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Title: Governor's Council for Sexual Minorities Meeting Minutes

Date: December 7, 1979

Location: LGBT-001 Joseph W. Burns Collection

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COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA COUNCIL FOR SEXUAL MINORITIES
238 Main Capitol Building
Harrisburg, Pennsylvania

THE NEXT COUNCIL MEETING IS ON WEDNESDAY, JANUARY 23, 1980 AT 1:30 PM IN THE EXECUTIVE ACADEMY MEETING ROOM, NEW EDUCATION BLD. 333 MARKET ST. HARRISBURG, COUNCIL MEMBERS ARE URGED TO MAKE EVERY EFFORT TO ATTEND. REPRESENTATIVES ARE ESPECIALLY ASKED TO ATTEND OR SEND SOMEONE FROM THEIR AGENCY.

MINUTES

PHILADELPHIA
December 7, 1979

Attendance: Rose Webber, Leslie Phillips, David Donaldson, Arthur Warner, Barbara Gittings, Tony Henry, Walter Lear, Tony Silvestre, Major John Case.

1. Overview: A brief history of the Council and its work was presented for the benefit of non-members attending our meeting.

2. Allegheny Sodomy Case: David Donaldson Esq.

Briefs by the District Attorney and the defense were submitted to the Court. The American Civil Liberties Union, the National Committee for Sexual Civil Liberties and the Eromin Center joined the defendants in supporting Judge Ross's decision that the Voluntary Deviate Sexual Intercourse Statute is unconstitutional violating privacy rights, equal protection and the separation of church and state.

Oral arguments will be presented to the Supreme Court in April.

3. Affirmative Action Policy: Tony Silvestre

Early in every administration, an affirmative action policy is developed and disseminated. This policy is generally presented in a broad manner and detailed later in management directives distributed by the Office of Administration. In 1978, the categories sexual preference and lifestyles were added to the management directives making it clear that unjust discrimination based on those two factors was forbidden. The two categories were rightly omitted from the section of the 1978 management directives dealing with affirmative action goals.

On November 13, 1979, Governor Thornburg issued an executive order, titled Commonwealth Affirmative Action Program. Unlike recent affirmative action policy statements, this policy listed the categories on which bases discrimination is forbidden and categories including groups targeted for affirmative action. Although sexual preference was included along with lifestyle as forbidden bases for discrimination in the initial drafts of the order, sexual preference was removed before

the policy was printed. The Council chair did send a memo to the Governor's office expressing deep concern for the omission. Tony did receive a phone call on the morning of December 7 explaining the omission. The Governor's office made it clear that there was no change in the position of the Governor on employment discrimination based on sexual orientation and that the Governor's office interpreted lifestyle to include sexual preference. There was a long discussion at the Council meeting on the issue. The feeling among Council members is that we have lost ground. It is the strong belief of the members that our work will be hindered by the change for a number of reasons. First that legal questions arise as to the term "lifestyle" especially since it is no where in writing that it is to include sexual orientation. Secondly, members of the administration who do not wish to support the rights of gay people can claim that the omission signals a reversal of policy. Thirdly, our Council can no longer point to the Affirmative Action Policy to strengthen our position in dealing with the various agencies. Council members raised very serious concerns with the position of our Council. The refusal of Commissioner Dunn to meet with our Chairperson, the refusal of the Department of Education to reprint our booklet, "What Is A Sexual Minority, Anyway?", the lack of administrative support, the lack of appointments and other issues point to a weakening of the Council's position.

The Council voted unanimously to direct the Chairperson to meet with the Governor to clarify these issues.

The Council also directed the Chair to seek clarification on the new definition of lifestyle and to support the inclusion of the phrase, "sexual orientation" in future management directives.

4. Prison Rape: Major John Case

Major Case discussed the issue of prison rape, especially as it is affected by recent court cases.

The Council members expressed concern about the continuing problem and the effects of the upcoming formation of a Department of Corrections. It was suggested that the issue be raised with the Governor especially in choosing personnel in the new department who are sensitive and concerned with the issue.

5. Racism: Tony Henry

Tony reviewed issues of racism that impact on third-world members of sexual minorities. He discussed the formation of national, regional and local organizations and its impact on the issue. A major segment of the discussion revolved around allegations of discrimination against black personnel in a newly opened gay restaurant in Philadelphia.

Council members agreed to seek publicity in the gay community and the third-world community on the activities of our complaint desk. John Zinsmeister will be asked to write a press release on the desk. The Council will continue to monitor the situation in the gay restaurant and to support complainants there and it was agreed that there will be a special work group established at the January meeting to explore ways our Council can better serve third-world members of sexual minorities.

The meeting adjourned at 9:30 PM.

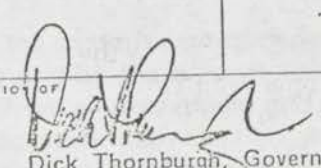
Commonwealth of Pennsylvania
GOVERNOR'S OFFICE
EXECUTIVE ORDER

RECEIVED

NOV 13 1979

BUREAU OF AFFIRMATIVE ACTION

Referral

| | | | | | |
|-------------------|--------------|---|--|---------------------------|---------|
| SUBJECT | | Commonwealth Affirmative Action Program | | NUMBER | 1979-15 |
| DATE | DISTRIBUTION | BY DIRECTOR OF | | Dick Thornburgh, Governor | |
| November 13, 1979 | B |  | | | |

This Administration is strongly committed to establishing and maintaining an open and equitable personnel system for the Commonwealth of Pennsylvania. Equal opportunity shall be provided for all applicants and employees. No agency shall, in any personnel action, including recruitment, appointment, promotion, training or separation, discriminate against any person on account of race, color, religious creed, life style, handicap, ancestry, national origin, union membership, age or sex.

Affirmative Action programs shall be developed specifically to include women, racial minorities, Hispanics, handicapped and disabled persons, and persons over the age of 40. Every effort is to be exerted to end discrimination against members of all minority groups and women and to involve them at every level of employment and decision making.

The Commonwealth has made some progress in meeting overall numerical goals. However, minority groups and women are still underrepresented in some agencies and in certain key positions. This Administration has made progress in this area also, but not enough. Affirmative action programs in this Administration will focus on assuring that qualified members of all minority groups and women are hired and promoted into professional, technical and managerial classes in those areas where they have traditionally been underrepresented. Agencies are to establish career development programs, including appropriate training, work experience, and use of trainee classes, to increase opportunities for upward mobility.

Performance evaluations for all supervisory and management employees shall include a rating of Affirmative Action, based on objective criteria regarding their implementation of the affirmative action program.

I hereby direct that the Office of Budget and Administration be responsible for developing and enforcing affirmative action programs and policies as an integral part of the Commonwealth's Personnel System.

1. The Bureau of Affirmative Action within the Office of Budget and Administration will, as its primary functions:

a. Encourage and promote programs directed at ending discrimination against women and members of all minority groups and to develop affirmative action programs to involve them at all levels of employment.

b. Formulate affirmative action policy proposals for approval of the Secretary of Budget and Administration.

c. Review agency affirmative action plans for consistency with affirmative action goals of the Commonwealth.

d. Design and implement monitoring and reporting systems to measure the effectiveness of the Affirmative Action Program, including individual agency programs.

2. Agency responsibilities.

a. As the success of this program will be determined by the commitment of department heads to open and equal employment opportunities in State Government and by the support they give to the Secretary of Budget and Administration, I expect complete support from all department and agency heads in the development and implementation of a results-oriented agency affirmative action program. I am directing the Secretary of Budget and Administration to take corrective action where necessary and report directly to me any agency which is not in compliance with the intent of this order.

b. Heads of departments and agencies under my jurisdiction are to assure that adequate support from all segments of the agency personnel process are available to develop and implement programs designed to attain the affirmative action goals of the Commonwealth and agency affirmative action programs.

c. Each agency is to be responsible, in consultation with the Bureau of Affirmative Action, for developing agency affirmative action plans, for coordinating the development of programs to implement agency plans, and for the establishment of audit and reporting systems to measure the effectiveness of affirmative action programs.

3. A statewide Affirmative Action Advisory Committee will be established to review the program progress and make appropriate recommendations to the Secretary of Budget and Administration for implementation.

4. Management Directives to implement this order will be issued by the Office of Budget and Administration.

5. Rescissions. Executive Order 1975-7 is rescinded.

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COMMUNITY RELATIONS UNIT
PHILADELPHIA