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Title: *PA Rural Gay Caucus Legislation Committee Report*

Date: 1976

Location: LGBT-001 Joseph W. Burns Collection

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SITUATION REPORT

OF

FEDERAL LEGISLATION

FOR

THE LEGISLATIVE COMMITTEE

OF

THE PENNSYLVANIA RURAL GAY CAUCUS

Status of HR 5452

HR 5452 is a good, liberal, all encompassing bill. It would end discrimination against gay people in many fields. In education it would end discrimination against teachers and students. Gay students would qualify, as a discriminated minority, for special educational financial aid. It would prohibit employment agencies, state and local governments, unions, and other special interest groups (including organized religions) from discriminating. When an individual can prove discrimination in housing is based on sexual or affectional preference a fine may be imposed upon the landlord, with the plaintiff determining the amount (up to \$500). The bill, if made law, would also require business's to post notices reading "we do not discriminate on the basis of sexual orientation or affectional preference." HR 5452 would amend the 1964 Civil Rights Act, the 1968 Fair Housing Law, and the 1974 Equality of Education Law. Should HR5452 pass into law and a test case be brought before the Supreme Court, a ruling against equal rights for gay people would invalidate the Civil Rights ^{act} and/or the Fair Housing Law and/or the Equality of Education Law, which is not likely to happen. HR 5452 would be totally binding on the states. The bill is currently in the House Judiciary Subcommittee on Civil and

introduced to end discrimination in the Departments of State and

Constitutional Rights and will probably remain there until after the election. This is of benefit to us because if it were to be voted on now, with almost all the Representatives up for reelection, it would definitely be defeated. Holding it in committee is Don Edwards, the Chairperson, who is not a co-sponsor, but is in favor of it's passing. Unfortunately no one on the committee is a Pennsylvania congressperson whom we could lobby. Of the seven members serving on the committee, two have publicly stated their favoring such legislation (one, Herman Badillo of N.Y., is a co-sponsor) and two have publicly stated their disapproval of such legislation, the remaining four have made no public comments. The majority of the co-sponsors are from California or New York (22 out of 29), but there is one from Pennsylvania, Robert Nix of Philadelphia. It would be most appropriate if Congressperson Nix were to be thanked by the Rural Gay Caucus for his co-sponsorship of HR 5452. His address is 2139 north 22nd Street, Philadelphia, Pa. 19121. Furthermore, the more co-sponsors the better. With this in mind local organizations should be urged to lobby their federal representatives. Anyone wishing to know their representative and their address can see me.

Status of HR 166

HR 166, which was introduced last July 10th by Representative Edward Koch (D-N.Y.), would "prohibit descrimination based on affectional or sexual preference in all federally assisted areas." This bill will probably die in committee due to last fall's position change in the various departments of the executive branch which ended hiring descrimination based on sexual orientation or affectional preference, except for the Departments of State and Defense. The origin of this sudden change, and reason, is, as yet, undetermined. There may soon be a bill introduced to end descrimination in the Departments of State and

Defense, which would, without including the other departments, stand almost no chance of passing. Again, one of the co-sponsors of HR 166 was Congressperson Robert Nix.

Status of Senate Companion Bill to HR 5452

This bill would duplicate HR5452 in the Senate. Several Senators are willing to be co-sponsors. Among them are Senators Bayh, Humphrey, Kennedy, and Tunney. All of them are up for reelection this year and therefore none are willing to be lead sponsors at this time. After the election there will probably be some action. Senator Schweiker should be lobbied for his support. And, we should contact both Congresspersons Green and Heinz to determine their positions if elected Senator, and hopefully extract some promises.

Miscellaneous

The Equal Employment Opportunity Commission has decided that "sexual preference" is not a protected classification for purposes of EEOC jurisdiction. This policy would be rectified by passage of HR 5452. The Department of Housing and Urban Development, decided in a recent test case that, although they do not yet have a specific clause in their regulations that would state that they have jurisdiction in the area of sexual preference, HUD did resolve the case favorably for gay people.

The recent Supreme Court decision in favor of the States maintaining their anti-sodomy laws came as a surprise to most gay organizations across the country. Although the outcome would probably have been the same even if we had had prior knowledge of the cases introduction, it would have been good to be forewarned. The only way to do this is to have a lobbying office in Washington to keep an eye on all the Court schedules. Such a lobbying office is now being established.