

GAY RIGHTS IN THE UNITED STATES AND CANADA

Updated 2/81

MUNICIPALITY	YEAR(S) ENACTED	PUBLIC EMPLOYMENT	PUBLIC ACCOMODATIONS	EMPLOYMENT	HOUSING	EDUCATION	REAL ESTATE PRACTICES	CREDIT	UNION PRACTICES	AFFIRMATIVE ACTION PROGRAM
ALFRED, N.Y.	5/74	X	X	X	X	X	X	X	X	
AMHERST, MA.	5/76	X	X	X	X	X	X	X	X	
ANN ARBOR, MI.	7/72		X	X	X		X	X		
ASPEN, CO.	11/77	X		X	X		X	X	X	
ATLANTA, GA. (E.O.)	7/71	X								
AUSTIN, TX.	7/75	X								
BERKELEY, CA.	10/78	X								
BLOOMINGTON, IN.	12/75		X	X		X	X			
BOSTON, MA. (E.O.)	4/76	X								X
CHAMPAIGN, IL.	7/77		X	X	X		X	X		
CHAPEL HILL, N.C.	9/75	X								
COLUMBUS, OH.	1/79		X		X		X			
CUPERTINO, CA.	2/75	X								X
DETROIT, MI.	1/79	X	X	X	X	X	X	X	X	
EAST LANSING, MI.	5/73	X	X	X						
EVANSTON, IL.	8/80	X								
HARTFORD, CT.	4/79	X		X						
IOWA CITY, IA.	5/77		X	X			X			
ITHACA, N.Y.	9/74	X								X
LOS ANGELES, CA.	5/77		X	X	X	X	X			
MADISON, WI.	3/75		X	X	X		X			
MARSHALL, MN.	4/75		X	X	X			X		
MILWAUKEE, WI.	7/80	X								
MINNEAPOLIS, MN.	4/74	X	X	X	X	X	X	X	X	
MOUNTAINVIEW, CA.	3/75	X								X
NEW YORK, N.Y. (E.O.)	1/78	X								
OTTAWA, ONT.	4/76	X								
PALO ALTO, CA.	8/74	X				X				
PHILADELPHIA, PA.	10/80	X								
PORTLAND, OR.	12/74	X								
PULLMAN, WA.	4/76	X								X
SAN FRANCISCO, CA.	7/78		X	X	X					
SANTA BARBARA, CA.	8/75	X				X				
SEATTLE, WA.	10/75	X		X			X			
TORONTO, ONT.	10/73	X								
TROY, N.Y.	1/79	X								
TUCSON, AZ.	1/77	X	X	X	X				X	
URBANA, IL.	4/79		X	X				X		X
WASHINGTON, D.C.	11/73	X	X	X	X	X	X	X	X	
WINDSOR, ONT.	3/77	X								
YELLOW SPRINGS, OH	7/75		X	X					X	
COUNTY										
CLALLAM COUNTY, WA.	11/76	X								
DANE COUNTY, WI.	8/80	X								
HENNEPIN COUNTY, MN.	11/75	X								X
HOWARD COUNTY, MD.	11/75		X	X	X	X	X	X	X	
INGHAM COUNTY, MI.	6/78	X								
MINNEHAHA COUNTY, S.D.	5/79	X								
SAN MATEO COUNTY, CA.	2/75			X	X					
SANTA CRUZ COUNTY, CA.	7/75	X								
STATE OR PROVINCE										
CALIFORNIA (E.O.)	4/79	X								
PENNSYLVANIA (E.O.) ¹	4/76	X	X	X	X		X	X	X	
QUEBEC	12/75		X	X	X					

¹ Covers State agencies and/or any agency under contract with the state.

STATES WITH NO RESTRICTIONS ON ADULT CONSENSUAL SEX ACTS:

ALASKA, CALIFORNIA, COLORADO, CONNECTICUT, DELAWARE, HAWAII, ILLINOIS, INDIANA, IOWA, MAINE, MASSACHUSETTS, NEBRASKA, NEW HAMPSHIRE, NEW JERSEY, NEW MEXICO, NEW YORK, NORTH DAKOTA, OHIO, OREGON, PENNSYLVANIA, SOUTH DAKOTA, VERMONT, WASHINGTON, WEST VIRGINIA, WYOMING



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ASSEMBLY BILL 70 -- Rep. Clarenbach

AB 70 prohibits discrimination in employment, housing and public accommodations based on sexual orientation. This bill has a controversial history and my office has been under heavy pressure to veto it. It also, however, has the support of a wide ranging group of religious leadership, including leadership of the Roman Catholic Church, several Lutheran synods and the Jewish community.

I have decided to sign this bill for one basic reason, to protect one's right to privacy. As one who believes in the fundamental Republican principle that government should have a very restricted involvement in people's private and personal lives, I feel strongly about governmentally sanctioned inquiry into an individual's thoughts, beliefs and feelings.

Discrimination on sexual preference, if allowed, clearly must allow inquiries into one's private life that go beyond reasonable inquiry and in fact invade one's privacy.

No one ought to have the right and no one ought to be :
placed in the position of having to reveal such personal
information when it is not directly related to an overriding
public purpose.

Be certain to understand that the clear and stated intent
expressed by the Legislature is that this policy will not
require affirmative action or quotas. That was vital to my
decision to sign this bill. I was also influenced by the fact
that Madison, Dane County and the City of Milwaukee have
ordinances similar to this legislation. The problems associated
with them, which many predicted, just have not arisen.

Let me firmly state that this restriction on discriminatory
actions or decisions does not imply approval or encouragement
any more than the restriction on discrimination because of a
religion or creed implies approval or encouragement of
certain religions or creeds.

As to the relationship of this subject to the process of
education, I feel very strongly that one's sexual preferences,
either homosexual or heterosexual, have absolutely no place
for expression in our classrooms generally, and should not be
tolerated.



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David E. Clarenbach, State Representative

Chairperson:
Committee on Government
Operations

Member:
Committee on Agriculture
and Nutrition
Committee on Labor
Legislative Council

ASSEMBLY BILL 70

Assembly Bill 70 would extend the state's prohibition on discrimination in employment, housing and public accommodations because of political or religious opinion or affiliation, age, sex, handicap, race, color, national origin and ancestry to include sexual orientation.

The question this proposal raises is: Why should any person be denied a job, a home, or the use of a public place because he or she is a homosexual? All over the country, state legislatures and municipal governments are eliminating archaic laws that permit discrimination against gay men and lesbians. The city of Madison, Dane County and most recently, Milwaukee, have added sexual orientation to their discrimination bans. The state of Wisconsin should act likewise and extend this protection to all of its citizens.

Some of the groups that support this move for gay civil rights are: the American Bar Association, the American Psychiatric Association, the American Medical Association, American Association for the Advancement of Science, the American Public Health Association, American Psychological and Psychiatric Associations, American Federation of Teachers and National Education Association, the National Council of Churches, the American Jewish Committee, National Federation of Priests Council, the Lutheran Church of America, and several dioceses of both the Episcopal and

Catholic Church, including the Archdiocese of Milwaukee.

Those who would deny homosexuals equal protection under the law promote fears that homosexuals may try to convert the young in our classrooms; molest other citizens; disrupt the peace and stability of neighborhood or office, or even threaten the foundations of American family life.

These fears seem excessive and irrational. There are, after all, laws, regulations and rules that cover misconduct by all persons, homosexual or heterosexual - sanctions to deal with molesters; with teachers who preach sexual views when they should teach; with tenants who are noisy and disruptive; with employes who let their private lifestyles interfere with their work. And for society that regards marriage and family as a cornerstone, there is no valid evidence that homosexuality is contagious.

The right of private sexual preference among adults should be considered inherent. And as long as someone does not impose this sexual preference on others, he or she should be guaranteed the basic human right to live without harassment or discrimination.

The effects of discrimination based on sexual orientation are just as damaging as those based on race, color or sex. And the need for legal protection against discrimination is just as real. Earlier this year, Dean Wycoff speaking for the Moral Majority in California, said that he believed murder, homosexuality and other unspecified sins merit capital punishment.

The state of Wisconsin needs to grant homosexuals, as we have other minorities, that extra protection to realize basic rights that most take for granted.

Assembly Bill 70 relating to prohibiting discrimination based upon sexual orientation.

SCOPE OF AB 70: In the statutes, where discrimination is prohibited because of race, religion, national origin, sex, marital status, age, physical condition, or developmental disability; "sexual orientation" is added. Thus, protection from discrimination because of sexual preference is afforded individuals in the areas of employment (both in the public and private sectors), housing, and public accommodations. Discrimination is also prohibited by state contractors, the state national guard, and in the promulgation of administrative rules by agencies.

WHAT AB 70 DOES NOT DO: This bill does not decriminalize any sexual acts.

WHY SHOULD AB 70 BE ENACTED? The right of private sexual preference among adults should be considered inherent. And as long as someone does not impose that preference on others, he or she should be guaranteed the basic human right to live without harassment or discrimination. The point is not whether homosexuality is admirable, but whether discrimination is tolerable. NO PERSON SHOULD BE DENIED A JOB, A HOME, OR THE USE OF A PUBLIC PLACE BECAUSE HE OR SHE IS A HOMOSEXUAL.

The effects of discrimination based upon sexual orientation are just as damaging as those based upon race, color, or sex. And the same need that existed for granting legal protections against discrimination to other minorities, exists for gay people in Wisconsin today.

The fears that homosexuals may try to convert the young in our classrooms; molest other citizens; disrupt the peace and stability of neighborhood or office, or even threaten the foundations of American family are excessive and irrational. There are, after all, laws, regulations, and rules that cover misconduct by all persons, homosexual or heterosexual - sanctions to deal with molesters; with teachers who preach sexual views when they should teach; with tenants who are noisy and disruptive; with employes who let their private lifestyles interfere with their work. And for society that regards marriage and family as a cornerstone, there is no valid evidence that homosexuality is contagious.

WISCONSIN MUNICIPAL ANTI-DISCRIMINATION ORDINANCES:

City of Madison, March, 1975
City of Milwaukee, July, 1980
Dane County, August, 1980

WISCONSIN SUPPORT FOR GAY CIVIL RIGHTS:

Committee for Fundamental Judeo-Christian Human Rights
Archdiocese of Milwaukee
The American Lutheran Church, Southern and Northern Districts
The United Methodist Church, Wisconsin Area
Lutheran Church of America, Wisconsin and Upper Michigan
Episcopal Diocese of Milwaukee
Episcopal Diocese of Eau Claire
The Presbytery of Milwaukee; and Winnebago Presbytery
United Church of Christ, Wisconsin Conference
American Baptist Church, Wisconsin State Baptist Convention
Southeast Wisconsin Unitarian Universalist Councils

NATIONAL ORGANIZATIONS WHO SUPPORT GAY CIVIL RIGHTS:

American Bar Association
American Psychiatric Association
American Medical Association

Assembly Bill 70 (Continued)

American Association for the Advancement of Science
American Public Health Association
American Psychological Association
American Anthropological Association
American Federation of Teachers
National Education Association
National Council of Churches of Christ
United Church of Christ
National Federation of Priests' Councils
Unitarian Universalist Association
National Association of Social Workers

SOME MAJOR CORPORATIONS who have written policies that prohibit discrimination because of sexual orientation--

American Telephone and Telegraph Company
International Business Machines Corporation
American Motors Corporation
The Proctor and Gamble Company
McDonald's Corporation
Boise-Cascade Corporation
Honeywell, Inc.
Bank of America
Eastern Airlines
Citicorp
Kimberly-Clark Corporation
Columbia Broadcasting Systems, Inc.
Oscar Mayer & Company
Jos. Schlitz Brewing Company
Scott Paper Company

STATEMENTS OF SUPPORT FOR AB 70:

MOST REVEREND REMBERT G. WEAKLAND, ARCHBISHOP OF MILWAUKEE: "...homosexuals should not be deprived of their basic human rights. For this reason I feel that support of this bill (AB 70) would be indeed proper and consistent with previous positions that the Church has taken."

REVEREND BISHOP MARJORIE S. MATTHEWS, THE UNITED METHODIST CHURCH, WISCONSIN AREA: "...I personally support the proposed legislation (AB 70), and urge its consideration by the members of the Wisconsin State Legislature."

REVEREND BISHOP ROBERT S. WILCH, LUTHERAN CHURCH OF AMERICA IN WISCONSIN AND UPPER MICHIGAN: " It is my sincere hope that the legislature will support AB 70 so that sexual orientation is not permitted to be a reason for discrimination of any kind."

RIGHT REVEREND CHARLES T. GASKELL, EPISCOPAL BISHOP OF MILWAUKEE: "Please know that this bill (AB 70) has the fullest support, both of the Bishop of the Diocese and of its constituency."

REVEREND RALPH. P. LEY, PRESIDENT, WISCONSIN CONFERENCE OF THE UNITED CHURCH OF CHRIST: "The United Church of Christ support the spirit of Assembly Bill 70... and urges the enactment of legislation that provides civil liberty and equal protection under the law for all citizens of Wisconsin."

Cities, Counties, and States which have added "sexual orientation" to their bans on discrimination follow.

from Sexual Preference- Its Development in Men and Women by Alan P. Bell,
Martin S. Weinberg and Sue Kiefer Hammersmith (an official publication
of the Alfred C. Kinsey Institute for Sex Research, Indiana University
Press, 222 CONCLUSIONS AND ADDITIONAL CONSIDERATIONS
1981)

will continue to suffer painful consequences both as they grow up and throughout adulthood. The costs of rigid dichotomies in this area are incalculable.

Finally, one point already noted in the text deserves special emphasis. Sexual preference involves a host of psychological needs and an array of unique social (or interpersonal) circumstances. For males in particular, sexual orientation as a rule evolves relatively early in life (very often before the teen-age years) and in general is relatively impervious to whatever occurs subsequently. For example, our data indicate that a high-school teacher who is known to be homosexual would hardly influence the direction of a boy's sexual interests, for in most cases, his sexual preference will have already been determined. Similarly, our data (as well as others') indicate that seduction by homosexual adults occurs most infrequently. Even if that were not the case, it could be argued that premature experiences of sexual contact, especially if they involve coercion, would be just as likely to result in an antipathy for the very form of contact that occurred.

Although we have entitled our present work *Sexual Preference*, we do not mean to imply that a given sexual orientation is the result of a conscious decision or is as changeable as the many moment-by-moment decisions we make in our lives. Neither homosexuals nor heterosexuals are what they are by design. Homosexuals, in particular, cannot be dismissed as persons who simply refuse to conform. There is no reason to think it would be any easier for homosexual men or women to reverse their sexual orientation than it would be for heterosexual readers to become predominantly or exclusively homosexual. Finally, as we have noted previously (11), it is possible for both homosexuals and heterosexuals to enjoy mature, constructive, and rewarding lives. Probably each orientation involves its own dangers, sacrifices, and compensations. Surely each represents a statement from and about the deepest aspects of one's self and the conscious or unconscious attempt to honor them.

We hope that some day sexual orientation will be more fully understood, both by the scientific community and by the public at large. We hope that homosexual men and women will be regarded in the light of scientifically established facts and not on the basis of prejudice or moralistic convictions. If this study takes us just one step closer to an objective view of sexual preference and encourages others to conduct increasingly sophisticated research in this area, then it will have served a useful purpose indeed.

Kinsey
Report
(1981)