness or wrongness of same-gender relationships, but recognizing that a person's affectional or sexual preference is not legitimate grounds on which to deny her or his civil liberties, the Tenth General Synod of the United Church

of Christ proclaims the Christian conviction that all persons are entitled to full civil liberties and equal protection under the law.

"Further, the Tenth General Synod declares its support for the enactment of legislation at the federal, state, and local levels of government that would guarantee the civil liberties of all persons without discrimination related to affectional or sexual preference.

"Further, the Tenth General Synod calls upon the congregations, Associations, Conferences, and Instrumentalities of the United Church of Christ to work for the enactment of such legislation at the federal state, and local levels of government, and authorize the Secretary of the United Church of Christ to commend this Pronouncement to the Conferences for distribution by them to their respective state legislators and representatives in the Congress of the United States."

Along with the above, the United Church of Christ made the response below on July 1, 1975:
"RESPONSE TO THE OVERTURE CONCERNING THE SPECIAL NEEDS OF GAY AND BISEXUAL PERSONS IN THE PROFESSIONAL LEADERSHIP OF THE CHURCH"

A. The United Church of Christ has a priority commitment to strengthening the local church. Wherever personal suffering must be silently endured without benefit of pastoral care or empathic support, especially when the suffering occurs in the lives of the professional leadership of the church, the local church, and the church at every level, is weakened.

"Insofar as social, legal and religious condemnation of homosexuality has inflicted immeasurable emotional, psychological and at times physical suffering upon the lives of homosexual and bisexual persons and their families, the church has a responsibility to respond to the special needs of such persons. Of immediate concern are the needs of homosexual and bisexual ministers, directors of religious education, and others in the professional leadership of the United Church of Christ.

"Therefore, the Tenth General Synod responds to the special needs of homosexual and bisexual Ministers, directors of religious education and other in the professional leadership of the United Church of Christ by directing the Office of Christian Life and Leadership to:

1. Compile and distribute a nation-wide listing of both church and non-church related counseling resources that offer non-judgmental counseling for homosexual and bisexual persons and their families.
2. Compile and distribute an annually updated listing of vocational guidance and counseling agencies with experience in counseling homosexual and bisexual professionals.
3. Distribute a comprehensive bibliography of books, articles and audio-visual aids concerning human sexuality.

B. The United Church of Christ has not faced in depth the issue of human sexuality. Changing morality and ethics within American society present both problems and challenges to the church.

"Therefore, the Tenth General Synod directs the Executive Council to commission a study concerning the dynamics of human sexuality and the theological basis for a Christian ethic concerning human sexuality, and to recommend postures for the church, to be presented to the Eleventh General Synod.

In April, 1974, the NORTH AMERICAN JEWISH STUDENTS' NETWORK, 36 West 37th Street, New York, N.Y. 10018, sponsored a National Conference on Jewish Women and Men. The last act of the conference was a unanimous vote in support of the following resolution;

"Whereas Jewish male and female homosexuals who identify themselves as Jews have been historically persecuted by members of the Jewish community and, Whereas gay men and women are openly discriminated against and excluded from participating within the framework of many Jewish institutions, Therefore, let it be recognized that we, members of the National Conference on Jewish Women and Men urge;

- 1) that we recognize the historical persecution of homosexuals,
- 2) that the Jewish community in acknowledging and accepting its gay members, open its doors to their full participation,
- 3) that Gay Rights legislation before city, county and state legislatures be supported by the Jewish lay and religious bodies.

The Education Chapter of A Legislative Guide to Gay Rights

is dedicated to

PEGGY BURTON

"Prejudice is the child of ignorance."

- William Hazlitt

Sympathetic student body and faculty efforts to dedicate the 1973 Cascadian yearbook to Peggy Burton were squelched when the school superintendent tore out and discarded that dedication page from 370 volumes, claiming that the dedication was unauthorized. Peggy Burton was dismissed as a schoolteacher because she was gay. Her case is summarized in this chapter.

The Portland Town Council is honored to pay this belated tribute to Peggy Burton, who nearly half a decade ago attempted to affirm the basic Constitutional rights which some 20,000,000 gay American citizens still are struggling to achieve. The text of the dedication above is identical to the proposed dedication except that the original words, "The 1972-73 Cascadian", necessarily have been replaced by the chapter and title of this volume.

The responsible education of the young is one of society's deepest concerns. The importance of raising a new generation of informed and able citizens; the importance to the young people themselves of being prepared for social, professional and personal life; parents' concerns for their children's welfare; not to mention the enormous expenditures devoted to the entire educational enterprise--these are obvious preoccupations of every citizen, taxpayer, parent, and teacher--gay as well as straight. In making their case for professional and social lives of dignity, safety, and integrity, gay educators and citizens have society's interests and concerns at heart, one with their own.

Education is a legal mandate for all children. Next to the nuclear family, school is the single most influential factor in the development of the growing child. As such, the school's personnel and curriculum are chosen to reflect the fundamental ideals and concerns of society. The teacher assumes a parental role as a major adult authority in the child's life. In all this, gay teachers are as dedicated to their profession and to their students as their straight colleagues. But to the gay educators who work daily with youth--today's product for a promising tomorrow--it is often a bitter struggle to carry on as a professional dedicated to the children and their future, concomitantly retaining self-respect by enjoying honest living. When it comes to being endowed with the inalienable rights of life, liberty, and the pursuit of happiness, gay teachers--like so many others in our society--have been short-changed if not left out entirely.

There currently exists little data regarding gay teachers and the effect of homosexuality on their lives. This chapter has been made possible only by gay teachers who have surfaced to share their feelings and experiences in the hope of effecting positive social and political change for themselves and their colleagues. In an attempt to statistically verify the content of this chapter, the authors sent a letter to Oregon Education Association's 1975-76 President, Phyllis Van Zyl. In order to share as completely as possible the proposed content of this chapter and the difficulty of documenting gay discrimination in the schools, we quote from President Van Zyl's July 12, 1976 letter to the authors in which she answers each question as it was given to her:

"Q: How many educators in OEA history have lost their position by virtue of their sexual orientation?

A: We keep no statistics which would in any way indicate an answer to your question.

Q: Of these, how many have appealed?

A: Again, no statistics of this kind are kept.

Q: Of the appeals, how many have received back pay, reinstatement, attorney fees and costs and disbursements incurred in the

court procedure?

A: Answer, unknown.

Q: Of the given lawsuits, how many educators have received legal aid by virtue of their requesting same and/or having it offered by OEA?

A: One of the purposes the OEA exists is to protect the due process rights of all educators. Any OEA member has on request legal aid offered to insure due process.

Q: Please indicate the year and location of such lawsuits and the sex of the educator in question.

A: Since we keep no detailed records furnishing information of this nature, it is virtually impossible."

President Van Zyl concludes her letter:

"I feel disappointed that I cannot furnish you more detailed information because I know OEA has protected 'gay' teachers in years past; however, to provide details would simply be drawing upon my memory and you deserve better information than that."

Discrimination against gays, however absent from official statistics, is real and pervasive. The most recent Oregon case in which the ACLU provided support to a gay teacher involved Peggy Burton, dismissed in 1971.

In October of 1971, a mother of a former student at Cascade Union High School advised the principal that Ms. Burton, then in her second year of teaching, was a lesbian. The principal called Ms. Burton into his office on October 11, at which time she told him that she was a practicing homosexual. She asked to be present at a special school board meeting on October 18. She was suspended at that meeting upon the administration's recommendation. Ms. Burton was not present at the regular October 28 school board meeting at which the board acted upon the superintendent's recommendation to terminate her one-year contract not because of her homosexuality, but (as advised by the district's legal counselor), because of her "immorality" of being a practicing homosexual. No question of criminal conduct was ever raised by the school board, and use of the word "immorality" allowed Cascade School District to come within the terms of ORS 342.530 (1) (B), which provided that teachers in districts like Cascade School District, where there was no tenure system, could be dismissed for "immorality."

The American Civil Liberties Union filed a complaint in U.S. District Court on Ms. Burton's behalf (Civ. No. 72-334; 353 Fed. Supp. 254), alleging (1) that ORS 342.530 (1) (B)'s grounds of "immorality" were unconstitutionally vague, (2) that the statute did not require a rational nexus between her allegedly immoral conduct and her teaching performance, (3) that the discharge violated her equal protection rights because de-

pendants had shown no compelling governmental interest in discriminating against homosexuals as a class, and (4) that the discharge violated her right of privacy. Ms. Burton asked for reinstatement, back pay, general damages, costs and attorney fees and expungement from the school district's records of all references to her dismissal and reasons for it.

Cascade School District stipulated that her dismissal was not based on any dissatisfaction with her job performance. Defendants did not contend that adverse community reaction, or anything else, had impaired her effectiveness as a teacher. Nor was there any allegation that the plaintiff made any homosexual advances toward any student.

The U.S. District Court, Judge Gus Solomon, held that the statute vesting in a school board the power to dismiss teachers for immorality without defining immorality was unconstitutionally vague because it failed to give fair warning of what conduct was prohibited and permitted erratic and prejudiced exercises of authority. Judge Solomon also ruled that the statute presented serious constitutional problems in that it did not require a nexus between conduct and teaching performance. (353 Fed. Supp. 254) The Court awarded all of plaintiff's prayer (back pay, general damages, costs and attorney fees and expungement from the school district's records of all references to her dismissal and reasons for it), except reinstatement. The only reason ever given by the Court for not giving Ms. Burton her job back was that, "it just wouldn't work out to reinstate this woman in this little area." (Transcript of Hearing, February 1, 1973, App., *Infra*, p. A18, Tr. 3)

Plaintiff then appealed to the U.S. Court of Appeals in San Francisco, which affirmed in a 2-1 decision. (512 F.2d 850 9th Cir. 1975) The majority held that it was within the trial court's discretion to deny reinstatement, even though the school board had offered no evidence that reinstatement would lead to any disruption or antagonism. Judge Lumbard dissented, stating the basic principle that most courts have been willing to apply: "Reinstatement is the appropriate remedy for an individual who has been removed from her job in violation of the Constitution." (1. A7; 512 F.2d at 854) Judge Lumbard noted that no evidence of disruption had been submitted, and stated that even if such evidence had existed, it would be "clearly inappropriate to consider community resentment in deciding whether to reinstate a person to a position from which she was unconstitutionally removed....If community resentment was a legitimate factor to consider, few Southern school districts would have been integrated. One of the major purposes of the Constitution is to protect individuals from the tyranny of the majority. That purpose would be completely subverted if we allowed the feelings of the majority to determine the remedies available to a member of a minority group who

has been the victim of unconstitutional actions." (6 p. A9; 512 F.2d at 855, 856)

Judge Lumbard concluded his dissent by stating that: "It is questionable whether a monetary award is sufficient to deter the school board from taking similar unconstitutional action in the future. After all, what the board wanted was to be rid of Ms. Burton and the District Court judgment allows it to accomplish that. If a similar situation arises in the future, it might well conclude that it would be willing to pay a few thousand dollars in order to be rid of an unwanted teacher.... The only way to restore to her what she lost is to require the school board to reinstate her as a teacher for one year." (p. A9; 512 F.2d at 856)

The shortsightedness of the School Board's position, as affirmed by the District Court and Court of Appeals in the Burton case, reveals an essential fact to the current existence of gay teachers: That simply being homosexual is by itself enough to overshadow and outweigh established competence and responsible performance on the job. Parents and administrators do not seem to look at heterosexually married teachers as primarily sexual beings. Why should they perceive the gay teacher (or the single teacher generally), a proven asset to the community, any differently?

The homosexual teacher, like many unmarried colleagues, is under extreme social pressure on the job. The claim of the homosexual teacher is for the privacy and dignity of his or her life, free from social ridicule and prejudice and resulting professional threat. This plea is joined with that of all Americans who do not conform, for good and sufficient reason, to the conventional mode of life pressed on them in so many ways by society at large. It is a plea for traditional American liberty and responsible individualism.

The two most prevalent myths concerning homosexuals as teachers involve fears of (1) child molestation and (2) that "this kind of person" would teach pupils to be homosexual. These myths are wholly unfounded. In the first place, child molestation is overwhelmingly a heterosexual phenomenon, committed by heterosexuals in numbers far out of proportion to their number in the total population. "Child molestation is primarily engaged in by a distinct category of persons who are exclusively attracted to children." (The Record of the Association of the Bar of the City of New York, Vol. 28, #2.) "The man who is sexually interested in children is rarely a homosexual...more often, the offender is a single or married male who lives a relatively conventional life with only sporadic, or no adult homosexual contact." (J. Gagnon and W. Simon, *Sexual Encounters between Adults and Children* (1970), p. 11) "Offenders against both male and female children were heterosexual. Thus the percentage of homosexual child molestation would appear to be far less than the percentage of homosexuals in the total population." (emphasis added.) (V. De-

frances, *Protecting the Child Victim of Sex Crimes by Adults* (1969), p. 38.)

In the second place, proselytizing homosexuality is simply a false issue, because sexual orientation is determined in pre-school years, some sexologists place it as early as age three or four, and does not change in the adolescent nor adult years. (J. Money and A. Ehrhardt, *Man & Woman: Boy & Girl*, Baltimore: Johns Hopkins University Press, 1972.) Moreover, homosexuals simply have no interest in trying to change someone's sexuality; their concern is legal, civil and social dignity, not some imagined "conversion" of the rest of the population. In any event, even if a statute is enacted which prohibits discrimination against gay people in employment, social disapproval will exist for some time; and no gay teacher, like her/his straight colleague, will risk the enormous time, labor, and money spent in academic career preparation, placement, and establishing tenure. The assumption that gay teachers would preach homosexuality in the classroom is as startling and dismaying to them as to their detractors. The three R's have as little to do with homosexuality as with heterosexuality. Neither straight nor gay teachers have any right to integrate sex education with reading, writing or arithmetic. Most subjects, after all (mathematics, natural sciences, geography, mechanical arts, and the like), have no relevance to sex or sexuality.

The basic issue here is personal responsibility and integrity. Records of teachers who have been revealed as gay, like others in business and military service, constantly reveal them also with at least as much competence, integrity, and responsibility as their straight peers. That is the lesson of the Peggy Burton case. She was a teacher of proven competence, and great popularity (the editors of the high school year book dedicated the year book to her the year after she was fired), yet she was dismissed simply because of her status as a homosexual.

As for fears of sexually oriented literature "creeping" into advanced reading courses, here as elsewhere we must ask the only really relevant question: What are we really trying to teach young people? If our aim is to communicate great literature, both as a means of expression and as a mirror to human nature, then we choose the finest literature we can find, even when, as with Shakespeare, it sometimes leaves the stage rolling in blood and violence; or, as with Shakespeare again, or D.H. Lawrence, sexual conflict rather than political conflict provides the themes. We want to teach our students to think carefully and thoroughly, to be sensitive and informed about the great issues of their time, to know enough of their cultural, social, and historical inheritance to respect themselves, their society and the human achievement which both represent. Insofar as sexual topics or references are relevant to these aims, as no doubt they will be at

times, then they ought to be dealt with frankly and fairly; if they are irrelevant, then they will not come up at all.

In all areas of curriculum, the question basically becomes whether students learn about themselves and the world in which they live, and whether we are prepared to have the problems they experience, or which their society experiences, dealt with intelligently, sensitively, and responsibly. Evasion of real issues is not responsibility; sweeping under the rug is not responsibility; pretending situations do not exist or superficial enthusiasm for the latest "causes" is not responsibility. In literature, in the social sciences, in health and sex education, questions of homosexuality, like questions of race or ethnic conflict, or economic reality, belong in the classroom only insofar as they naturally fit into a sound education of future citizens.

The one area of curriculum in which the element of sexual orientation would most naturally arise is Health. The topic of homosexuality in the public school, if covered at all, in the past has been a cursory glance as part of abnormal psychology or its equivalent. Parents disapproving of sex and/or personal relationship curriculum in general are appalled at the thought of introducing homosexuality as a viable, meaningful orientation. Removing street language connotations in an academic environment, nurtured by a sensible instructor, would replace misconceptions of filth with simple understanding. A noteworthy example is the Multnomah County V.D. education project, which in the 1975-76 school year was expanded to include gay education. Articulate homosexuals, male and female, "came out" to public school classes to which they were invited to provide candid answers to students and teachers alike. The speakers talked about themselves as who they are: people, with the same human needs felt by the classes they addressed. The schools' responses were nearly unanimously supportive. Class interaction during the sessions and words of thanks shared at many conclusions positively echoed the now famous words of a recent television commercial: "Thanks; I needed that!" "I don't want a sex pervert teaching my child!" is the refrain heard so many times from parents only too quick to be outraged in an emotional and uninformed reaction. Since it has been established by responsible psychiatric studies that homosexuality is a normal variant like lefthandedness, it logically follows that the gay teacher would not want a psychotic in the classroom either. The whole issue is, therefore, reduced to a question of civil rights. If one were to substitute "Black," "Jew," or "Catholic" in the above reaction, no racial or ethnic minority could ever achieve equality in American Society. What this refrain shows is an ignorance, a fear of the "strange" and unknown, an intolerance of an unnameable or indefinable "threat," an irrational myth from which so many minorities have suffered in the past.

The homosexual, like others before, is making a plea for tolerance, dignity, and the ability to stand firmly under the protection of the law and the Constitution. Laws do not in and of themselves change hearts and minds, but the reality of direct human contact with gay citizens will gradually banish myths, irrationality, hatred, and fear of this group as it has previous targets of persecution. From generation to generation, the limits of acceptance and protection have broadened in our society to take in one group after another "yearning to breathe free." The challenge before us is to let the gays in, too.

APPENDIX

The American Association of University Professors has recently passed a resolution adding "sexual or affectional preference" to the list of grounds for discrimination which institutions cannot use in hiring and terminating procedures. The following excerpts from an article appearing in the *Philadelphia Gay News* for August, 1976, p. Bi, give the essentials of the measure as it was passed in the AAUP's annual meeting held in June, 1976.

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS VOTES TO SUPPORT GAY ACADEMICS

by Harry Langhorne and M. David Stein
Santa Barbara, Calif.---The 75,000 member American Association of University Professors (AAUP) is now formally and officially committed to defend gay academics against discrimination by institutions of higher education. The commitment was made here on June 26 by a group of around 500 delegates to the AAUP's 62nd an-

nual meeting, most of whom represented whole chapters of the AAUP at various colleges and universities across the country. It came in the form of a resolution adding "sexual or affectional preference" to the list of grounds for discrimination institutions may not use without risking AAUP censure.

As Dr. Dennis Rubini of Philadelphia's Temple University put it: "This is a real commitment, not just a pious statement (like other academic groups have made)." However narrow the endorsement might seem, once a policy has been accepted by the AAUP delegates, it cannot be reversed.

Even though it will stand as AAUP policy, "How strongly the new policy will be implemented will depend on how active, and open, gay people become in the AAUP," Rubini commented.

One of the most important areas in which the new AAUP policy statement is expected to have an impact is in the attitudes of state legislatures and of state and federal judges. As Rubini points out, "Most of these people have had AAUP members as teachers at one time or another, and many of them have themselves been members. Moreover, when such things as sodomy law repeal or gay discrimination cases are being considered by a legislature or a court, persons like myself can testify officially as AAUP representatives."

With the AAUP now joining the National Education Association, the American Federation of Teachers, the American Psychiatric Association, the American Psychological Association and others in support of gay rights, it is clear that the educated consensus in favor of reform is overwhelming. And for gay academics in particular, the AAUP's power of censure gives that consensus some teeth.

In a letter dated July 12, 1976 to the Portland Town Council, Phyllis Van Zyl, President of the Oregon Education Association, 6900 SW Haines Road Tigard, Oregon 97223, said:

"The Oregon Education Association at its April 1976, Representative Assembly, adopted the following resolution:

C-1 Civil Rights

"The Oregon Education Association is committed to the achievement of a racially integrated society and calls upon Americans to eliminate, by statute and practice, barriers of race, color, national origin, religious beliefs, residence, physical disability, political activities, professional association activities, age, marital status, number of dependents, family relationship, sex or sexual orientation that prevent some citizens from exercising rights that are enjoyed by others including liberties decreed in common law, the Constitution and statutes of the United Nations. Civil order and obedience to the law must be ensured without abridgment of human and civil rights. Citizens must be assured a speedy and fair judicial process with free legal counsel for those in need. To be effective citizens, individuals must be trained and aided in developing strategies and expertise that will enable them to operate effectively in a democratic society."

The following resolution was adopted by the NATIONAL EDUCATION ASSOCIATION, 1201 16th St., N.W., Washington, D.C. 20036, during its annual convention in Chicago, Illinois on

July, 1974.

E-5. NONDISCRIMINATORY PERSONNEL POLICIES

The National Education Association believes that personnel policies and practices must guarantee that no person be employed, retained, paid, dismissed, or demoted because of race, color, national origin, religious beliefs, residence, political activities, professional association activity, age, marital status, family relationship, sex, or sexual orientation.

The Association urges governing boards to employ minority persons and women at all administrative levels.

It may be necessary to give preference in the hiring, retention, and promotion policies to certain racial groups or women or men to overcome past discrimination. (69, 71, 72, 73, 74)

The following resolution was adopted as American Federation of Teachers policy by the AMERICAN FEDERATION OF TEACHERS, AFL-CIO, Executive Council, 1012-14th Street, N.W. Washington, D.C. 20005, in 1970:

DISCRIMINATION AGAINST HOMOSEXUALS DENOUNCED

Whereas, professional people insist that they be judged on the basis of professional and not personal criteria; and

Whereas, it is the responsibility of trade unions to provide job protection from all forms of discrimination that is not based on performance such as race, color, sex, religion, age, or ethnic origin; be it

Resolved, that the American Federation of Teachers protests any personnel actions taken against any teacher merely because he or she practices homosexual behavior in private life.

The following resolution was adopted by the WASHINGTON, D.C. BOARD OF EDUCATION on Wednesday, May 23rd, 1972:

The District of Columbia Board of Education, after discussion and consideration hereby recognizes the right of each individual to freely choose a life style, as guaranteed under the Constitution and Bill of Rights. The Board further recognizes that sexual orientation, in and of itself, does not relate to ability in job performance or service.

Therefore it is resolved that henceforth it shall be the policy of all departments and services of the education system under the jurisdiction and control of the District of Columbia Board of Education to promote a policy of non-discrimination in hiring, employment, promotion, tenure, retirement and/or job classification practices, within its jurisdiction and control, relative to the sex or personal sexual orientation of any individual(s) regardless of past, present, and/or future status of such individual(s).

This policy is to be implemented forthwith and published through the regular channels.

The following is the text of a Western Union Telegram sent to the National Gay Task Force from Marion Barry, Jr., President of the District of Columbia Board of Education on April 17, 1974.

The Board of Education of the District of Columbia passed a resolution in the spring of 1972 prohibiting job discrimination against homosexuals in the public school system. This resolution was met with a limited amount of community opposition and there has been no opposition to this resolution within the public school system itself. Additionally, the passage of this resolution has not resulted in any problems within the public school system. This telegram will be followed under a separate cover by a detailed letter from me on this matter.

The UNITED FEDERATION OF TEACHERS, Local 2, American Federation of Teachers, AFL-CIO, 260 Park Avenue South, New York, N.Y. 10010, has adopted the following resolution: WHEREAS UFT has traditionally supported the civil and human rights of its members; and

WHEREAS UFT recognizes the oppression of, and discrimination against homosexuals in general and homosexual teachers in particular; and
WHEREAS it is the responsibility of trade unions to provide their members with protection from all forms of discrimination on the job, Therefore, be it
RESOLVED that UFT continue to support civil rights of all members, including homosexuals and will continue to represent equally all of its members in all UFT activities, associations, and organizations, without regard to sexual orientation.

The following resolution was passed by THE CALIFORNIA FEDERATION OF TEACHERS in Los Angeles, California during their convention on December 27 - 29, 1969.

Because millions of American homosexuals are oppressed by the American System,

Because homosexuals are harassed and intimidated by the police,

Because the self-hatred caused by the system's oppression is the most hideous result thereof,

Because their ability to hide the sexual nature (unlike Blacks whose race is obvious) keeps homosexuals immobilized,

Because the government's anti-homosexual policies set the tone of homosexual oppression as national policy,

THE CALIFORNIA FEDERATION OF TEACHERS DEMANDS:

1. The abolition of all laws or other governmental policy which involves non-victim sexual practice.

2. A vigorous life and sex education program at all school levels which explains the various American life-styles.

In June, 1971 the American Library Association, 50 East Huron Street, Chicago, Illinois 60611 Adopted the following resolution:

"WHEREAS, at least between 4 and 10 percent of the population leads a same-sex lifestyle, and WHEREAS, gay people suffer arbitrary discrimination in employment and housing when their inter-personal orientation becomes known, and WHEREAS, the struggle of gay people to liberate themselves from arbitrary discrimination poses for librarians problems similar to those of other oppressed minorities,

"THEREFORE be it Resolved, the American Library Association endorses the following statement of position: "The American Library Association recognizes that there exist minorities which are not ethnic in nature but which suffer oppression. The Association recommends that libraries and members strenuously combat discrimination inservices to and employment of individuals from all minority groups, whether distinguishing characteristics of the minority be ethnic, sexual, religious or any other kind."

The Senate of the American Personnel and Guidance Association, 1607 New Hampshire Avenue NW Washington, DC 20009 adopted the following resolution on April 7, 1971.

"BE IT RESOLVED, that the Senate approve the idea of adding sexual orientation to all anti-discrimination laws, which currently protect against discrimination based on race, creed, sex and national origin.

The American Personnel and Guidance Association further adopted the following resolution on February 12, 1973:

"WHEREAS, Equal rights for all is a basic value in our culture; and

"WHEREAS, Discrimination has been proved to have adverse effects upon the self-concepts of individuals which affects their total functioning; and

"WHEREAS, Counselors strive to build self-concepts in the regular course of their work; now therefore be it

"RESOLVED, that the American Personnel and Guidance Association membership actively resist any discrimination against any individual on the basis of race, color, creed, sex, sexual orientation, life style, or age; and be it further

"RESOLVED, that the American Personnel and Guidance Association membership actively support affirmative action against such discrimination and urge each Division and State Branch to make known this stand in its newsletter or other media and include information on this position in materials going to legislative workshops."

Chapter V

Lifestyles

"We need to get beyond the fact that the individual is homosexual, to the kind of person he or she is."
— Elizabeth A. Anderson

Many people label homosexuality as a "gay" or "alternative" lifestyle. This is an inaccurate assessment at best because it confines the labelers to their own stereotypes of how a homosexual appears, behaves or dresses. There are three main reasons for which homosexuality cannot be labelled summarily in such a manner. First, homosexuals lead as heterogeneous a life as their heterosexual counterparts. Second, just like any two heterosexuals, no two homosexuals are alike. Third, and possibly most challenging, "lifestyle" as it applies to any heterogeneous social subgroup is virtually impossible to define because of the vague generalities involved.

The word "lifestyle" appears in few popular dictionaries. To millions of Americans, the term suggests a vast conglomerate of rushing to punch in on time, helping the kids with homework, supporting favorite charities, making sure the dog gets walked and squeezing in recreational activities as time and budget allow. "Lifestyle" seems to be the balance of each individual's time/energy expenditure within the bounds of financial reality.

This attempt at defining "lifestyle" is an exercise in futility. It is equally meaningless to equate homosexuality with one exclusive lifestyle. Gays fit all categories. Some thrive in great wealth; others are struggling students. Many walk the dog, feed the cat and help the kids with their homework, all within the framework of a nine-to-five job which cannot begin without the morning news.

For the benefit of those who do label homosexuality as a unique lifestyle, and in light of the view proposed above, wherein "lifestyle" seems to be a balance of personal resources, we will explore some of the lifestyles attributed to homosexuals en masse. The number and types of "homosexual lifestyles" are proportionate to those of heterosexuals.

Until recent years, society has perceived homo-

sexuals primarily in terms of stereotypes, much as it has viewed racial minorities and women. When any minority is strongly stereotyped by society ("inferior blacks," "indolent, alcoholic Indians," etc.), individual members find themselves locked into a self-fulfilling prophesy which only serves to perpetuate the pattern. This social phenomenon actually did produce great numbers of "effeminate queers" and "masculine dykes," their individual personalities notwithstanding. Society long had dictated that the only acceptable adult roles were the aggressive, stoic man and the passive, emotional woman, who were to marry a member of the opposite sex in order to procreate. Individuals within this society to whom the ability to relate sexually with members of the opposite sex was foreign if not altogether impossible had three major options. One was to repress feelings and marry conventionally--an injustice to the core of their being. The second was to remain celibate--the "old maid" or "perennial bachelor" images. The third option was for homosexuals to "come out of the closet" of personal fear and hiding, at least to themselves, and play out the only possible role dictated by society--that of the opposite sex. And role-play they did. They felt within themselves an attempt to compromise their sexual orientation with society's interpretation of what a homosexual "should" act like.

Under society's dictated stereotyping, then, a lesbian would don mannish clothes and masculine mannerisms--the "butch," or "dyke" image--and swagger about the gay bars. She would not necessarily feel comfortable acting out that role, but at least would experience a measure of relief through this opportunity to relate on some level with her community, leaving behind for a few hours the constant pretending and lying about where she had been or with whom. Likewise, the homosexual man would bow to societal pressures literally by "dressing up" and "swishing"

into the gay bars.

The purpose for the foregoing explanation of stereotyped homosexuals in the similarly stereotyped bar scene is that the only roles singled out by society for adults to play have been masculine man and passive woman. Homosexuals who have chosen to accept their homosexuality to the point of visibility--even to the very limited extent of the gay bars--have been forced into these two molds. Such confinement has been extremely difficult to adapt to because a person perceives him/herself first as an individual, and then as a sexual being; e.g., many gay men are very masculine but have felt the pressure to play out an effeminate role, and many lesbians have denied their womanliness to satisfy society's image of a homosexual female. In short, society has directed generations of homosexuals to display behavior more comfortable for that society to deal with, but which often is most uncomfortable for the victims to learn to act out. To those homosexuals, however, such role playing still has been the lesser of two evils: they could either deny their natural sexual relatability, or they could come out within the roles dictated to them by society, even within the relatively low profile of gay bars.

In the past, and in some parts of the country today, even that low profile has been too high, as vice squads have raided gay bars and vigilante male heterosexuals have indulged their hatred with wild abandon by brutally beating patrons of gay bars. Gay history as it appears in police records and news stories bulges with unpalatable tales of social inequities. Personal histories as contributors to society vigorously deny the invitation of social or physical retaliation against their humanity.

It is both interesting and crucial to note that as homosexuals have grown to accept themselves as individuals, gay bars have amalgamized current social trends. Most gay bars today are virtually indistinguishable from similar heterosexual establishments. Role-playing is all but non-existent. Women enjoy being women, and men enjoy being men. The pressure to role play foreign identities is at a bare minimum; and where it still exists, it is primarily in older homosexuals who have had trouble changing with the times, and in young homosexuals just stepping out of the closet and searching for identity. In the latter case, role-playing usually is one short step on the ladder to acceptance of self as a healthy individual.

A day in the life...

Let us examine briefly the homosexual (who may or may not role play). This person wakes up in the morning, walks the dog, listens to the news while showering and dressing, and reads the paper while eating breakfast. That is a morning lifestyle common to millions of Americans. Our homosexual may get to work by personal

auto, bus or carpool. Those may be classified as transportation lifestyles. Chances are good that the persons next to him/her on the bus, or who share carpooling costs do not know s/he is gay; they just know s/he wants to get to work on time in the most convenient fashion. The homosexual punches in. The homosexual eats lunch. S/he may buy lunch at a restaurant each day, perhaps an expensive lifestyle, or s/he may brown-bag it, a less expensive lifestyle. After work, the homosexual goes home. S/he may turn on the news and make a cup of coffee or have a beer--two lifestyle possibilities there. S/he may go to a church meeting, a political confab, stay home and get the garden in shape, or be involved in any number of other activities which, if performed on a reasonably frequent basis, may constitute a lifestyle. In short, such a work day would be indistinguishable from that of a heterosexual.

Now let us examine the great American phenomenon of the weekend; more specifically, Friday and Saturday nights. It is the end of the week, time to relax and get back in touch with self and friends. One favorite way is going out--having a few drinks or beers. Millions of people across the nation flock to their favorite pubs to unwind. Most of us, gay and straight, have participated in this near-ritual weekend at some point in our lives. Some people go out in couples, gay or straight. Others, unattached, go to singles bars, perhaps just to see who is there or perhaps with the intention of "picking up" a sex partner for the evening. That is a stereotyped "lifestyle" imposed on homosexuals by their heterosexual counterparts. It must be underscored that this "cruising" is as common a phenomenon among heterosexuals as it is among homosexuals. Percentage-wise, that is. Number-wise, it is of course much greater among heterosexuals because there are more heterosexuals than homosexuals. People who refuse to acknowledge that "cruising" is common to both sexual orientations lock themselves into just one of the many myths that inaccurately stereotype homosexuals.

Some people carry this myth a step further by alleging great promiscuity among male homosexuals. We must acknowledge the fact that male heterosexuals also are noted for their promiscuity, possibly more so with respect to the young and/or unmarried. Witness the American double standard dominant for so many decades: "A man must have his 'fun,' 'sow his wild oats'" while he is young and unattached but when he settles down and marries, it must be with a virgin. Women traditionally have been denied this virtual "right" of young men. Another heterosexual double standard regards the married man who spends time away from home in the service or at conventions who can "get away" with a "casual affair;" but woe be unto his wife if her sexual drive reaches the same level under similar circumstances! So why isolate the homo-

sexual as promiscuous, when s/he has precisely the same drive, only oriented differently? It is an incongruous contemplation.

Young and Gay

We have been examining what some people call a homosexual "lifestyle"; that is, gay bars and promiscuity. We have emphasized that homosexuals live precisely the same lifestyle as heterosexuals, having to comply with the same work hours and financial limitations, to name just a few similarities. We have stressed that except for the flamboyant few, homosexuals are an invisible minority. But we have addressed ourselves to the adult population.

Sexual orientation is determined very early in life, perhaps as young as five or even three years of age. Even as heterosexual children become aware of their sexual orientation as they advance to puberty, so do homosexual children. To the young homosexual, growing up often holds an abundance of internalized growing pains. Girls are well protected by our established role system. While "femininity" is encouraged, a girl still can advance to junior high age as a tomboy without inviting suspicion. She may not socialize with the boy-hungry girls; but then, to the young lesbian—even if she has not identified her feelings—this is hardly a noteworthy issue. Adults may label her as a "sports nut," "bookworm" or other acceptable term and leave her at that. Many slower developing heterosexual girls share her early adolescent behavior. Boys, on the other hand, have a serious problem levelled at them if they are suspected of being homosexual at an early age. The male-dominated structure of our society forces boys into very particular behavior at a tender age. Where girls can be tomboys for years in safety, few boys, gay or straight, have expressed interest in dancing or homecrafts, or have shown a lack of interest in team sports, hunting, fishing or other traditional male activities without raising the concern of their parents and teachers. Young gay males who avidly pursue such male activities may escape suspicion altogether even though they progress through adolescence with little or no interest in girls.

Like the homosexual adult, the homosexual child is virtually impossible to identify. Homosexual adults share with heterosexual adults the needs common to every human being—love, acceptance, appreciation of a job well done and so on. The case is precisely the same for children; heterosexual or homosexual, they have the same desires to achieve in school, be first string on the sports teams and to be accepted socially. They share the same rock and roll stars; hamburgers are their favorite snacks; and they cannot wait to get their driver's licenses. When they enter puberty, nature joins with society in telling them that the differences between boys and girls are greater than they may have known. To the children, gay or straight, whose parents have neglected to

tell them "the facts of life" and who have not received sex education through their schools, these are even more traumatic years. A boy awakening from his first "wet dream" without knowing what is happening can be mortally embarrassed. A girl who starts menstruating with no knowledge of this phenomenon may be panicked to think that she might be dying of internal hemorrhaging. For these children, locker rooms and slumber parties may be the primary source of information as to what really is happening to their bodies.

Needless to say, physiological change is only part of adolescence. Just as crucial is an emerging healthy, positive self-regard to one's sexual orientation. This is hard enough for many heterosexual youths, as social pressures in school frequently dictate dating the "right" young man or woman. Under constant adult teasing, crushes come and go, and rumors run rampant among peers about who has been seen with whom. But for all the trials and tribulations of adolescent "puppy love," most heterosexual youths struggle through relatively unscarred. They are surrounded with positive role models—in their parents, teachers, neighbors, churches and other social involvements.

Most young homosexuals are not so blessed. They are not knowingly surrounded with positive gay adult role models or any other supportive adult. They are taught many forms of social behavior to which they cannot relate. Consequently, many try to deny the sexual orientation which they know is intrinsic to them in an attempt to gain social acceptance. Gay boys date girls and gay girls go out with boys. They may have a good time at the ball game, dance or wherever the date is; but when it comes time for that goodnight kiss, something in the back of their heads tells them: "Does not compute." This is not in any way comparable to enjoying a person's company, but, more precisely, not being attracted sexually; i.e., "S/he just doesn't attract me, nice though s/he is." It is the same as asking a heterosexual woman to be sexually attracted to another woman, or a heterosexual man to be sexually attracted to another man. Again, it simply "does not compute." But peer pressure being as intense as it is in most junior high and high schools, and jokes abounding as they do about "fairies, queers, faggots, dykes" and the like, countless adolescent homosexuals painfully suppress their true feelings and desires for the sake of social acceptance. After all, who wants to be the object of school jokes, forced into a virtual isolation cell in the locker room to prevent "contamination" of peers, and so on? The potential for such discrimination is a virtual mandate to young gay students to stay "in the closet." This denial of self-actualization, as painful as it is, still frequently is preferable to social ostracism in the teenaged world of heterosexual peer pressure.

What is it like to be part of the invisible minor-

ity in school? One young gay person writes this:

I am a 17-year-old high school student. I have known that I was gay since fourth grade. It's something my parents knew too, because they took me from one psychiatrist to another, when I was younger. But it was I who finally told them that I was definitely gay last year. Since I am not the first one in my family, the reaction was not quite so traumatic. (Editors' note: The first time was extremely traumatic for this family.) I know they still love me, but they prefer not to talk about my sexuality. And they hope that none of my actions will embarrass them.

So where am I today? Where does a gay student go for counseling and advice? The school systems have sex education courses to produce healthy heterosexuals. What about homosexuals? Are we not allowed to be healthy too? Where are the counselors with the background of understanding to give us direction?

Let's interject a little science fiction and put the shoe on the other foot. The year is 1980. The government and church have declared that due to overpopulation, heterosexuality is forbidden for the next ten years. Now you are walking on the dark side of society, and it demands you change. Can you? Should I?

Two points need to be made in reading this articulate expression of the ostracism felt by this young person. First, the writer above asks, "Where are the counselors with the background of understanding to give us direction?" The writer is not asking to be "changed" into a heterosexual. As explained in the psychology and psychiatry chapter, conversion attempts simply do not work; a homosexual no more can be changed into a heterosexual than if the reverse were tried. And, as the writer points out, earlier psychiatric attempts to change did not work. What this young writer is asking for is the same kind of understanding given young heterosexuals adapting to their sexuality in the years of identity crises common to all young people. Since most school counselors are heterosexual and relatively few have been formally sensitized to homosexuality, they can relate to the problems of acne-prone, obese or other physically problem-stricken youths who feel socially ostracized; but when confronted by a young person acknowledging her/his homosexuality, few counselors know what to say. Most gay high schoolers at present would hesitate even to confide, knowing that homophobic school officials might contact homophobic parents and start a personally disastrous chain of events. So this particular young homosexual, who did come out at a relatively early age, is making a plea that the education system be adapted to begin train-

ing counselors and teachers to accept their gay students as affirmatively as they do their straight students.

The other point to be made with this young writer's comments refers to the science fiction "interjection" in which heterosexuality is banned for one decade as a means of population control. It would be easy to dismiss this idea as unrealistic reasoning in the light of modern birth control methods, but let us not overlook the valid point being made in suggesting that "the shoe (be put) on the other foot"; that is, that heterosexuals attempt to engage in a relationship which is contrary to their sexual orientation. To most heterosexuals this proposition is "unnatural;" we remind you, however, that homosexuality is as natural to homosexuals as heterosexuality is to heterosexuals. (For that matter, homosexuality exists throughout the animal kingdom. As pointed out by the eminent biologist Dr. Frank Beach, "To describe homosexual behavior as unnatural is to depart from strict accuracy.... Human homosexuality reflects the essential bisexual character of our mammalian inheritance." (Beach quoted by Dr. Judd Marmor in "Homosexuality and Cultural Value-Systems: Should Homosexuality be Classified as a Mental Illness?" (A paper delivered to the American Psychiatric Association, May 9, 1973.)

In summarizing the status of gay students, it is easy to see why they remain in the closet. The fear of social ostracism is prevalent enough in the adult world, but magnified ten-fold in the heterosexual peer-pressing world of youth. Most young gay people feel it is safer to hide behind a fear-based facade and survive socially than to risk exclusion from what should be a primary support group. The point to be made is that young people should not be forced to sacrifice their integrity and the full development of their potential because of fear and hiding. Accurate data on homosexuality, provided in a non-threatening manner by teachers and counselors, would allow the approximately 10% of all students nationwide to grow up with a fuller understanding and acceptance of self.

Inside the Closet

Let us return to the world of adult homosexuals. We have stated that a single gay lifestyle does not exist. This especially is so for those living in urban areas. Homosexuals who wish to maintain contact with the gay community but who reside in a rural area resemble gay students inasmuch as they must keep themselves in the closet from fear of social reprisal. Gay adults living in rural areas often alter their preferred lifestyle in order to survive socially. This is to say that while they might rather spend their weekends at home, many instead go to large areas where there are gay bars and businesses, just to keep in touch with people with whom they can relate. It can be an expensive lifestyle due

to travel costs, but it is well worth the investment to keep some sense of social acceptance after living in an environment in which their established acceptance as a professional or skilled worker would be undone if this one aspect of their totality were known.

It is possible that gay teachers feel this pressure more than homosexuals in any other single occupation. This is because of the tremendous pressure placed on educators to be models for youth. The education chapter addresses this issue from a professional standpoint; a few non-academic comments should be made here. Gay teachers as well as gay students are ever mindful of the heterosexuality forcing them to remain in the closet on the job and in the community. One lesbian teacher tells of feeling such intense pressure from her students to see what her "boyfriend" looked like that she finally passed around a picture of an old college chum, to the great satisfaction of her curious kids. While such an action might be interpreted as deceptive, it was the only recourse this woman felt she could take in an area in which she feared being all but run out of town were her sexual orientation to be known, regardless of her professional capabilities. Gay teachers, and homosexuals in other occupations, frequently find themselves in staff lounges being surrounded by chit-chat of family excursions, exciting dates and the like. Gay persons in such situations find themselves either maintaining a total silence or telling half-truths when asked the common questions, "How was your summer? What did you do? Did you meet anyone interesting?" They will welcome the day when they can answer with the candor of their heterosexual colleagues, safe in the knowledge that they are not simultaneously filling out their own severance papers.

Such caution is, perhaps, a lifestyle unique to homosexuals. It affects the three most basic aspects of their lives: housing, employment and public accommodations. Housing, because at present a homophobic manager could force eviction on the sole basis of sexual orientation with no legal recourse. Prompt rent payments, fastidious housekeeping and a quiet lifestyle are qualities welcomed by managers, landlords and landladies. However, none of these qualities would serve to assure homosexuals the right to remain where they live should they come out to a non-supportive, or "wrong" person.

The same is true with employment. Perfect attendance records, absolute punctuality, total conformance to dress codes (stated or implied) and establishment of complete professional competence, both on the job and in the community are qualities which have been welcomed and encouraged by every employer since time began, but would not support retaining the homosexual who comes out to the "wrong" person.

The same situation applies to the broad area of public accommodations. Conformance to dress standards, paying fully in advance of receiving goods

(such as food or drink) or services (a room to rent), behaving appropriately (not becoming boisterous, avoiding obscene words or actions) again, are compliances which, singly or combined, provide no legal redress for the gay person as the laws currently stand, should a proprietor ask a gay customer to leave the premises.

Modification of civil rights laws protecting other minorities--women, racial and religious minorities, et cetera-- to include homosexuals would not upset the status quo. To the contrary, such modification would provide far greater unity in society. The person who proposes that homosexuals have the same rights as everyone as long as they remain in the closet mirrors the person, hopefully of the past, who used to say by implication that racial minorities have the same rights as everyone as long as they do not encounter racial minorities personally. That analogy may look elementary, even silly. But, to the gay person, it is as elementary as it is not silly.

Two Lifestyles

We have stated and substantiated that a "gay lifestyle" defies definition, that all people must balance their needs and interests individually, and that this implies frequent duplication in daily routines, or lifestyles, of most Americans. However, in consideration of the "verboten" status of homosexuals, we must set aside the universal elements of lifestyle--work, hobbies and money--to examine briefly homosexuals from an intracultural viewpoint. In this context, homosexuals fit two basic categories: (1) Those who are relatively closeted; that is, who may have come out to themselves and perhaps a few friends or family; and (2) those who are "totally out," or who affirm their homosexuality to virtually anyone. Such open gays are often active in the gay rights movement. This second group still is small in number for what should be obvious reasons by now. Their activism may have landed their names and pictures in local and sometimes national news. They speak to public groups about homosexuality. They have set their commitment to the social/political liberation of their people at the top of their priority list. Every time they appear publicly, they know they may be placing their employment, home or relaxation in a public accommodation in jeopardy. But that is not all they may be risking.

This high level of visibility holds the potential for a marked change in "lifestyle" in one critical area: their personal relations with less visible homosexuals. For example, it is difficult for anyone married to a dedicated person whose work or community activity demands inordinate amounts of time. This commitment often strains relationships between "work widows" or "sports widows" and their spouses. But at least when the couple finds time to share together, they can forget about those tensions and enjoy each other's company. However, for the

gay activist who desires or is in a relationship with a more closeted homosexual, political problems cannot be forgotten. A potentially relaxed evening at home can become a time of deep introspection, values-weighting, and reassessing a relationship which, but for society's disapproval of homosexual relationships, would be a joyous reunion. The gay with a Quaker Concern for the social/political rights of homosexuals, like anyone else strongly dedicated to a cause, still is a person with basic human needs. But closeted gays often feel concern over being seen in public with a "known" gay for fear of being labelled. This may be due to a concern for job, holding a nice home, keeping friends, protecting family or other closeted gays. These personal values and friends are of greatest concern to most people, gay or straight. It is difficult at best for anyone to walk into a situation in which s/he knows that these values might be threatened seriously.

For the closeted gay and activist gay who would like to develop a life-fulfilling relationship equivalent to the heterosexual marriage, this option may be denied because two very different sets of values--the total "out-front" and the "behind the closet door"--for most practical purposes are diametrically opposed. Closeted couples live in their own microcosm within the straight world, concerned lest "the wrong person" discover their homosexuality. Activist couples unhinge the closet door and set an example for all gays to follow. This is not to imply that an out-front position is easy; the strains of trying to live out the American Dream of life, liberty and the pursuit of happiness can dissolve into an emotionally draining nightmare.

There is one "gay lifestyle" which combines the foregoing amalgamation of lifestyles in a yet rare perspective. This is the lifestyle of gay parents. They share the limitations of work schedule, budget, family commitment and recreational pastimes common to all of us. They sometimes have to adjust between the activist and the more closeted gay. But beyond these considerations, gay parents find themselves balanced, often precariously, between the worlds of traditional parenthood and gay rights, a tumultuous continuum of battling for the human dignity and basic civil rights which they took for granted until they discovered their homosexual orientation.

For those surprised that gay parents even exist, that an adult can be married for any number of years, bear and/or rear children and then "suddenly" come out, be assured that this does happen. Life is one continuum, and sexual awareness is as integral a part as any other aspect. Some people marry right out of high school, others wait until near retirement. Some go through a barrage of marriages, others "stick out" unhappy relationships "for the sake of the children" or community image. Some never marry. All of us fit one part or another of the continuum as it relates to the sexual aspect of our lives.

This is as true with homosexuals as it is with heterosexuals. This is true when homosexuality enters this personal continuum, when it formerly was primarily if not solely heterosexual.

We are all sexual beings. We come from environments which were and still may be heterosexual. At some point in our lives, we discover our sexual orientation. If that is homosexual and a person is not married and does not have children, the process of coming out will ensue with its usual soul-searching and joy in discovering self-identity. If a person discovers this orientation to be homosexual while married or single with children, the process of coming out is multiplied by many legal, sociological and psychological judgments. The subjective nature of these assessments is dealt with in other sections of this book and needs not be repeated here.

The ease and success with which any gay parent challenges the domestic relations courts, especially with respect to child custody and visitation, varies from state to state. Entanglements frequently are more common in smaller towns in which homophobia outweighs human acceptance as a social *modus operandi*. Provided a gay parent survives the court battles with one child or more in custody and begins a new life, we witness a raft of problems besetting this family, again, from a hostile society. There is a "gay lifestyle" with respect to gay parents.

As if by magic, most if not all of the social avenues formerly frequented by the parent and child are transformed into a hostile contingency of "if's": "I can continue teaching Sunday School--IF they don't find out that I'm gay." "I can still be a PTA room mother or school chaperone--IF they don't find out." "I can continue coaching the kids' after-school sports programs--IF they don't find out." The list is endless. Any youth-oriented activities, from spiritual to tutorial to recreational, are barred to the homosexual parent simply because of that adult's sexual orientation. There is a viable parallel in the status of the gay school teacher fired for her/his homosexuality despite years of respected service and the gay parent previously sought after for countless civic committees who, after coming out, "waits for the phone to ring." The parallel is the inability of the homophobe to differentiate between the homosexual's community commitment, which is a given, and the homosexual's coming out, which simply is realization of a given. We stress again that there is no connection between a person's sexual orientation, be it heterosexual or homosexual, and his/her ability to contribute to community growth.

Beyond community participation, gay parents have other aspects of their lives--or lifestyles--which are different and may create personal problems. Most people are proud of their homes and like to show them off. Gay people who are not totally out of the closet in general often find themselves having to "explain" why there is only

one master bedroom in a house. Gay parents visited by friends or neighbors with whom they are not open often find this an extremely precarious situation. And when their children bring home a friend to spend an afternoon, this situation can be even more awkward.

Acceptance of gay parents in the school, church, home or elsewhere boils down to a level of consciousness. The point to be made here as elsewhere is: What matters the nature of the relationship as long as the basic tenet, or "house rule," is loving respect for each individual therein?

Parent's group--Communication

Family communication is another area in which the gay person frequently has serious problems. Parents, siblings, spouses and children of gays very often find it nigh-impossible to accept the acknowledged homosexuality of the beloved family member who reveals it to them. Their initial attitude usually combines several elements: astonished horror, and "surely psychiatric treatment can cure this condition;" guilt, or "what did I do wrong to create this?"; refusal to accept, with, "It's just a phase;" and sometimes, "Go! Never darken my door again. You would be better off dead than homosexual." That is extreme trauma for the homosexual person, male or female, who has finally recognized that his/her sexual orientation is not that of some 85 to 90 per cent of the world's population. And, for the family members involved, who need to learn that this is the same person they have loved, and that this revelation, which is of the greatest importance to that loved individual because it is of his/her very essence, must not be allowed to destroy the warmth which had existed right up to the point of that sexually self-identifying statement.

To help alleviate some of the agonies incurred by both gay and straight in these situations, a Parents' Hotline is being organized in Portland; and through the kindness of the Counseling Center for Sexual Minorities, gays who desire help in "coming out" to family members, and families who are reluctantly faced with a gay member, may call the Counseling Center's hotline, and be put in touch with a parent who has worked through from shock to acceptance of a homosexual offspring.

Parents of Gays Hotline is aimed to be a major breakthrough in educating family members to eliminate the ignorance and fears in which the subject of homosexuality is embedded.

Conclusion

As human beings, all of us share the basic survival needs of economic sustenance and personal appreciation. Within those boundaries, lifestyle evolves for each of us to fit our individual needs. We have supported the thesis that no isolated "gay lifestyle" exists, due to the needs

common to all human beings regardless of sexual orientation. Yet, there have surfaced many problems which openly gay citizens encounter, risks avoided by closeted gays--the constant fears of losing home, employment, enjoyment of a public facility, and certainly the fear of losing a closeted gay friend. If any "gay lifestyle" exists, then, it is one of fear: "Should I risk my most personal values in an attempt to be as honest about myself as heterosexuals are free to do, or do I deceive my innermost feelings and integrity in order to survive economically and socially, and leave the consciousness-raising and civil rights work to the few who will take that risk?" It is a choice of lifestyles not to be envied.

And finally, it is ludicrous to any honest intellect that in 1976, the bicentennial of the "land of the free and home of the brave," that only some are allowed their basic civil rights, while the remaining 10% must fight rigorously for that selfsame freedom.

APPENDIX

"Homosexuals in the United States face an array of penalties more severe than in any Western nation outside the Communist bloc." (Time Magazine; "Gays on the March," by John Leo, researched by Anne Hopkins and Gaye McIntosh, edited by Ruth Brine, Sept. 8, 1975, p. 35) Some of these penalties are surreptitiously social; others are painfully specific and as yet legally sanctioned. While the immediate goal of this book is to help effect civil rights for gay Oregonians, the authors concur that we would be remiss in excluding legal concerns which extend beyond the scope of housing, employment and public accommodations.

This appendix provides a glimpse into more inequities which confront homosexuals at many turns in life. Passage of civil rights legislation would not affect issues addressed herein; nonetheless, it is important for non-gay citizens to be aware of the many legal pressures constantly upon homosexuals.

CHILD CUSTODY

Child custody and visitation rights often are touchy aspects of divorce proceedings, more so when one of the parents, especially the mother, is an acknowledged homosexual. Frequently, neighbors, community servants, parents and others may turn vehemently against a mother-lesbian. "Mother-lesbian" is a term which identifies lesbians who do not become aware of their homosexuality until after they have borne children, as opposed to the "lesbian-mother," who has accepted her homosexuality prior to child-bearing or adoption. The differentiating criterion is time: If the woman is involved as a heterosexual mother first, and later comes out as a lesbian, she is a mother lesbian. On the other hand, if she is a lesbian prior to her decision to bear or adopt a

child, she is a lesbian-mother. Most women agree that it is easier to be a lesbian mother; for in that case, the woman long has accepted her homosexuality, and the choice to rear a child is deliberate. The mother-lesbian may encounter family strife from husband and/or child(ren) in accepting her newly-discovered sexual identity.

Portland attorney Susan Elizabeth Reese describes the way discrimination against lesbians reflects and reinforces discrimination against women generally, in her article "The Forgotten Sex: Lesbians, Liberation and the Law," (11 Willamette Law Journal 354--Summer, 1975). There, she points out that the rights of homosexual parents, particularly lesbian mothers, are virtually nonexistent.

Even as psychiatrists and psychologists long have taken upon themselves the "duty" to be society's moral arbiters under the guise of mental health (Judd Marmor, M.D., past president of the American Psychiatric Association, addressing the annual meeting of the APA on May 9, 1973,) so too have judges strived to maintain the cultural status quo through their interpretation of legal concepts. It seems that lesbianism is a fact considered too distasteful by most judges to deal with on an enlightened level. Perhaps this situation will begin to change when the courts address not some subjective concept of morality, but rather the issue of parental fitness. As it stands now, "Legal concepts are formalized articulations of culturally maintained attitudes, which enforce the attitudes they express." (Cavanaugh, *A Little Dearer Than His Horse: Legal Stereotypes and the Feminine Personality*, 6 Harv. Civ. Rights--Civil Liberty Law Review 260--1971).

THE HOMOSEXUAL AND SEX-RELATED CRIMES

In attempting to assess the status of homosexuals from a criminological viewpoint, the authors sent a questionnaire to every District Attorney in Oregon. Our aim was to pinpoint every homosexually-related sex crime prosecuted in this state in the last five years.

However, responses were (1) too few to justify a chapter dealing with this subject; and (2) too vague to indicate any trend on the question at hand.

--The Editors

GAYS AND THE MILITARY

Article 125 of the Uniform Code of Military Justice forbids "unnatural carnal copulation" and labels such activity as criminal violation of that Code. Each branch of the Armed Services has its own wording based on Article 125 on the subject: AR 635-89; AFM 39-12; Coast Guard Regulations 12-B12 and 12-B10; Marine Corps Separation and Retirement Manual Sec. 6016, 6017, and 6018; SeeNav Instruction 19009A. These codes refer to "High moral standards," security and reliability risks. Each branch of the

service has three classes of possible violation:

Class I Homosexual act(s) performed while in the service on one or more occasions using force, fraud or intimidation, or such performance with a minor under sixteen years of age, regardless of said minor's degree of cooperation.

Class II Homosexual act(s) performed while in the service on one or more occasions, or proposing to do so without the use of force, fraud, intimidation, and without respect to the age of the intended partner.

Class III Exhibition, profession or admission of homosexual tendencies (emphasis ours), or "who habitually associates with known homosexuals."

The Navy even adds a Class IV, for persons who engaged in homosexual activity prior to entering the service but who did not mention it at the time of enlistment, thereby entering the Navy fraudulently.

The procedure for discharging an alleged homosexual from the service is fairly standard in each of the branches:

1. An investigation is begun which rarely stems from an overt act; generally, a former partner or suspicious co-worker initiates this process. Investigatory teams come from the following: Air Force Office of Special Investigations (OSI); Army Criminal Investigations Division (CID); or the Naval Investigative Service (NIS).
2. The accused is brought before his/her commanding officer and/or the investigating agency and is told about the nature of the allegations and that a thorough investigation has begun. In addition to intensive questioning by CID, NIS or OSI agents (sometimes even under hot lights), gay servicemen and women have been known to have their personal belongings searched for gay publications, diaries, letters--any incriminating evidence. Pentagon officials say that these searching techniques rarely are necessary.

Article 31 of the UCMJ provides that the accused be informed by the investigators and sometimes the Commanding Officer of the right to remain silent (this includes the right to refuse to be questioned), and that anything said by the accused might be used against him/her. It should be noted that recent Supreme Court and U.S. Court of Military Appeals decisions have ruled that the accused has a right to legal counsel, either appointed or retained, before any questioning procedures are begun. Rarely in the past have homosexuals utilized these available legal

resources, sometimes claiming that they knew they were "guilty" and other times simply wanting to dispose of this embarrassing personal inquiry in the fastest, least-publicized manner.

The investigation usually involves a military psychiatrist's evaluation as to whether or not the accused is a homosexual. Of great importance here is that confidentiality is not maintained in any such psychiatric conference: anything said by the accused may be used against her/him in court. An ironic point is that Evelyn Hooker's 1954 Rorschach studies indicated strongly that no distinguishable "homosexual personality" in fact exists, that clinicians for years have fostered this myth to add professional credence to their arguments of homosexuals as "sick" persons. (E. Hooker--*Journal of Projective Techniques*, 1957, 21, 18)

Administrative discharge is standard operating procedure for Class II and III suspects, in which case the accused either may appear before a board of officers to testify on his/her own behalf and present witnesses, or may waive this right and take an Undesirable Discharge. The latter has been the procedure most often followed, again to minimize the embarrassment of this personal investigation.

Court-martial has been reserved almost exclusively for Class I suspects, who generally are prosecuted for sodomy (Article 125) or attempt(s) to commit such act(s) (Article 80). To date, eighteen states have decriminalized the act of sodomy, but in the case of the military, federal regulations prevail. It is incongruous to think that if two consenting civilians engaged in an act protected by law one morning, and if they were accepted into the military that very day and thereafter repeated the act, that they could be court-martialed for the very same act! Just as mind-boggling is the consideration that according to the Kinsey Institute, 75% of all people, male or female, heterosexual or homosexual, regularly engage in sexual acts which are contrary to the dictates of Article 125!

Beyond the criminal sodomy regulations, the military relies on two other arguments to support anti-gay practices. One is that the discipline and good order of the barracks or ship would be threatened. Since Pentagon officials already acknowledge that many homosexuals complete their military service undetected, a major consequence of affirming gay military rights would be to ease the emotional tension of thousands of gay servicepeople. It seems reasonable to assume that there are few people, heterosexual or homosexual, who

would want to be sexually intimate in such a public situation as a barracks.

Another frequent anti-gay military argument is threat of secrecy, of blackmail against homosexuals in highly confidential positions. According to Dr. Frank Kameny (Ph.D., Harvard, former astronomer and physicist, and founder of the Washington, D.C. chapter of the Mattachine Society): "There has not been one publicized instance in this country of improper disclosure of classified information in which homosexuals or homosexuality was involved. There simply is no factual substantiation for the so-called security argument." (*Family*, infra, p. 12.)

The military classifies homosexual act: Homosexual "tendencies" qualify as "unsuitability" for the service, and are dischargeable only by General or Honorable, whereas the practice of those "tendencies" constitutes "unfitness" for military service, with the potential for Undesirable Discharge.

Persecution of homosexuals in the military continues but is on the decline, as evidenced in the following chart:

Fiscal Year	Discharged for Homosexuality	Undesirable Discharge	General Discharge	Discharged for Homosexual tendencies
1969	1,096	more than 1/2	----	416
1973	550	85 (1/6)	397 (3/4)	---

(D.O.D. figures from *Family*, infra, p. 9.)

This decline in both termination in general of suspected homosexuals in the military and also of removing the "Undesirable" stigma therefrom seems to indicate that the military is beginning to touch base with current social and legal human rights advances. Homosexual officers, who only a few years ago stood to lose virtually their entire futures if they were discovered, now are getting the chance to resign if their homosexuality is discovered. It is a beginning. But until these rules actually are changed, homosexuals in the Armed Forces will continue to live under the threat of Dishonorable Discharge, a sordid end to months and years of service to their country. Even as the individual states' decriminalizing of sodomy seems to be slowly rubbing off on the military, so too will enactment of civil rights clauses for homosexuals. These advances will help to humanize the personal sexual aspects of military life for all servicepeople.

(Data for this section was obtained from *Family, The Magazine of Army/Navy/Air Force Times*; March 27, 1974. "Homosexuals in Uniform" by Marianne Lester)

Endorsements

The following statement was unanimously approved by the Board of Directors of the AMERICAN CIVIL LIBERTIES UNION, 22 East 40th Street, New York, N.Y. 10016, on April 13, 1975.

Homosexuals are entitled to the same rights, liberties, lack of harassment, and protections as are other citizens.

The right of individual privacy, free from governmental regulation, extends to sexual conduct, heterosexual or homosexual, of consenting adults. Thus the ACLU opposes criminal restraint on any homosexual behavior, between or among consenting adults in private, or in public unless the same restraint applies to heterosexual behavior. Criminalization of these acts is a violation of the right of individual privacy. Such conduct is a matter for individual judgment, but is not a concern of the penal statute of the state. The ACLU opposes involuntary institutionalization and/or treatment of such behavior, and opposes the enforcement of sex-offender registration statutes against individuals convicted of private consensual sex acts. The use and dissemination of arrest records, which the ACLU generally opposes, is an offensive denial of due process and a continuous invasion of individual privacy, when the arrest is for crimes involving private sexual behavior. Similarly, dissemination of records of conviction under unconstitutional criminal statutes is objectionable. The release of such private information often leads to loss of employment and employment opportunities.

The state has an interest in protecting children from sexual abuse, an interest underlying some laws concerned with sexual conduct between adults and minors. Such laws may not properly discriminate on the basis of the sexual preference involved in the conduct.

Criminal statutes proscribing adult homosexual behavior create an environment of oppression arising from the fear of prosecution and provide the means of blackmail. Criminal statutes of this kind are most reprehensible when linked to enforcement by entrapment by special police squads or the use of peepholes and other devices for secret surveillance of public rest rooms. Such laws serve only to perpetuate discrimination against homosexuals. When criminal laws are not enforced either uniformly or substantially, or when they invite arbitrary enforcement and facilitate blackmail, the law generally is weakened by evasion and disrespect. Thus, the Union maintains that discrimination on the basis of homosexuality violates an individual's right of privacy and denies the person equal protection of the law.

The ACLU opposes criminal restraints on public solicitation for private sexual behavior between or among adults of the same sex. Such restraints provide the stimulus for government harassment of homosexuals even in the absence of any criminal charges. In addition, a variety of official pressures are brought to bear in parks, bars, night clubs and other public meeting places solely on the grounds that they are frequented by homosexuals. Such practices violate freedom of assembly and association. Similarly, solicitation in social situations involving private parties, private clubs, etc. should not be subject to criminal restraints.

Just as governmental discrimination by race, alienage, religion or sex is a denial of equal protection, so too is governmental discrimination on the basis of sexual or affectional preference. Homosexuality per se implies no disability that would justify such discrimination. The ACLU opposes the exclusion, deportation and refusal to naturalize homosexual aliens. Similarly, the ACLU opposes discrimination in public and private housing and accommodations, government benefits, occupational licensing, and government and private employment - including teaching of children and jobs requiring security clearance - simply because the person is a homosexual. The government practice of inquiring into the sexual practices and preferences of its employees or prospective employees and of disseminating such information to other government and non-government agencies is an unconstitutional invasion of privacy.

The ACLU opposes limitations on the custody and visitation rights of parents when such limitations are based solely on the parent's sexual preference.

The ACLU opposes governmental or private attempts to prevent homosexuals from speaking out about homosexuality and from forming and sustaining political and social groups on and off school campuses.

The ACLU supports passage of legislation to eliminate government and private discrimination against homosexuals.

John D. deButts, Chairman of the Board of American Telephone and Telegraph Company, 195 Broadway, New York City 10007, issued the following in a letter to the National Gay Task Force on March 4, 1975:

"The American Telephone and Telegraph Company's publicly enunciated policy barring discrimination against homosexuals in hiring and employment is as follows:

"An individual's sexual preferences are not criteria either for becoming an employee or remaining an employee of the Bell System. Job retention and promotability are based upon

demonstrable job performance and behavior. An individual's sexual tendencies or preferences are strictly personal and information about these matters should not be sought out by company personnel.

"Our policy position indicates both our ongoing effort to end discrimination in employment of all types and society's new attitude towards its members. I believe it is straightforward and indicates our effort to respect the human rights of our employees or prospective employees."

In a letter dated April 10, 1975, to the National Gay Task Force, the American Broadcasting Companies, Inc., 1330 Avenue of the Americas, New York City, 10019, stated:

"This is to summarize in writing what Mark Roth and I told you at our recent meeting; namely that American Broadcasting Companies, Inc. does not discriminate in any way against employees or candidates for employment on account of their sexual preference."

The Columbia Broadcasting System, 51 West 52nd St., New York City, 10019 declared in a letter to the National Gay Task Force dated June 24, 1975:

"CBS continues to recruit, select, train, assign, promote, transfer, remunerate and administer personnel policies for employees without regard to race, color, sex, religion, sexual preference, national origin or age."

The AMERICAN BAR ASSOCIATION'S HOUSE OF DELEGATES, 1155 East 60th St., Chicago, Ill. 60637, adopted the following resolution during its 1973 Annual Meeting held in Washington, D.C. on August 6 - 8.

Resolved, That the legislatures of the several states are urged to repeal all laws which classify as criminal conduct any form of non-commercial sexual conduct between consenting adults in private, saving only those portions which protect minors or public decorum.

The following is the text of a letter from THE NATIONAL BOARD OF THE YOUNG WOMEN'S CHRISTIAN ASSOCIATION concerning the subject of sexual orientation and the full text of a resolution adopted by the YOUNG WOMEN'S CHRISTIAN ASSOCIATION during their 26th National Convention in March, 1973. The letter was written by (Mrs.) Ida Sloan Snyder, Director of Communications for the National Board of the Young Women's Christian Association, 600 Lexington Avenue, New York, N.Y. 10022, and is dated February 7, 1974.

I have conferred with related staff and volunteers in response to your request about the actions taken in our 26th National Convention in March 1973 on the subject of sexual orientation. I am sending you two related actions:

1. The amendment to our Public Affairs Program as published in our official pamphlet under the section entitled "Basic Individual Rights:"

"We support:

- a. Measures to expand affirmative action programs to assure opportunity without barriers based on sex, race, creed, or nationality for all persons to share equitably in employment, education, housing, health facilities and all services financed to any degree by governmental tax funds.
- b. Measures to assure opportunities for those who have been discriminated against because of their age, marital status, parenthood or sexual orientation to share equitably in employment, education, housing, health facilities and all services financed to any degree by governmental tax funds."

2. The full text of a resolution related to sexual preference adopted by the Convention follows:

WHEREAS, the YWCA of the U.S.A. has committed itself to pluralism; and
WHEREAS, the YWCA supports the right to individual life styles; and
WHEREAS, the YWCA is open to all women and girls; and
WHEREAS, the YWCA has a history of being a pioneer for social justice; and
WHEREAS, that history is one of taking risks to further freedom, justice, and dignity for

all people: therefore be it

RESOLVED by the 26th Convention of the YWCA of the U.S.A., That the YWCA will not discriminate in board representation, staff hiring, or program participation on the basis of sexual preference.

Please note that neither the amendment to our Public Affairs Program nor the resolution indicates support of specific legislation. The National Board of the YWCA is charged with responsibility for implementing and assisting local Associations in implementing Convention actions.

The NATIONAL ORGANIZATION FOR WOMEN (NOW), 1266 National Press Building, Washington, D.C. 20045, adopted the following resolution during the NOW National Conference held during February 1973.

Resolution 144 of the NOW National Conference, February 1973

NOW Literature - - Sexuality and Lesbianism

Whereas, women have the basic right to develop to the maximum their full human sexual potential, and

Whereas, diversity is richly human and all women must be able to freely define and to express their own sexuality and to choose their own life style, and

Whereas, NOW's public relations and communications have omitted references to the unified efforts of women of traditional and diverse sexual experience, and

Whereas, Lesbians have formed a caucus in NOW to communicate openly, without fear and hostility, and

Whereas, the threat traditionally felt from Lesbianism must no longer be a barrier to open communication between all people, and

Whereas, we recognize that women are all oppressed by one common oppression, and therefore, surely we must not oppress one another for any reason;

Therefore be it resolved that a statement adopting the sense of this resolution be included in all appropriate NOW publications and policy statements; and,

Be it further resolved that NOW actively introduce and support civil rights legislation designed to end discrimination based on sexual orientation and to introduce with legislation to end discrimination based on sex the phrase "sexual orientation" in areas such as, but not limited to, housing, unemployment, credit, finance, child custody and public accommodation. (Submitted by Sexuality and Lesbianism Workshop)

TO: All State Coordinators

RE: The Lesbian Caucus Resolution

WHEREAS The National Organization for Women is committed to the principle that all women have an absolute right to full equality under the law, and

WHEREAS lesbians in our society are not protected under existing laws, or against unequal access to employment, housing and public accommodations, and

WHEREAS abridgement of the basic rights of any woman diminishes the freedom of all of us.

THEREFORE BE IT RESOLVED that the accomplishment of civil rights for lesbians be designated as a national priority of the National Organization for Women, and

FURTHER that annual funding for the N.O.W. National Task Force on Sexuality/Lesbianism shall be at a level appropriate for a N.O.W. national priority, and this shall not be less than 1% of N.O.W.'s national annual dues.

FURTHER that implementation will include coordination of legislative strategies for use on local, state and national levels in order to secure the passage of HR 5452 (the Abzug bill) and appropriate action on other relevant civil and criminal legislation. Under guidelines provided by the National Task Force on Sexuality/Lesbianism efforts to implement this resolution will be undertaken at all levels.

FURTHER that a full report on the national activities and accomplishments of the National Organization for Women on the implementation of this resolution shall be presented by the President of N.O.W. during a regular plenary session of the next N.O.W. National Conference.

The UNITED STATES CIVIL SERVICE COMMISSION in July, 1975 issued new guidelines for evaluating the suitability of individuals for Federal employment. The text of these guidelines is given below.

The Civil Service Commission has issued new guidelines for evaluating the suitability of individuals for Federal employment.

The guidelines amplify revised suitability standards, approved by the Commission earlier following thorough considerations and consultation with Federal agencies and interested organizations. Both the standards and the guidelines fully reflect significant court decisions, the Government's need to maintain efficiency of operations, and the rights of individuals.

The new guidelines are based on the concept that each case must be decided on its own merits and that all decisions regarding the fitness of applicants or employees should be made in a manner that will promote the efficiency of the service while assuring fair, impartial, and equitable treatment of the individual.

A significant change from past policy -- resulting from court decisions and injunction -- provides for applying the same standard in evaluating sexual conduct, whether heterosexual or homosexual.

"Court decisions require that persons not be disqualified from Federal employment solely on the basis of homosexual conduct," the guidelines point out. "The Commission and agencies have been enjoined not to find a person unsuitable for Federal employment solely because that person is a homosexual or has engaged in homosexual acts. Based upon these court decisions and outstanding injunction, while a person may not be found unsuitable based on unsubstantiated conclusions concerning possible embarrassment to the Federal service, a person may be dismissed or found unsuitable for Federal employment where the evidence establishes that such person's sexual conduct affects job fitness."

Decisions to deny employment to applicants or to separate employees already on the rolls on suitability grounds may be taken only when it can be shown that the conduct of the individual may reasonably be expected to interfere with the ability of the person to function in the job or the agency's ability to discharge its responsibilities. As the courts have ordered, there must be some rational connection between the individual's conduct and the efficiency of the service.

Under the policy and its attendant guidelines for evaluating the suitability of individuals, the following factors may be considered as bases for disqualification:

1. Delinquency or misconduct in prior employment.
2. Criminal, dishonest, infamous, or notoriously disgraceful conduct.
3. Intentional false statement, deception, or fraud in examination or appointment.
4. Refusal to furnish testimony (answers) as required to Civil Service rules.
5. Habitual use of intoxicating beverages to excess.
6. Abuse of narcotics, drugs, or other controlled substances.
7. Reasonable doubt as to the loyalty of the person involved to the Government of the United States.
8. Any statutory disqualification which makes the person unfit for Federal service.

In making suitability determinations, evaluators must consider each of the following factors to the extent that any or all of the factors are pertinent to the individual case under consideration:

- a. The kind of position the person is applying for or serving in, including its sensitivity.
- b. The nature and seriousness of the conduct.
- c. Circumstances surrounding the conduct.
- d. Recency of the conduct.
- e. Age of the person at the time of the conduct.
- f. Contributing social or environmental conditions.
- g. Absence or presence of rehabilitation or efforts toward rehabilitation.

Chapter VI

A History of Gay Legislation

Everyone knows the uncomfortable feelings, antagonism and hatred which our society often shows to homosexual men and women. Discrimination in every sector--jobs, housing, public accommodations, and so on--is a direct result of these feelings. And all gay people are familiar with the actuality or fear of this discrimination.

Oregon has laws which protect other vulnerable groups such as women and Blacks from discrimination, but it has no laws protecting homosexuals. The City of Portland did pass a protecting resolution in December of 1974, which protects City employees only. This resolution represents tremendous progress, but was not fortified by appropriate enforcing legislation by the City.

Homosexual acts between consenting adults have been legal for several years in Oregon. However, gay Oregonians still do not have their basic civil rights in housing, in employment, and in public accommodations. We now seek to gain those rights: we ask your help.

WHAT KIND OF LEGISLATION?

There are two basic areas of concern for gay people relative to legislation: the passage of consensual sex laws and the passage of civil rights laws.

There are three frontiers for gay civil rights legislation: local, state and national. Regarding the decriminalization of consensual sex between adults, the Supreme Court has ruled that it is the proper realm of state legislatures to remove these outdated statutes.

Consensual Sex Laws

Eighteen states have passed these laws for adults, with Oregon leading the way in 1971. This trend is steadily accelerating and hopefully the next ten years will see the removal of all such laws.

In 1971 the Oregon Legislature approved a complete overhaul of Oregon's criminal laws by adopting the recommendations of the Criminal Law Revision Commission. Among the provisions of that revision was the decriminalization and legalization of sexual activity between consenting adults in private. This is popularly referred to as the repeal of the sodomy law. "Sodomy laws" were written to proscribe certain sexual acts for heterosexuals and homosexuals alike, but in fact have

always been selectively enforced against gay people as a means of harassment and persecution.

In addition to Oregon, seventeen other states have passed consensual sex laws. They are as follows: Arkansas, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Indiana, Iowa, Maine, New Hampshire, New Mexico, North Dakota, Ohio, South Dakota, Washington and West Virginia.

Civil Rights Laws

Although Congress and many state legislatures are currently considering civil rights laws for gay people, no such legislation has passed to date. Hopefully, Oregon again will show its leadership this year in becoming the first state to enact such laws. It is interesting to note that in the area of civil rights protection, local government has led the way in adopting appropriate legislation prohibiting discrimination on the basis of sexual orientation. As of June, 1976, the following cities and counties had adopted such legislation:

Municipality

New York, New York	2/72
East Lansing, Michigan	3/72
San Francisco, California	2 & 8/72
Ann Arbor, Michigan	7/72
Washington, DC	11/73
Seattle, Washington	11/73
Toronto, Ontario	11/73
Berkeley, California	11/73
Detroit, Michigan	11/73
Columbus, Ohio	1/74
Minneapolis, Minnesota	3/74
Alfred, New York	5/74
St. Paul, Minnesota	7/74
Palo Alto, California	8/74
Ithaca, New York	9/74
Sunnyvale, California	10/74
San Jose, California	11/74
Portland, Oregon	12/74
Mountain View, California	2/75
Cupertino, California	2/75
Madison, Wisconsin	3/75
Marshall, Minnesota	4/75
Yellow Springs, Ohio	7/75
Austin, Texas	7/75
Santa Barbara, California	8/75
Chapel Hill, North Carolina	9/75
Moscow, Idaho	10/75
Bloomington, Indiana	11/75

Cleveland Heights, Ohio	1/76
Ottawa, Canada	4/76
Boston, Massachusetts	4/76
Pullman, Washington	4/76
Amherst, Massachusetts	5/76
Los Angeles, California	5/76
County	
Santa Cruz County, California	7/75
Latah County, Idaho	10/75
Howard County, Maryland	11/75
Hennepin County, Minnesota	11/75
State	
Pennsylvania--state employment (executive order)	4/76

CITY OF PORTLAND

On December 18, 1974, our state's largest city passed Resolution No. 31510, making it the city's policy not to discriminate against gay people in City employment. While that move was a very important step in the right direction, it is important to note that this document was indeed a resolution and not legislation. In other words, the City of Portland established its policy but provided no method for enforcing it. There is as yet no legal recourse available for a person who might be fired from a job with the city on account of his or her sexual preference.

The resolution, which passed 3-2, enjoyed the support of Mayor Neil Goldschmidt and Commissioners Connie McCready and Charles Jordan. Voting against the resolution were Commissioners Mildred Schwab and Francis Ivancie.

Resolution 31510, along with an earlier resolution from the Metropolitan Human Relations Commission of the City of Portland and the County of Multnomah, is reproduced below for your reference.

Resolution #31510, adopted by the Portland City Council on December 18, 1974:

"Whereas homosexual men and women, like many other groups in our society, have frequently been the victims of blind fears and baseless prejudices, and

"Whereas, the Council recognizes that sexual orientation in and of itself, does not relate to ability in job performance and service;

"Therefore, BE IT RESOLVED that the Council promote a policy of nondiscrimination in City employment relative to the personal sexual preference of any individual; and

"Further Resolved that the Bureau of Personnel Services be requested to receive and investigate complaints of alleged discrimination on the basis of sexual orientation."

Equal Employment Resolution: adopted by the Metropolitan Human Relations Commission on November 15, 1972:

"The Metropolitan Human Relations Commission recognizes and supports the right of each indi-

vidual to freely choose a lifestyle as guaranteed under the Constitution and the Bill of Rights. That right must be guaranteed to all unless a person infringes upon the rights of others. Homosexual men and women, like many other groups in our society, have frequently been the victims of blind fears and baseless prejudices. MHRC recognizes, however, that sexual preference, in and of itself, does not relate to ability in job performance and service.

"Therefore, BE IT RESOLVED that the Council promote a policy of non-discrimination in hiring, retention, promotion, tenure, retirement, and/or job classification practices, within its jurisdiction, relative to the personal sexual preference of any individual; that it will receive and investigate complaints of alleged discrimination on the basis of sexual preference; and that, when it is judged appropriate, will make recommendations to the City of Portland and Multnomah County personnel authorities.

**Please turn to the appendix at the end of this chapter for sample legislation passed by other cities.

THE NATIONAL GAY RIGHTS BILL

The first national gay rights bill was introduced into Congress in March, 1975, by Rep. Bella Abzug, D-N.Y. This legislation, HR 5452, would add the phrase "affectional or sexual preference" to the list of grounds for discrimination banned by the 1964 Civil Rights Act. The bill currently has 24 co-sponsors, including Rep. Les AuCoin of Oregon, and is stalled in the Subcommittee on Civil and Constitutional Rights of the House Judiciary Committee. Rep. Don Edwards, the chairperson from California, plans to hold the first public hearings on HR 5452 in 1977.

In introducing this gay rights bill at a March 25, 1975 press conference, Rep. Abzug stated: "They are a very extensive minority who have suffered discrimination and who have the right to participation in the promise and the fruits of society as every other individual does. The issues involved are the issues of a right of privacy, the freedom to choose his or her own affectional or social preference, the right of every individual to have a place to live, the right to an education, and the right to be treated as all other individuals."

The three co-sponsors present at that March 25, 1975 press conference made it clear they did not expect to become universally popular with all segments of society by sponsoring the bill, but were willing to take the risks involved. "Legislators are often behind the times and more fearful of involving themselves in legislation than their constituents," noted Edward Koch, D-NY. "It's a question of getting across to members of Congress that they're not endangering their political careers when they take on the cause of human freedom," he added.

In addition to amending the 1964 Civil Rights Act, the bill bans discrimination in public accommodations and schools, and charges the Equal Employment Opportunity Commission with handling complaints of employment discrimination.

For your reference, we have reproduced the entire text of HR 5452 as follows:

94th CONGRESS
1st Session
H.R. 5452

IN THE HOUSE OF REPRESENTATIVES

March 25, 1975

Ms. Abzug (for herself, Mr. John L. Burton, Mr. Koch, Mr. Nix, Mr. Dellums, Mr. Fauntroy, Mr. Harrington, Mr. McCloskey, Mr. Stark, Mr. Solarz, Mr. Richmond, Mr. Bingham, Mr. Rosenthal, Mr. Mitchell of Maryland, Mr. Fraser, Mr. Brown of California, Mr. Mineta, Mr. Waxman, Mr. Badillo, Mr. Rangel, Mrs. Chishom, Ms. Holtzman, Ms. Schroeder, Mr. Studds and Mr. AuCoin) introduced the following bill; which was referred to the Committee on the Judiciary.

A BILL

To prohibit discrimination on the basis of affectional or sexual preference, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Rights Amendments of 1975".

PUBLIC ACCOMMODATIONS

Sec. 2. (a) Section 201 (a) of the Civil Rights Act of 1964 (42 U.S.C. 2000a (a)-) is amended by inserting after "religion," the words "affectional or sexual preference,".

(b) Section 202 of such Act (42 U.S.C. 2000a-1) is amended by inserting after "religion," the words "affectional or sexual preference,".

PUBLIC FACILITIES

Sec. 3. Section 301 (a) of the Civil Rights Act of 1964 (42 U.S.C. 2000b (a)) is amended by inserting after "religion," the words "affectional or sexual preference,".

PUBLIC EDUCATION

Sec. 4. Sections 401 (b), 407 (a) (2), and 410 of the Civil Rights Act of 1964 (42 U.S.C. 2000c-6(a) (2), 2000c-9) are each amended by inserting after "sex," the words "affectional or sexual preference,".

FEDERALLY ASSISTED OPPORTUNITIES

Sec. 5. Section 601 of the Civil Rights Act of 1964 (42-U.S.C. 2000d) is amended by inserting after "color," the words "affectional or sexual preference,".

EQUAL EMPLOYMENT OPPORTUNITIES

Sec. 6. (a) Sections 703 (a), 703 (b), 703 (c), 703 (d), 703 (e), 703 (j), 704 (b), 706 (g), 717 (a), and 717 (c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2, -3, -5, -16) are amended by adding after the word "sex," each time it appears the words "affectional or sexual preference."

(b) Section 703 (h) of such Act (42 U.S.C. 2000e-2) is amended by adding after the word "sex" the first two times it appears the words "affectional or sexual preference."

INTERVENTION AND PROCEDURE

Sec. 7. Section 902 of the Civil Rights Act of 1964 (42 U.S.C. 2000h-2) is amended by inserting after the word "sex," the words "affectional or sexual preference."

HOUSING SALE, RENTAL, FINANCING, AND BROKERAGE SERVICES

Sec. 8. (a) Section 804 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation and for other purposes," (42 U.S.C. 3604), is amended by inserting after the word "religion," each time it appears the words "affectional or sexual preference,".

(b) Section 805 of such Act (42 U.S.C. 3605) is amended by inserting after the word "religion," the words "affectional or sexual preference,".

(c) Section 806 of such Act (42 U.S.C. 3606) is amended by inserting after the word "religion," the words "affectional or sexual preference,".

PREVENTION OF INTIMIDATION

Sec. 9. Section 901 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes," (42 U.S.C. 3631), is amended by inserting after the word "religion," each time it appears the words "affectional or sexual preference,".

EDUCATION PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE

Sec. 10. Section 901 (a) of title IX of the Education Amendments of 1972 (Public Law 92-318) is amended by adding after the word "sex," the first time it appears the words "or affectional or sexual preference,".

DEFINITION

Sec. 11. As used in this Act, the term "affectional or sexual preference" means having or manifesting an emotional or physical attachment to another consenting person or persons of either gender, or having or manifesting a preference for such attachment.

CIVIL RIGHTS LEGISLATION IN OREGON

The 1977 Oregon Legislative session marks the third time that legislation extending civil rights protection to homosexuals is introduced. In 1973, 1975 and now in 1977, the legislative goal is to add the phrase "sexual orientation or marital status" to the already existing civil rights laws.

1973: House Bill 2930

This bill would have amended only those statutes affecting employment and housing which prohibit discrimination on the basis of a person's sexual orientation. HB 2930 was assigned to the State and Federal Affairs Committee, chaired by Rep. Les AuCoin, on February 26, 1973. It came out of that committee with a "do-pass" recommendation on May 24, 1973, but was then re-referred to committee. It reached the House of Representatives for a vote on July 3, 1973 and was narrowly defeated by the following vote: 29 yeas; 28 nays; 2 excused; 1 abstention.

HB 2930 benefited by the expert lobbying abilities and dedication of a gay man who waged his struggle in Salem with little organized support from the gay community. Gay Oregonians owe this man a debt of gratitude for breaking the ice that first time around.

1975: House Bill 2637

This bill was similar to 2930, but would have banned discrimination on the basis of sexual orientation or marital status in public accommodations as well as in employment and housing. The entire text of HB 2637 is reproduced in the "Legislative Goals 1977" chapter of this book for your reference, pending the introduction of legislation in the 1977 Legislative session.

HB 2637 was introduced into the House of Representatives on February 14, 1975, by Representatives Vera Katz and Stephen Kafoury. It carried fourteen additional co-sponsors in the House as follows: Reps. Chrest, Dereli, Fadeley, Grannell, Groener, Gustafson, Kinsey, Kulongoski, Lindquist, Marsh, Priestly, Rieke, Whiting and Wyatt. The bill also had five sponsors in the Oregon Senate: Senators Fadeley, Hallock, McCoy, Betty Roberts and Frank Roberts.

HB 2637 was assigned to the State and Federal Affairs Committee, where it waited for the first of two hearings on March 20, 1975. This time the bill was heavily supported by the gay community under the auspices of the Portland Town Council. A full-time lobbyist, Ken Allison of Portland, was employed to guide the bill through the Legislature. At the March 20, 1975 hearing, over 200 gay men and women and their supporters from around the state travelled to Salem in a show of support for the bill. The hearing was opened by a statement from Mr. Allison who discussed the need for such a bill. Featured were not only gays who had suffered discrimination, but parents and employers of gay people as well. There also

was ample testimony from psychiatrists, psychologists, and lawmakers.

As the hour grew late, Chairperson Bill Grannell decided that it would be necessary to continue the hearings at a later date, and a second hearing was set for April 4, 1975. Gay people rallied to the second hearing in numbers almost as large as the first. The excitement, the hard work, the prayers seemingly were not enough, and members of the House did not get a chance to vote on the bill. It was stuck in the State and Federal Affairs Committee with four negative votes and three votes of support.

1975: House Bill 2288

A second and unexpected piece of legislation came in the form of House Bill 2288. This bill began as a simple, non-controversial housekeeping measure: it would have prohibited the state from refusing to hire people simply because of their sex. The Rep. Vera Katz amended the bill in committee to include **sexual orientation**.

The bill emerged from the Joint Ways and Means Committee with a do-pass recommendation and was carried on the floor of the House by Rep. Sam Johnson. The bill was defeated on the floor by one vote on April 21st, but then was referred to the Human Resources Committee by a vote of 31-22. The move to return the bill to committee was made by Rep. Drew Davis who thought that a "different look at the bill by some different people would be a good idea." The bill emerged again from committee with a do-pass recommendation. In the vote which followed a heated debate, HB 2288 went down to defeat on April 30, 1975. The vote: 30 yeas; 29 nays; one absent.

APPENDIX**SAMPLE LEGISLATION PASSED BY OTHER CITIES**

Cities have offered job protection to homosexuals in various ways, some by amending personnel practices, some by passing resolutions of intent, and so on. We have reproduced in this section a few samples of such legislation which we hope you will find helpful.

As an introduction, we are printing the following statements from a letter from Wes Uhlman, Mayor of Seattle, to Mr. James T. Torchia, a Seattle gay activist. The letter is dated June 17, 1976, and these excerpts are reproduced here with Mr. Uhlman's permission:

"In Seattle the increasing maturity and responsibility of the (gay) movement, as reflected by your organization and others, are sources of community strength and vitality. I'm proud that our city has been a national leader in the fight to assure equality and freedom from discrimination for all of its citizens. **There is no place in our society for harassment, abuse, persecution or discrimination directed at individuals solely because of their sex or sexuality.** (emphasis ours)

"Much work remains to be done by all of us; generations of misunderstanding and prejudice do not change overnight. We must continually strive to understand one another's problems and respond with realistic expectations.

"Seattle's gay citizens both 'in the closet' and out have considerable reason for pride as they look at their community's accomplishments and ahead to the future. The growing understanding of your lifestyle and needs, the resultant breakdown of isolation, and the emerging acceptance by the general public, means a more healthy and vital Seattle for all of our citizens."

February 7, 1972, The City of New York: New York City offered protection to gay people by issuing the following statement to all City Department and Agency heads. This order was issued by Harry I. Bronstein, City Personnel Director and Chairman of the City Civil Service Commission.

"It has been a long-standing policy of the City of New York to provide equal opportunity in employment in the service of the City on the basis of merit and without discrimination because of race, color, religion, or national origin. Other discriminatory bars to employment have been eliminated in recent years.

"The Department of Personnel and the City Civil Service Commission are committed to policies and procedures that assure equal opportunity in all aspects of their operations, and accordingly set forth their policy as follows:

"It is the policy of the Department of Personnel and the City Civil Service Commission, in the conduct of civil service examinations and investigations and in the processing of appointments and promotions in the civil service (except where restrictions are established pursuant to law), not to consider such factors as sex, private sexual orientations, age, race, color, religion, national origin, political or personal convictions of the individual.

"Agencies should be guided by the foregoing in their personnel policies and practices."

October 30, 1973, Berkeley: Berkeley adopted resolution number 46,148--N.S. prohibiting discrimination based on sexual orientation in city agreements and providing for the inclusion of nondiscrimination clauses in such agreements.

"Be it resolved by the Council of the City of Berkeley as follows:

"1. The City Manager is hereby directed to include in all agreements, contracts and memoranda of understanding the condition that all contractors, in the performance of the contract, shall not discriminate on the basis of sexual orientation against any employee of, or applicant for employment with, such contractor; said prohibition shall extend and be applicable to all subcontracts let or awarded under

a contract let or awarded by the City of Berkeley.

"2. Sexual orientation shall be defined as the choice of sexual partner according to gender.

"3. Further, resolved, that whenever the phrase 'race, religion, color, national origin or sex' appears in the Personnel Ordinance and Personnel Rules and Regulations, the phrase shall be deemed to include 'sexual orientation' as defined herein."

July 1, 1974, Detroit: The City of Detroit amended its city charter to include gay people.

"PREAMBLE: Desiring to secure and extend our liberties as members of a democratic community; recognizing our common needs as well as those special needs of our City for programs which aid in the development and enrichment of our most important resource--human life and talent; and desiring to create a framework of government in which all can participate, by which policy objectives reflecting the people's will can be fashioned, and through which officials can be elected and held accountable; we, the people of Detroit, with gratitude for God's blessings, adopt this charter for the government of the City of Detroit.

"DECLARATION OF RIGHTS: Article 1. City government is a service institution.

"The City shall provide for the public peace and health and for the safety of persons and property in the City.

"The people have a right to expect aggressive action by the City's officers in seeking to provide residents with decent housing; excellence in education; job opportunities; clean air, clean waterways and a sanitary City; proper care for all physical or mental health problems; reliable, convenient and comfortable transportation; recreational facilities and organized programs or recreational activities; and cultural enrichment, including libraries and art and historical museums.

"Article 2. The City has an affirmative duty to secure the equal protection of the law for each person and to insure equality of opportunity for all persons. No person shall be denied the enjoyment of civil or political rights or be discriminated against in the exercise thereof because of race, color, creed, national origin, age, handicap, sex, or sexual orientation."

July 18, 1974, St. Paul: Ordinance number 15653 amending Chapter 74 of the Saint Paul Legislative Code was passed. It pertains to the Department of Human Rights, to include prohibition against discrimination because of affectional or sexual preference.

"THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

"Section 1. That Chapter 74 of the Saint Paul Legislative Code be and the same is hereby

amended in the following particulars:

"That Section 74.01 is deleted therefrom in its entirety and the following substituted in lieu and in place thereof:

74.01--**Declaration of Policy.** The Council find that discrimination in employment, education, housing, public accommodations, and public services based on race, creed, sex, color, national origin or ancestry, or affectional or sexual preference adversely affects the health, welfare, peace and safety of the community. Persons subject to such discrimination suffer depressed living conditions, poverty, and lack of hope, injuring the public welfare, placing a burden upon the public treasury to ameliorate the conditions thus produced, and creating conditions which endanger the public peace and order. The public policy of Saint Paul is declared to be to foster equal opportunity for all to obtain employment, education, housing, public accommodations, and public services without regard to their race, creed, sex, color, national origin or ancestry, or affectional or sexual preference, and strictly in accord with their individual merits as human beings."

March 31, 1975, Mountain View, California: Resolution number 10435 was passed by a vote of 7 to 0, amending the program for the City of Mountain View.

"WHEREAS the City of Mountain View strongly supports all provisions for equal opportunity employment contained in the Equal Opportunity Act of 1972;

"WHEREAS the City of Mountain View strongly supports fair practices in employment, services, and treatment of all persons without discrimination because of race, color, national origin, sex, age, creed, religion, physical handicap, marital status, sexual preference or political affiliation;

"WHEREAS the City of Mountain View will not establish or utilize a job standard or requirement unless it is a documented bona fide job requirement;

"WHEREAS the City of Mountain View recognizes its responsibility to the community in demonstrating positive leadership and equal opportunity employment and did adopt Resolutions in 1972 and 1974 to demonstrate its leadership;

"NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mountain View:

"1. that it shall be the policy of the City of Mountain View to afford equal employment opportunity for all persons without discrimination because of race, color, national origin, sex, age, religion, creed, physical handicap, marital status, sexual preference or political affiliation, unless such factor shall be a bona fide occupational qualification for the position;

"2. that further efforts be made to increase representation of ethnic and racial minorities and women in all occupational groupings and

city departments to the same approximate proportion as representation in the community at large;

"3. that the City Manager direct each city department to develop individual departmental programs with five (5) and ten (10) year goals to provide representation of women and ethnic and racial minorities through all levels of their departments and in the same approximate proportions as to the makeup of the population of the City of Mountain View;

"AND BE IT FURTHER RESOLVED that the City Manager's Office present an annual report of program activities to the Personnel Commission and City Council;

"AND, BE IT FURTHER RESOLVED that the City Council accept and adopt report of findings and recommendations prepared by the Personnel Commission and Personnel Officer.

The following inter-office memorandum dated March 4, 1975 was sent to the City of Mountain View City Council from Ralph Jaeck, Personnel Commission Secretary, regarding recommended changes in the city's affirmative action policy.

"RECOMMENDATION

"Resolution amending the City's Affirmative Action Resolution to include nondiscrimination on the basis of sexual preference.

"BACKGROUND AND ANALYSIS

"In November of 1974, the Personnel Commission was petitioned by Mr. Arthur Corbin of the Gay Yellow Flower, a Stanford based organization, to amend the City's Nondiscrimination Policy to include nondiscrimination on the basis of sexual preference. The Commission took the matter under consideration, received staff input, conducted a study session, and at their February meeting conducted a public hearing. At its last meeting, the Commission voted 4 to 1 to amend the Nondiscrimination Policy to include nondiscrimination on sexual preference. Recommendations were also sent to the Council for their review and action.

"Individual life styles and freedoms have been an area of much concern in contemporary society. In an open approach by the gay community, a City policy of nondiscrimination in the employment of gay applicants was requested for City jobs. They are not requesting a quota hiring system but only the opportunity to be considered for employment along with other applicants, and to not be automatically excluded because they are gay. There is no claim by the organization that current practices are discriminatory; but they desire the reassurance of the amendment to the resolution.

"Three local communities, Cupertino, Palo Alto, and Sunnyvale, have amended Equal Opportunity Employment Resolutions to include nondiscrimination on sexual preference. The City of San Jose and the County of Santa Clara are currently considering amending their resolutions accordingly.

Congressman McCloskey is a sponsor of a bill currently pending before Congress which if passed would amend the Civil Rights Act to include nondiscrimination on the basis of sexual preference.

"The amended resolution recommended by the Personnel Commission also includes a clause stating that the City could use, where bona fide and documented job requirements dictate, the criteria of nondiscrimination that is included in this resolution as a basis of making an employment decision. An example of such a situation might be the employment of a physically handicapped person to perform the duties of a police officer. If a police officer were missing an arm or a leg, obviously he/she could not perform the duties required of the position. In such instances the candidate's physical handicap would serve to disqualify him from employment. This clause should not be interpreted as being a device by which the City could avoid compliance with equal opportunity provisions, but is included to be used to make all persons aware that a nondiscrimination item can be an employment factor."

Chapter VII

The Creation of State-Level Task Forces

THE CREATION OF STATE-LEVEL TASK FORCES

Two States Take The Lead

In the past ten years the struggle for equal rights for gay people has suffered from tension created by two diametrically opposed groups: fanatical groups who believe that homosexuality will cause the downfall of civilization, and gay people themselves who expect equal treatment but are too often afraid to speak out and reveal themselves, and have thereby relinquished their voice in government. The former group suffers from misinformation and prejudice; the latter from fear and their self-imposed choice to be invisible.

At last an effective way has been found to deal with this overly emotional situation. Two states have taken a "Let's get to the bottom of this!" attitude by establishing special task forces to study the issue and its many ramifications, and in turn acting on their findings.

Governor Milton Shapp of Pennsylvania took the initiative in establishing such a task force in his state in February of 1975. He did so by Executive Order. One year later, he expanded his commitment to equal rights by creating the permanent Pennsylvania Council for Sexual Minorities, on February 11, 1976.

Gay leaders in Oregon took inspiration from the work done in Pennsylvania: After two separate gay rights bills were narrowly defeated in the 1975 Legislative Session, they called upon Governor Straub of Oregon to create a similar task force. The Governor agreed that the time had come to conduct factual research and to set down an unbiased account of the issue of gay civil rights. He did so by establishing under the Department of Human Resources the **Ad Hoc Task Force on Sexual Preference**, in March of 1976. The entire charge of that task force is printed on the following pages for your reference. The findings of the Task Force will be published in March of 1977, and we urge you to watch for that publication. We have also included in this chapter Governor Shapp's Executive Order to create the Pennsylvania Council for Sexual Minorities.

The Members of the Department of Human Resources Task Force on Sexual Preference are:

Holly Hart, Chairperson	Portland	Attorney
Austin Amerine	Portland	Minister, Metropolitan Community Church

Elsie Bushbeck	Salem	Retired
Jane Edwards	Portland	Attorney
Charles F. Hinkle	Portland	Attorney; Minister, United Church of Christ
Jim Manly	Portland	AFL-CIO
Alyce Marcus	Portland	Affirmative Action Officer, City of Portland
Betty Polen	Portland	Health Educator; Portland Public Schools
Earl Riddle	Portland	Minister, Methodist Church
Rollen Schallger	Medford	Minister, Lutheran Church
Ann Shepherd	Portland	Homemaker, mother, former newspaper reporter
Joe Trainer, M.D.	Portland	Physician
Libby Anderson	Portland	Staff Assistant for the Task Force

Department of Human Resources Ad Hoc Task Force on Sexual Preference

The Director of the Department of Human Resources will create an ad hoc task force on sexual preference which will have a life span of one year. The task force will meet at times and places to be established by the membership.

Its purpose is to conduct research, discuss issues and recommend legislation, if appropriate, that would provide equal civil rights protection to all Oregonians and to inform and educate the public of its findings.

The homosexual minority is historically an invisible one, and suffers more from the threat of discrimination and the fear of losing jobs, were the individual's sexual preference to become known. The problem is not to find, train, and hire gay men and women, but rather is to protect the jobs and dignity of gay people who are already employed and who must live in fear of public exposure as homosexuals.

The task force will be composed of no more than 18 members, each having one vote. Members shall be appointed by the Director of the Department of Human Resources. The appointments shall take into consideration:

- | | |
|-----------------------------------|------------------------------------|
| 1. Equal statewide representation | 8. Civil rights/Labor Commissioner |
| 2. Education community | 9. Religion |
| 3. Legal profession | 10. Minorities |
| 4. Medical profession | 11. Political activist groups |
| 5. Law enforcement | 12. Business community |
| 6. Local government | 13. Construction industry |
| 7. State government | 14. Unions |

The Department of Human Resources will provide one one-quarter time staff assistant and a part-time clerical assistant to aid the task force in carrying out its assignment. It is essential that these staff people regard the topic of homosexuality in an impartial manner. In addition,

the Department will provide meeting rooms, limited office space, and office supplies and a telephone to aid in its mission.

The Portland Town Council will serve as an advisory board to the task force. It will provide a liaison with the gay community. It will also assist the task force in gathering information, testimony, or conducting research.

The Chairperson will be appointed by the Director of the Department of Human Resources.

The report of the committee's findings will be submitted to the Governor of the State of Oregon, the Director of the Department of Human Resources, the Legislature, and the general public.

Overview

Beyond the specific responsibilities of the task force which precede, it is important and helpful to be aware of the context in which the task force will operate. Taken in perspective, the task force is charged with studying and assessing the current social, economic, and political status of gay men and women in the State of Oregon.

Insofar as discrimination against gay men and women represents a unique situation, a substantial portion of the work of the task force will be to identify and define the problem areas. It can do so by conducting research and drawing factual conclusions, benefitting by its neutral position, i.e., not having a vested interest in the outcome.

The majority of legislators and private citizens recognize the necessity of civil rights legislation to protect religious and racial minorities. In these cases, legislation is often lagging but accepted to be eventually. This is not the consensus concerning discrimination against gay people. In the case of homosexuals, discrimination is manifested in a more subtle and difficult to define manner, and it is for this reason that legislators fail to see that this group is deserving and in need of the same civil rights protection as other minorities.

COMMONWEALTH OF PENNSYLVANIA

Governor's Office
Executive Order
Expansion of Commitment Toward Equal Rights;
As amended February 11, 1976
Milton J. Shapp, Governor

Commitment Toward Equal Rights

In furtherance of my commitment to provide leadership in the effort to obtain equal rights for all persons in Pennsylvania, this administration is committed to work towards ending discrimination against persons solely because of their affectional or sexual preference.

Establishment of a Council for Sexual Minorities

To further this commitment, there is hereby established the Pennsylvania Council for Sexual Minorities.

1. Composition of Council

a. The Council for Sexual Minorities shall be composed of not more than thirty-five members appointed by the Governor as follows: one representative each from the Departments of Justice, Health, Welfare, and Education, the Pennsylvania State Police, the Office of Administration, the Pennsylvania Commission for Women, and the Pennsylvania Human Relations Commission; and representatives of the general public.

b. The Governor shall designate one member as Chairperson of the Council.

c. Members of the Council shall serve for terms of one or two years as the Governor shall designate. The Governor shall fill any vacancies which may occur.

d. Members of the Council from the general public shall serve without salary but shall be reimbursed for necessary expenses incurred while attending official Council meetings and performing other official functions as the Chairperson, with the written approval of the Governor's Office, shall prescribe.

2. Functions

a. The Council shall study problems of sexual minorities and make recommendations to the Governor as to policy and legislative changes needed to further the goal of obtaining equal rights for all persons.

b. The Council shall work with state agencies to end discrimination against persons solely on the basis of their affectional or sexual preference.

c. The Council shall work to educate state personnel and the public in general about problems and issues affecting sexual minorities.

d. The Council is authorized to receive complaints from persons claiming that they have been discriminated against on the basis of sexual or affectional preference for the purpose of referring such complaints to an appropriate place for resolution where possible.

e. The Council shall adopt rules of procedures consistent with the provisions of this Executive Order.

f. The Council shall convene for meetings or hearings at the call of its Chairperson. A majority of appointed members shall constitute a quorum for the purpose of conducting the business of the Council. A vote of the majority of members present shall be sufficient for all actions of the Council.

g. The Council shall issue an annual report to the Governor.

3. Duties of Agencies Under the Governor's Jurisdiction.

Agencies under the Governor's jurisdiction are hereby directed to cooperate with the Pennsylvania Council for Sexual Minorities and to supply the Council with information requested in order that goals of this Executive Order may be realized.

Chapter VIII

The Portland Town Council

The Portland Town Council (PTC) is one of many gay organizations in Oregon working to improve the quality of life for gay men and women, partially through providing them with a sense of community. PTC has focused its energies in two major areas: legislative and educational. Our legislative objective is simple: We seek to add to currently existing civil rights laws the phrase "sexual orientation or marital status." Thus, the civil rights extended to Blacks, women, and people of various ethnic backgrounds and creeds will be extended to homosexuals. Our educational objective is equally simple: To inform the general public of the facts concerning homosexuals and homosexuality.

The Portland Town Council, prior to its official incorporation, existed for some five years as an informal coalition of gay-oriented businesses and organizations. The purpose of that first group was to provide a forum (thus the name **Town Council**) where planning and decisions could be made which involved the entire gay community. Since its official incorporation in the State of Oregon in early 1975, PTC has grown to include over 800 members in equal numbers of women and men. The governing body consists of a five-member board of directors. PTC members convene once monthly for a general business meeting. Persons who wish to participate in our decision-making process must earn their right to vote through attendance requirements and active work on committees. This is a vital consideration because we believe that gay people are responsible for their own progress--the desire and willingness to contribute time and energy at the grass roots level is of utmost importance. Our numerous activities and committees are listed at the end of this section.

PTC is financed entirely by voluntary contributions. We do not require a membership fee, although we have two special donor classifications. In the past we have met our financial needs through donations from members, and additionally from the support of other groups. We have sold books, buttons, and sponsored a bowling league. Since September 1, 1976, we have operated a thrift shop which has begun to provide us with a regular (predictable) source of income.

During the 1975 Oregon Legislative session, PTC mounted the largest gay lobbying effort in Oregon's history. Immediate community support following the introduction of our civil rights bill, House Bill 2637, allowed us to employ a full-

time lobbyist for four months. PTC functioned thereafter solely on volunteer help until April of 1976, when it became evident that a full-time staff person was required. Continuing donations have turned this need into a reality. PTC has maintained an office in downtown Portland since March of 1975 and publishes a monthly newsletter, **Gay Rights '77**.

In our capacity as a professional lobby, as a public educator, and often-used liason with the media, PTC strives to provide ways to upgrade the quality of life for gay people. **But it is always important to remember that we do not claim to speak for all gay people.** Such a task would be impossible, for the gay community contains as much diversity as does the heterosexual population. But on one topic all gay people agree: **We will work together to insure that our civil rights are secure.**

Because PTC's educational objective includes the dispelling of myths, it is necessary to discuss here our position on the "promotion" of homosexuality. Some people contend that because we want the facts known about gay people as individuals and homosexuality as a sexual orientation, that we are "promoting" homosexuality, that our goal is to have everyone be homosexual. This is not an educated position, nor is it our intent. We do want to reach those persons who are (already) homosexual and provide them with a sense of self-esteem and community. We do work to educate all people concerning the realities of homosexuals and homosexuality.

PTC ACTIVITIES

We have listed below the major activities of the Portland Town Council; they are listed in alphabetical order.

POLITICAL

Campaign Support: Active participation in political campaigns by providing office help, canvassers, and fundraisers to the campaigns of candidates who support gay rights issues.

Department of Human Resources Task Force on Sexual Preference: Established by Governor Straub in March of 1976, upon request of PTC in May of 1975, to investigate and make recommendations to the 1977 Legislature on the status of gays in Oregon. PTC serves the Task Force in an advisory/liason capacity. Findings are scheduled for publication in March, 1977.

Legal Resource Project: Designed to bolster the

legal resources and understanding of the Portland Town Council. Meets monthly with cooperating attorneys.

Legislative Guide to Gay Rights: This publication, designed to give you a comprehensive and concise look at the gay community in general; at PTC, our goals and a measure of the support we enjoy.

Lobbying Committee: A group of individuals working with legislators on a one-to-one basis. We hope that this will aid you in coming to an understanding of the gay issue by giving you exposure to several gay people.

Police Relations Committee: A program to provide increased communication and understanding with the (Portland) Police Department.

Voter Registration: An ongoing effort to encourage gay people to register to vote and become involved in the political process. Has met with overwhelming success.

Voter's Guide: A non-partisan guide for the gay community. Published for the (May 25) 1976 Primary and again for the (November 2) 1976 General Elections. Reached over 8,000 concerned voters with 75 endorsements of pro-gay civil rights candidates in local, state, and national elections.

EDUCATIONAL

Discrimination Committee: An ongoing committee established during the 1975 Legislative session to gather and codify cases of anti-gay discrimin-

ation.

Gay Rights '77: Our newsletter which is published monthly year-round except during the Legislative session, when it is published bi-weekly.

Project Aware: A media-orientated public education campaign initiated in the summer of 1975.

Project Outback: Designed to locate and give moral support to gays in rural areas.

Speaker's Bureau: We provide speakers to colleges, church classes, professional organizations and other interested groups. This effort is in keeping with our philosophy that we must take the responsibility for making accurate information available to the public.

FISCAL & OTHER

Community Fairs: PTC sponsors the annual Gay Pride Fair each June, and in 1975 sponsored an Octoberfest as well.

Bowling League: First established in the summer of 1976 as a fundraiser and social activity.

Office: PTC maintains a staffed office. In addition to the numerous activities directly related to our work and maintaining a large organization, our staff receives countless requests for referrals and/or information from gay individuals, the media and other interested citizens.

Portland Thrift Center: A business venture owned and operated by PTC for the benefit of the entire gay community. All profits from the Center go to support the work of PTC. Located in two storefronts at 4609/11 S.E. Hawthorne.

Glossary

Closet Because of the prejudice of a hostile society, homosexuals, as they become aware of their sexual orientation, are forced to subconsciously repress, refuse to recognize, hide, or otherwise dissimulate their feelings behind a "respectable" facade of heterosexual appearances. Often heterosexual relations, including marriage and child bearing, are attempted to thwart the homosexual orientation, or at least to mask it in order to avoid the social, economic, and traumatic consequences; but the "voice inside" only becomes more assertive. Such a "closeted" individual faces this closed door with a great deal of soul-searching and anguish. It is the obstacle to be breached for an integral, undivided self.

Coming out When the homosexual finally acknowledges his/her sexual orientation, recognizing that there is nothing wrong with it and that it need no longer be dissimulated, the mask is shed along with the need to lead a double life. Personal freedom has been obtained, the self integrated, and the homosexual begins to assert her/his rights to human dignity. This process is termed "coming out of the closet," often shortened to "coming out," or being "out." This act of courage is not without its trauma among family, friends, and acquaintances, not to mention the risks to one's profession; the ramifications seem endless. Homosexuals have lost friends, been locked in their rooms, thrown out of families, written out of wills, fired, and rejected in every possible way for risking this trust. Others have been more fortunate when family and friends have shown more understanding. For these reasons, a gay person may be "out" to some people and not to others. This has been known to cause awkward situations.

Cross dressing This refers to dressing as a member of the opposite sex. Since a woman dressing in traditionally-defined male garb is fairly acceptable, this phrase refers primarily to men. Contrary to popular opinion, most homosexuals are not transvestites. There are four distinguishable groups of cross dressers: transvestites (TV's), homosexuals in drag, professional impersonators, and transsexuals.

Transvestism involves dressing as a member of the opposite sex for sexual or emotional gratification. Buckner suggests that about 2/3 of transvestites are married, and of those married, 2/3 have children. Most transvestites are exclusively heterosexual and (male transvestites) dress in the clothes of a woman at home in private. Some get sexual gratification from "dressing up." Others get an emotional gratification from expressing a side of their personality which they normally don't show, for instance, when

"dressed up" getting involved in creative writing, painting, etc. Prince, Bentler, and Shearman suggest that many TV's are inhibited and dependent in their interpersonal relationships. "Dressed up" is rarely a problem to anyone but the transvestite and his wife.

Homosexuals in drag constitute a fairly small minority of the gay community. While in drag, they (male) may bait other men and flirt like a woman, or perform in drag shows where, by exaggerating stereotypes, they mock traditional sex roles.

The professional impersonator cross dresses for the entertainment of others and uses it for a living.

Transsexuals are people who feel that they are one sex and are trapped in the body of the opposite sex. They dress in the clothing of the opposite sex and may seek hormonal and surgical reassignment. Green and Money report a cross-gender identity going back to childhood. For those considering surgery there is often a trial period where they receive hormones and live in the role of the opposite sex, including cross dressing, before surgery can be performed. They may also be required to attend group therapy. In the male-to-female surgery, the penis is removed and the scrotum is used to create an artificial vagina. Electrolysis is often used to remove facial hair. Pauly reports in his study that a 10 to 1 ratio of male to female transsexuals having undergone surgery are satisfied with their surgical reassignment. In the female-to-male surgery, it is common for the female organs to be removed. Removal of breast tissue and of pelvic female organs, including uterus and vagina, provide psychological strength. Labia can be restructured to simulate male gender. Investigative work still is under way to improve functional aspects of the restructured labia.

Faggot Pejorative slang term for male homosexual. Origin uncertain. **Flexner's Slang Dictionary** gives a c. 1920 definition that "fag" had meant cigarette since 1915, and that men smoking cigarettes were considered to be effeminate "fags" or "faggots." However, the **Old English Dictionary** alludes to the practice of burning heretics alive, especially in the phrase "fire and faggot; to fry a faggot, to be burnt alive." During the Spanish Inquisition when heretics were burned at the stake, presumed male homosexuals were considered the only thing low enough to help kindle the fires. Bundled up with faggots of wood, they were tied to the base of the stake at which the heretic was to die. Some sources say that the same procedure was used

during the witch burnings at Salem, Massachusetts.

Gay A man or woman who has acknowledged his/her homosexuality with pride and dignity, feeling no shame, guilt, nor regret. Gays view their sexuality as healthy heterosexuals view theirs.

Homophile A person having love orientation toward members of the same sex. Used interchangeably with "homosexual."

Homophobia The irrational dread, fear, or hatred of homosexuals.

Pedophilia Not to be confused with homosexuality, pedophilia, or infanto-sexuality, refers to being sexually interested in children. Pedophiliacs are mostly men around 40 years of age. They manipulate a child's genitals, penetrate a female child's vagina, or induce the child to manipulate the sexual organs of the pedophile with the child's hand or mouth. Most pedophiliacs are married and many have children. Revitch and Weiss found that girls outnumber boys by 2 to 1 as choices and most are personally known by the pedophile. Cohen and Seghorn found 3 different patterns of men engaged in pedophilia:

The **Immature Offender** has pervasive feelings of inadequacy and insecurity, and is passive, dependent and guilt-ridden. He is unable to establish or maintain satisfactory interpersonal relationships with peers of either sex during and following adolescence. He has much difficulty in courtship and in sexual play.

The **Regressed Offender** molests a child he doesn't know, impulsively after a stressful event, often following knowledge of his spouse having an affair with another man.

The **Aggressive Offender** has a history of anti-social acts and assaults the child's genitals. He usually chooses a boy after a recent loss of his regular source of sexual gratification.

Purple (or pink) Triangle In 1936, "orders were given that all homosexuals had to wear purple triangles in public, just as Jews had to wear a star of David. In 1937 the SS newspaper, **Das Schwarze Korps**, estimated that there were two million homosexuals in Germany and called for their extermination. Himmler gave orders that all homosexuals were to be sent to Level 3 camps--that is, death camps.

"No one knows exactly how many homosexuals perished. The Austrian Lutheran Church places the number of homosexuals who died at no less than 220,000, the second largest group after the

Jews. However, the injustice and the indignity did not end with the fall of the Nazi regime. After the war, all other survivors of the concentration camps were treated generously in the matter of reparations. Homosexuals, however, were told that they were ineligible for compensation, since they were still technically 'criminals' under German law. The survivors could not even publicly protest, since they had to keep their homosexual identity secret for fear of further discrimination." (John McNeill, S.J., **The Church and the Homosexual**, p. 82.) (See also: Louis Crompton, "Module No. 10; Gay Genocide: From Leviticus to Hitler," **Salvatorian Justice and Peace Commission: Gay Minority Task Force**. Wolfgang Harthausen, "Der Massenmord an Homosexuellen im Dritten Reich," **Der Grosse Tabu**, ed. William S. Schlegel (Munich: Rutten & Leening Verlag, 1967.)

Queer Pejorative slang term for homosexual, presumably because the sexual orientation is queer, or unusual, from that of the majority of the population.

S/he Pronoun used throughout this text to avoid the semantic sexist generic "he." "His/her, her/his" are used in conjunction with "s/he" and may make reading more awkward at first but do avoid semantic sexism. The authors have attempted to balance each "his/her" with a "her/his." Where possible, plurals are used to circumvent this semantic situation.

Note: Portions of the text may address homosexuality in the first person, others in the third person. This dichotomy has method to it. Certain parts are exclusively academic and are dealt with in the third person in order to retain objectivity. Other sections treat aspects of homosexuality so closely that to avoid using the first person would be tantamount to denying our own identity. We do not mean to confuse readers with this differentiation, but rather to bring the issue closer to home at the appropriate junctures.

Sodomy Anal/genital, or oral/genital relations. The term applies both to heterosexual and to homosexual partners; however, sodomy laws are more rigorously enforced against the latter than the former.

Mayor Neil Goldschmidt, City of Portland

Excerpts from City of Portland Council meeting of December 18, 1974, at which time the following resolution was adopted:

Resolution No. 31510: "Directing the City (of Portland) to promote a policy of nondiscrimination in City employment because of the personal sexual preference of any individual."

The following is a statement made by Mayor Neil Goldschmidt, City of Portland to explain his position on the above issue. Mayor Goldschmidt voted in favor of the resolution:

"I would like to ask the Council's indulgence for a moment, in order that my position be placed in the record. It's longer, I think, than anything I have ever said in this Council Chamber, written from script; but I want to have my position clear, for reasons which I think are obvious.

"Should the question of the right of a homosexual to employment in the City government be referred to the voters? Does failure to do so, do violence to the objectives, history, or fabric of our Constitutional Republic, or the laws or Constitution of our State, or those of our City Charter?

"There is no formula answer, but there is a responsibility to ask, to explore, and to explain personal conclusions.

"Inquiry, I think, should begin with representative government. Its strengths and weaknesses are many and diverse, but it has served this nation well, since our size and population forced abandonment of town hall government.

"Representative government is a forum. It is a decider; it is an educator; it is a representer; it is a referrer; it is a leader. The balance of these may change with time, but parts of all of these have gone on since the beginning of our form of government, in Greece through the present parliamentary forms of government, and ours, as well.

"As a forum, we explore and probe, allow steam to be let off, for those we represent. We are a sounding board.

"As an educator, representative government teaches those it seeks to represent, the facts, the visions, and other outcomes of its deliberations.

"As a representer, this form of government simply translates the wish of those who elect into law--those who elect us into law or action, in the form of legislation, or perhaps a veto of someone's desired legislation.

"As a referrer, it assimilates, coagulates, and sends to the voters for their determination, matters which from time to time it may wish to, or by law, must refer.

"It is a leader, when sensing the need to act before a consensus exists, it moves ahead anyway. Much here is ascribed to foresight. A time arrives when individuals conclude that on the basis of precepts held, and information understood, that an act can be taken in the interests of all, without violating God's, Nature's, or man's laws.

"If referred, it is my estimation that this measure would become a referendum on homosexuality, not on the employment problem of homosexuals.

"Those who are now afraid would, by referral, be asked to step forward to win their own election. Thus, at the risk of the very consequences which this resolution seeks to avoid, the protection which it seeks to afford, they would be asked to accept the consequences.

"They will not come forward, and this history leaves no doubt, and recent events, I believe, do not challenge this conclusion.

"The political forum is mostly for the safe; the secure; and a few of the courageous--some of whom appeared today. Pass the resolution, and hopefully in the future, debates can occur, in which loss of job will not be the price for public debate.

"This is not a matter on which I believe my religion can dictate. As President Lincoln noted in his Second Inaugural, 'Both read the same Bible and pray to the same God, and each invokes His aid against the other. It may seem strange that any man should desire to ask a Just God's assistance in wringing their bread from the sweat of other men's faces; but let us judge not, that we not be judged. The prayers of both couldn't be answered'--nor can they be today.

"The referral is then a matter of assessment by each of us and our perceptions of our role in this case, in this government, at this time, and in this place.

"There are advantages to referral. It satisfies a constant urge to defer, to allow citizen participation. It further has the appearance, though in my view, not the effect, of settling the issue, once and for all.

"There are disadvantages to referral. When two sides disagree, a political forum is useful, where any semblance of equal battle can occur. There will not be an equal battle on this issue. It is a slow tool for correcting mistakes that we legislate, about which any decision is susceptible of becoming, as more information is gathered over time, and more experience is obtained. And I make no exceptions for the matter before us.

"My conscience tells me that deferral serves no one. It tells me that where we neither grant rights, nor withdraw them from any citizen, but legislate seeking to protect those activities which human dignity requires for survival--such as employment--we should act. I will submit my record to the voters in a year and a half or so. This decision will be part of that record. If it is so repugnant to our citizens that by resolution which I have supported, this City Council will be promoting a policy of 'nondiscrimination in City employment relative to the personal sexual preference of any individual,' the outcome of that election will be my referendum."

You, the lawmakers of Oregon, have the power to construct the legal framework whereby 200,000 of your constituents may, for the first time in history, begin to live full, productive lives. To be or not to be free: The choice is not theirs, but yours.