

HOMOSEXUALS AND EMPLOYMENT
by William Parker

(Last year SIR and a number of other organizations
(published Mr. Parker's "Homosexuals and Employment")
(which was concerned primarily with federal employ-
(ment. This article supplements that essay by di-
(recting attention to recent developments primarily
(as they pertain to state, local, and private em-
(ployment.)

Finally American homosexuals, like other minority groups tired of getting the run-around, are demanding marked and rapid improvement in their employment opportunities. With growing impatience and anger, they are denouncing the ignorance and prejudice which label them incompetent, undesirable, immoral, criminal, or sick. Whether as individuals or organizations, they are challenging head-on past policies which arbitrarily exclude or dismiss them from jobs solely on the basis of their sexual orientation.

Because acting with reason and moderation have failed to obtain merited change, homophile leaders have turned to personal confrontations with public officials and private employers. By the very act of confrontation they are compelling their case to be reported by the news media and to be considered a matter of public concern. These tactics have recently produced some rather dramatic results. In New York City, for example, during the 1970 election campaign, the Gay Activists' Alliance (GAA) extracted written statements of support from a number of candidates running for political office. Specifically, they obtained statements favoring a fair employment policy for homosexuals from Arthur Goldberg, the Democratic candidate for governor, and Howard Samuels, his opponent in the primary; from

Charles Goodell, Richard Ottinger, and Paul O'Dwyer, the Republican, Democratic, and Liberal candidates for U. S. Senator; and from Shirley Chisholm, Bella Abzug, and Edward Koch, successful candidates for the U. S. House of Representatives. Support was also promised by three candidates for the State Senate and eight for the State Assembly. In addition, a fair employment practices bill for homosexuals has now been introduced by the New York City Council by its Minority Leader, Eldon Clingan, with the support of three other council members. Since the 1970 elections, two members of the New York Legislature, Assemblymen Stephen Solarz and Antonio Olivieri, have held what appear to be the first official hearings ever conducted in this country on the subject of discrimination against homosexuals. At these hearings, Councilman Clingan and Burden, representatives of several homosexual organizations, and City Investigations Commissioner Robert Riskin testified in person. In addition, Congressman Koch and Congresswoman Abzug sent written statements of support. As yet, however, the Clingan bill has not been brought before the city council. In San Francisco, Mrs. Dianne Feinstein, President of the Board of Supervisors, supported by several other supervisors, is introducing similar legislation (summer 1971). More important, a fair employment bill for homosexuals was introduced in the New York State Legislature by Assemblyman William Passannante of New York City (1971). After a day's debate the measure was defeated by a vote of 85 to 60. Because the vote was so much larger than expected, legislative leaders are predicting its passage next year.

The specific practices which homosexuals want abolished or prohibited are these: (1) questions on application forms dealing with

sexual orientation, (2) medical reports indicating homosexual tendencies or practices, (3) company policies requiring job applicants to sign waivers permitting examination of their draft or military discharge records, (4) investigative reports dealing with a person's sexual preferences and activities, (5) use of arrest records, especially when no conviction followed, and (6) the use of psychological tests or personal interviews designed to discover homosexual tendencies or practices.

Homosexuals and homophile organizations are beginning to gather information on the policies and practices of private employers, not so much with the idea of providing a large number of specific cases of discrimination as with the intent of illustrating a variety of types of discrimination. They have learned, for example, that many companies will not knowingly employ a homosexual and will dismiss an employee discovered to be homosexual. A recent survey made by the American Civil Liberties Union of Northern California in the San Francisco area (1971) revealed that 16% of the companies which responded to the questionnaire were concerned with the "sexual orientation" of employees. When approached directly by homophile organizations some time ago, only three companies - Pacific Telephone and Telegraph, Pacific Gas and Electric, and Honeywell - admitted in writing that they do not knowingly hire homosexuals. When asked, most companies either deny or refuse to admit that they discriminate against homosexuals.

Already a fair amount of evidence has been accumulated proving discrimination exists. For example, the Mattachine Society of New York has shown that during a recent eighteen month period the Columbia

Broadcasting System dismissed five different men hired to fill a particular position. One of them was fired after CBS inspected his draft record; and another, after a doctor's report indicated the man was homosexual. The Mattachine Society also reports that it knows of six homosexual employees dismissed by Pan-American Airlines during the past year and that the New York Telephone Company discharged an employee (1969) after finding reference to "homosexual tendencies" in his draft record. Randolfe Wicker, prominent in the homophile movement, tells how he failed to obtain a job as an insurance adjuster after a company investigator learned from the superintendent of his apartment building that he gave week-end parties attended by males only. In Los Angeles the Coast and Southern Federal Savings and Loan Association asks its job applicants if they "have a problem of homosexuality." (The personnel manager says, however, that he hopes no one will take this to mean that his firm discriminates against homosexuals.) Jack Nichols, Executive Editor of Gay, reports that in March 1967, the day after the showing of the CBS Report on Homosexuality on which he appeared, he was dismissed from his job as a hotel sales manager. GAA member Marty Robinson claims that "hundreds" of homosexuals working on Wall Street have recently been dismissed because of the state Attorney General's ruling requiring all financial employees to be fingerprinted. Since many homosexuals have arrest records and since bonding companies will not insure homosexuals or persons with arrest or conviction records, the men lost their jobs. The GAA also presented evidence to the New York legislative committee showing that Household Finance Corporation and International Business Machines will not hire or retain homosexual employees.

That churches release homosexual ministers is illustrated by the

cases of the Reverend Troy Perry, now pastor of the Metropolitan Community Church in Los Angeles, the Reverend James Stoll, a Unitarian from Washington, and the Reverend Gene Leggett, a Methodist clergyman in Dallas, recently suspended after publicly identifying himself as a homosexual. A recent survey of a selected cross section of 584 Episcopalians indicated that 51% of them felt homosexuals should be kept from entering the priesthood and 43% felt homosexual priests should be deposed. In similar vein, a Presbyterian report admits that homosexual ministers are often removed from their positions and that homosexuals are excluded from Presbyterian seminaries. Indeed, recommendation forms sent by at least one Protestant seminary to character references include so suggestive a question as "Is the candidate truly masculine?"

What policies institutions and agencies - e.g., universities and city and state civil service commissions - which rely in whole or in part on public funds follow in regard to homosexuality is only beginning to be discovered. While the Civil Service Commissions of San Francisco, New York City, and Nassau County (New York) have assured homophile organizations that they do not consider sexual orientation a factor for employment purposes, the Civil Service Commission of Los Angeles considers arrest records for sexual reasons, even when charges are dropped, an automatic bar to public employment. And the Suffolk County Commission (New York), which requires all job applicants to state their sexual preference, has refused to reply to inquiries by homophile groups. Public universities seem to have no specific policies on the hiring or dismissal of homosexuals. But some deans and department heads appear to avoid hiring unmarried males over the age of

30 or 35. When a faculty member is arrested on a "morals" charge, he is usually quietly eased out, regardless of whether or not the charge is dropped and whether, if a trial results, the individual is convicted or acquitted. George Desantis, publisher of Queen's Quarterly, tells how, some years ago, after being denied an advanced degree from Purdue University because he was a homosexual, he was compelled to resign a university position he had already accepted.

Voluntary public disclosures of homosexuality are now becoming fairly common. In many cases the individual concerned has lost his job, in other cases he has not. Thom Higgins of Minneapolis was dismissed from his job as a broadcaster on the Talking Book Radio Network of the State Services for the Blind after he told his superior that he would be appearing on a press conference held by the student homophile group at the University of Minnesota (1970). Gale Whittington, an employee of the States Steamship Line in San Francisco, was fired (1969) after his picture appeared with another male in the Berkeley Barb. Leo Laurence was dismissed (1969) as a news editor for ABC's KGO-TV in San Francisco after he was arrested for disorderly conduct while participating in a public demonstration against the San Francisco Examiner which had carried an article hostile to the homosexual community. Frank Denaro, an employee of Tower Records of San Francisco, was dismissed after admitting he was a homosexual. Alice Naumoff, also of San Francisco, was notified (1970) that her teaching contract at a parochial school in the area would not be renewed after she accepted an invitation to become an assistant pastor of the local branch of the Metropolitan Community Church whose congregation consists of homosexuals. Kenneth Bland, a member of the Kalos Society, a homophile organization in Hartford, Connecticut, was suspended (1970) from his job

as a counsellor at the American School for the Deaf after he appeared on a TV program dealing with homosexuality.

Perhaps the most widely publicized example of employment difficulties is that of Michael McConnell of Minneapolis. The University of Minnesota librarian recommended his appointment as head of the cataloguing department. But when, because he applied for a marriage license with Jack Baker, a student in the Law School, his sexual orientation became publicly known, the Board of Regents (1970) rejected his appointment. With the support of the Minnesota Civil Liberties Union, the local chapter of the American Association of University Professors, and the Minnesota Library Association, Mr. McConnell has taken his case to court. After hearing arguments, Judge Philip Neville issued an injunction forbidding the University from refusing to hire him solely because he is a homosexual. But the Board of Regents has appealed the decision to the Federal Court of Appeals for the Eighth Circuit which has not yet issued its ruling. Since the appeal, the American Library Association at its 1971 national convention has passed a resolution opposing employment discrimination such as that experienced by McConnell.

To remedy their situation, individual homosexuals and homophile organizations are by various means contesting unjust and discriminatory policies. They are seeking to win support from the public and public officials. As already noted, such New York groups as GAA, the Mattachine Society, and GLF have convinced a number of prominent officials and political candidates to take a favorable position on the employment issue. Elsewhere, especially on the West Coast, homosexuals are also pressing the issue. In San Francisco the Society for Individual Rights succeeded in obtaining a resolution from the Human

Rights Commission (1970) opposing discrimination against homosexuals in employment and calling upon the city's Board of Supervisors to hold hearings on the subject, and if necessary, to pass remedial legislation. They have also (1971) received formal support from the Commission on Social Justice of the Roman Catholic Archdiocese of San Francisco. At the urging of local homophile groups, the New York City Human Rights Commission held hearings in the fall of 1970 to determine the nature and extent of employment discrimination against homosexuals there. As a result the Commission strongly supported the fair employment bill in the city council and state legislature. In Los Angeles homophile groups are supporting proposals before that city's Civil Service Commission which would cease making an arrest record for sexual reasons grounds per se for non-employment. In Minneapolis, Mr. Conrad Balfour, until recently chairman of the Minnesota Human Rights Commission, has announced that he will recommend to the 1971 session of the legislature that the Commission be given specific authority to deal with the problem of discrimination against homosexuals. And in Washington, the Executive Secretary of the State Board against Discrimination says he will accept test cases involving employment discrimination against homosexuals.

A variety of other methods to remedy present difficulties is also being tried. In the McConnell case, in addition to injunctive relief from the courts, the support of professional associations has been significant. In the hope of ending some of the practices mentioned above, the Mattachine Society of New York has filed complaints against CBS and the New York Telephone Company. In the case of Leo Laurence, the TV news writer, the labor union of which he is a member gave him strong

support. In a number of instances picketing has been used - e.g., in the cases of Gale Whittington, Leo Laurence, and Frank Denaro. Only Mr. Denaro has received his job back. Picketing has also been used against the New York City Board of Education for its refusal to certify known homosexuals as teachers and against Fidelifacts, a private investigative agency in New York City, which sells its services to companies desiring to know about the private lives of job applicants and employees.

The recent emergence of homosexuals as an organized minority demanding their rights is a social phenomenon of major consequence. As a harbinger of what is still to come, the Christopher Street demonstrations (1970 and 1971) in New York, Chicago, and Los Angeles appear to be but the first of mammoth national protests against all forms of discrimination against homosexuals. Also, homosexuals are busy registering to vote so as to make their wishes felt at the polls. In the very near future we can anticipate the homophile community's fair employment demands will receive stronger and stronger support from civil rights organizations, legal aid societies, church groups, professional associations, labor unions, national student groups, and an ever-increasing percentage of the general public. Public officials, state legislatures, Human Rights Commissions, and the courts should be preparing themselves to deal with the subject because fair employment for homosexuals is an issue whose time has come.

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