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Title: Gay Lobby Day Informal Report Packet

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3358 East Boulevard, Apartment #5
Bethlehem, Pennsylvania 18017
January 20, 1976

Artemis House
2311 North Third Street
Harrisburg, Pennsylvania 17102

Dear Friends,

Janet Cooper has suggested I write you for a copy of your lobbying packet, and I'm doing just that. I would appreciate your sending it to me at the above address; I am enclosing a dollar to defray your expenses.

This is done in connection with some planned activities of the Pennsylvania Rural Caucus, which is itself an offshoot of the Governor's Task Force on Gay Rights. The Caucus has decided to sponsor a "Gay Lobby Day" in Harrisburg; this is tentatively set for March 22 with the assumption that the Legislature is likely to be in session that day. It is planned that preparatory Workshops, three in number, will be held the preceding weekend.

The objective for Gay Lobby Day is to have each legislator visited by one or two gay persons who will lobby in favor of favorable legislation, and against some of the unfavorable legislation now being prepared. In the process of doing this it is expected that we will also be providing for at least some of the legislators an education, so that none can say as one was recently heard to, that he has never met a gay person.

Our need for the lobbying packet is to learn better methods of approach, and, even more fundamentally, to have a better idea of what we may expect to accomplish in our efforts, particularly recognizing that many of our lobbyists will have had no experience in such activity.

Whatever help you can provide will be welcomed. In addition, we invite you and your friends to join us, if you wish, both in Gay Lobby Day and in our next Caucus meeting; the meeting is scheduled for Saturday, February 7 in Lancaster. I will be pleased to send a copy of the announcement when it is available, if you wish.

Sincerely,

William F. Hollabaugh

3358 East Boulevard, Apartment #5
Bethlehem, Pennsylvania 18017
April 27, 1976

Joanne Samuelson
Artemis House
2311 North Third Street
Harrisburg, Pennsylvania 17102

Dear Ms. Samuelson,

By now I trust you have learned about the results of the Gay Lobby Day activity which I wrote you about last January, and that we met with a fair degree of success. I enclose a copy of the informal report prepared by the Committee, for whatever use you wish to make of it.

The Rural Gay Caucus has continued to meet monthly, and at its last meeting in Wilkes Barre agreed to the recommendation of the report that a permanent Legislative Committee be formed. That Committee held its organizational meeting last week, and, among other items of business, gave consideration to the information gathered at Gay Lobby Day.

Each participant was asked to report back to the Committee the results of his visitation, and given an information form by which to do so. The great majority of these were returned, and seem to have a worthwhile amount of information. The Committee believes that this set of reports is a valuable source of information about legislators, and that it should be organized into a file in such a way that it can be expanded, and also be accessed by those in need of such data.

I am writing to you to suggest the possibility, which I should like to explore, that Artemis House might like to serve as the repository of this file. I do so, however, with hesitation, for I know little of your activities and interests. What I therefore ask of you at this time is that you give consideration to such a possibility, and, if you see that it could be workable, let me know; I would then propose that we meet to discuss the matter in more detail.

In any case, I am most grateful to you for your past assistance, and look forward to hearing from you!

Sincerely,

William F. Hollabaugh
Chairman, Legislative Committee

GOVERNMENT

HAS NO

PLACE

IN THE

BEDROOM

ARTEMIS HOUSE
2311 N. Third Street
Harrisburg, Pennsylvania 17110

The wheels of Pennsylvania's so-called justice system are rolling on. To bring you up to date:

With Governor Shapp's veto of House Bill 196 on October 21st, the Pennsylvania legislature is now hard at work on an even more intimidating bill against gays. The new purgative is Senate Bill 743 which not only "defines" homosexual but equates gays with those convicted of criminal sexual acts. Senate Bill 743 serves the same purpose as House Bill 196 in that it prohibits the hiring of gays in jobs dealing with the mentally ill or retarded, juveniles, and in prisons or on the police force. The catch is that Senate Bill 743 goes even further in its purge of gays. It mandates the firing of those people who admit to being gay or show signs of "homosexual tendencies."

During the last 10 months, Senate Bill 743 has been closeted in the unknown depths of ambiguous Senate committees. It was introduced on June 9, 1975, four months after House Bill 196, but has only come to light since the demise of House Bill 196 last month.

As we all know, when it serves the purpose, legislative processes are lightning fast and Senate Bill 743 has already been passed 44-2 in the state senate. It's now in the House Committee of Labor and Relations and will no doubt be passed when the legislature reconvenes on December 8th.

The Pennsylvania legislature had planned to over-ride Governor Shapp's courageous veto of House Bill 196 but has now shifted its efforts to the better written, more dangerous Senate Bill 743. The vote in the House and Senate for House Bill 196 was 182-10 and 47-0 respectively. With the great majority of our legislators voting "yes" for a bill that Governor Shapp says was "the worst~~e~~ written bill I've seen in my five years as Governor", Senate Bill 743 should have no problems being approved.

What can we, as gays, do to stop this out-and-out discrimination against us?

1. Write your Senators and Representatives and let them know how you feel about Senate Bill 743 and your civil rights.

2. Study the Capitol Guide, then visit your Representatives. Many of our lawmakers are misinformed... in their minds, gays are not normal people. They're incapable of intelligent conversation, and incapable of even dressing and walking in an accepted fashion. Show them this isn't true. Seeing is believing.

DON'T JUST SIT BACK AND WATCH THE LIVELIHOOD OF YOUR BROTHERS AND SISTERS DRY UP.

DON'T JUST SIT BACK IN APATHY AND LET LEGISLATORS TIE UP YOUR FREEDOMS AND STRANGLE THEM WITH MORE BAD LAWS. AND MOST IMPORTANT...

DON'T SIT BACK AND LET YOUR CONSTITUTIONAL RIGHTS BE TAKEN AWAY!

The real danger in Senate Bill 743 and other bills similar in content is the opening they give to a true police state. A police state in which legislators manage to get what they want regardless of what the governors want and ultimately what their constituents want.

The axiom "ONLY YOU CAN PREVENT APATHY" is true and frightening.

Write or visit your representatives and support Governor Shapp in his effort to make Pennsylvania a safe place to be yourself...to be gay.

AN ACT

1 prohibiting the employment of certain individuals in positions
2 designated by the General Assembly and providing a penalty;
3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:
5 Section 1. Definitions.—As used in this act
6 "Personnel" means any individual who is employed or
7 engaged in detail or acting as a consultant or advisor
8
9 "Individuals convicted of sex crimes" means any individual
10 provided in Schedule A of Chapter 21 of Title 18 (Crimes and
11 Offenses) of the act of December 31, 1978 (P.L. 707, 20, 231),
12 known as the Pennsylvania Consolidated Statutes or Statutes of
13 the State of Pennsylvania, or any individual who is convicted of a
14 sex crime under the laws of any other State or the Federal
15 Government or any other country or territory.
16 Section 2. Certain Hiring Prohibited.—(a) No individual
17 shall be employed or engaged in detail or acting as a consultant or
18 advisor in any position designated by the General Assembly if the
19 individual is a person convicted of a sex crime under the laws of
20 any State or the Federal Government or any other country or territory.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 743

Session of
1975

INTRODUCED BY NOLAN, ROSS, DUFFIELD, MELLOW, ORLANDO, STAPLETON,
MURRAY AND KELLEY, JUNE 9, 1975

REFERRED TO STATE GOVERNMENT, JUNE 9, 1975

AN ACT

1 Prohibiting the employment of certain individuals in positions
2 designated by the General Assembly and providing a penalty.

3 The General Assembly of the Commonwealth of Pennsylvania

4 hereby enacts as follows:

5 Section 1. Definitions.--As used in this act:

6 "Homosexual" means one who is inclined to or who practices or
7 engages in sexual or erotic activity with a member of one's own
8 sex.

9 "Individuals convicted of sex crimes" means any individual
10 convicted of violations of Chapter 31 of Title 18 (Crimes and
11 Offenses) of the act of November 25, 1970 (P.L.707, No.230),
12 known as the Pennsylvania Consolidated Statutes or violations of
13 the prior act of June 24, 1939 (P.L.872, No.375), known as "The
14 Penal Code" insofar as they related to sex connected offenses.

15 Section 2. Certain Hiring Prohibited.--(a) Notwithstanding
16 any law or executive order or directive to the contrary, no
17 individual or governmental agency having the power to hire
18 individuals to fill vacant positions shall hire any homosexual

1 or individual convicted of a sex crime to fill any of the
2 following positions:

3 (1) State policeman.

4 (2) State correctional guards or staff.

5 (3) Correction counselors.

6 (4) State probation officers.

7 (5) Officers, nurses and staff for any State institution
8 dealing with mental illness and mental retardation.

9 (6) Officers and staff for any State institution which
10 treats or rehabilitates individuals suffering from physical
11 handicaps.

12 (b) Any individual who violates the provisions of subsection
13 (a) shall be dismissed from their position and be guilty of a
14 summary offense and subject to a fine of \$300 and imprisonment
15 of 90 days.

16 Section 3. Construction.--This act is deemed to be and shall
17 be construed to be a sound exercise of those residual police
18 powers inherent within this Commonwealth and necessary for the
19 public health, welfare and safety of the citizens of this
20 Commonwealth.

21 Section 4. Effective Date.--This act shall take effect
22 immediately.

11/19/75

OFFICIAL SENATE ROLL CALL
Session of 1975-1976

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

The yeas and nays were required by Mr. _____ and Mr. _____ and were as follows, viz:

Subject of roll call:

S.B. 743

YEAS	NAYS	YEAS	NAYS	YEAS	NAYS
Ammerman		Hobbs		Nolan	
Andrews		Holl		Noszka	
Arlene		Howard		O'Pake	
Bell		Jubelirer		Orlando	
Cianfrani		Kelley		Reibman	
Coppersmith		Kury		Romanelli	
Dougherty		Lentz		Ross	
Duffield		Lewis		Scanlon	
Dwyer		Lynch		Smith	
Early		Manbeck		Snyder	
Ewing		McKinney		Stapleton	
Fleming		Mellow		Stauffer	
Frame		Messinger		Sweeney	
Hager		Moore		Tilghman	
Hankins		Murphy		Wood	
Hess		Murray		Zemprelli	
Hill		Myers			

YEAS ~~43~~ 44
NAYS ~~3~~ 2

- A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.
- A constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative.
- Less than a majority of all the Senators having voted "aye," the question was determined in the negative.
- So the question was determined in the _____

EDITORIAL: PHILA. INQUIRER

OCTOBER 18, 1975

The issue is equal rights

The Pennsylvania legislature, in another of its periodic fits of moralistic zeal, has passed and sent to the governor's desk a bill to deprive certain citizens of their rights because of behavior which is none of the legislature's business.

The bill would deny employment as policemen or prison guards or in juvenile or mental institutions to anyone convicted of or admitting to deviant sexual intercourse as defined by state law. It was introduced by a Republican representative from Blair County, W. William Wilt, in response to Gov. Shapp's enlightened executive order last April, in which he committed his administration to working toward ending discrimination against persons "because of their affectional or sexual preference."

We trust that Gov. Shapp will, as he has indicated, veto this exercise in prudery. We doubt, for one thing, that it could withstand a constitutional challenge, which would be inevitable if the bill went on the books, since it would appear to be a

prima facie violation of the equal protection of the laws guaranteed by the 14th Amendment.

The bill is aimed at homosexuals. Yet as "gay rights" spokesman Mark Segal notes, it could easily be applied to heterosexual behavior defined as deviant. It is unenforceable, unless the legislature would like to set up a state strike force to go around peering in people's bedroom windows. It is surely inconsistent: If the legislature wants, for example, to protect girls in state institutions from sexual abuse, should it not forbid the employment of heterosexual males therein?

We find the bill rather embarrassing. Elsewhere in the country the trend is for public officials and citizens to recognize that it is wrong to discriminate against persons on the ground of race, creed, color, national origin, sex—or sexual preference. And that is the issue here: Equal rights. What a person does in his or her bedroom is no one else's business, and certainly not the state's.

OCT. 22, 1975

Homosexual State Jobs Ban Vetoed

Associated Press

HARRISBURG — A bill to prevent homosexuals from becoming state policemen and prison guards was vetoed yesterday by Gov. Milton J. Shapp. The veto had been expected.

The governor has consistently opposed such discrimination. In May, he issued an executive order saying his administration would work "towards ending discrimination against persons solely because of their affectional or sexual preferences."

An attempt to override the veto is expected when the Legislature returns Nov. 17 from a four-week election recess. Rep. W. William Wilt (R., Blair) has said he would lead the effort.

The bill passed both houses with more than the majorities of two-thirds needed to override the veto.

The governor in his veto message, said the legislation "may be the worst written bill I have received in five years as governor. The true intent of the framers of this bill is to ban homosexuals from sensitive positions in state government.

"But this bill would apply to anyone, heterosexual or homosexual, who ever had the temerity to engage in what is loosely referred to as deviate sexual intercourse.

"The Commonwealth may well be able properly to prohibit those who have been convicted of such forcible crimes as involuntary deviate sexual intercourse, rape, indecent assault and homicide from holding jobs in which they might endanger those who are under the Commonwealth's care and protection.

"But because of overbroad drafting, Senate Bill No. 196 does not constitutionally accomplish this or any other purpose," he said.

Wilt sponsored the bill in the House after Shapp issued the executive order to stop state job discrimination based on a person's sexual preference.

The measure was designed to stop homosexuals from working as policemen or prison guards or with the mentally ill, mentally retarded or juveniles. It was believed to be the first such move to have been passed by any state legislature.

} OVERRIDE ATTEMPT IS EXPECTED ON NOV. 17TH WHEN LEGISLATURE RETURNS.

} GOV. SHAPP'S VETO STATEMENT ; REVEALS REAL INTENT OF BILL.

THE NATIONAL ORGANIZATION FOR WOMEN MAKES EQUAL RIGHTS FOR GAYS A "NATIONAL PRIORITY":

THE NEW YORK TIMES, TUESDAY, OCTOBER 28, 1975

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15

NOW Elects New Officers Pledged to Expand Group's Activities

Special to The New York Times

PHILADELPHIA, Oct. 27 — The National Organization for Women ended a four-day national conference here today with the election of a new group of officers pledged to expand the organization's activities on behalf of poor women, minority women, housewives and lesbians.

As a result of a bitter, two-day election contest, two-thirds of the members of NOW's governing board are supporters of Karen DeCrow, the Syracuse lawyer who was re-elected president of the organization yesterday.

Mrs. DeCrow had complained that she was unable to put her policies into effect last year, because she did not have a majority of the board behind her.

The new goals that the victorious faction in NOW has said that it will work for include Federal legislation insuring a job for everyone who wants one; action against job discrimination that will focus

on better opportunities for rank-and-file women workers instead of promotions into prestige jobs for a few women, and ratification of the Equal Rights Amendment to the Constitution.

Members of the defeated faction say that they have always worked for these things.

Final Actions Listed

The one clear difference between the DeCrow group and their opponents is that Mrs. DeCrow believes that NOW should endorse candidates for political office and intends to do so.

NOW is the nation's largest feminist organization, with a membership of 55,000 in all 50 states.

Among its final actions before adjournment, the convention did the following:

Agreed that it would concentrate its efforts toward ratification of the Equal Rights Amendment in the six states where ratification appeared to have the best chance. Those

states have not yet been selected. At least four more ratifications will be required for adoption of the amendment, which bans discrimination based on sex by the action of any government.

Passed a resolution stating that helping lesbians to attain full legal equality was a "national priority" of the organization. Previous NOW resolutions on this subject used terms such as "sexual preference" rather than "lesbianism." The organization also voted that 1 per cent of its annual dues, about \$5,000, would be committed to the fight for the rights of lesbians.

Decided to hold a constitutional convention next year to write by-laws to replace those that are nearly 10-years-old and were written when the organization had only a few hundred members.

Candidates Ignored

The convention, deeply involved in its own controversies, all but ignored the two candidates for the Presidency of the

United States who had responded to its invitation, which was issued to all the announced Presidential candidates, to speak to the meeting.

Most of the other candidates sent women from their campaign staffs to talk to the convention. The two candidates who showed up were Pennsylvania's Governor Milton J. Shapp, and Senator Birch Bayh, Democrat of Indiana.

The former waited in his office for two hours past the appointed time while the convention resolved its arguments over the election and its constitutional convention before it permitted him to speak.

Senator Bayh, who arrived at the appointed hour at the Academy of Music hall, where the convention was meeting, had to leave without speaking, because the NOW group voted not to recess to hear him.

The Senator then spoke in a second room in the building to a handful of NOW members. Under questioning, he announced for the first time his support of legislation, spon-

sored by Representative Bella S. Abzug, Democrat of Manhattan, to guarantee various legal rights to homosexuals.

Those rights include non-discriminatory employment, housing, credit and educational aid.

The women who were elected to the NOW board from the tri-state area, in addition to Mrs. DeCrow, included Nola Claire of Syracuse, Alice Cohan of Trenton and Frances Kolb of Somerville, N. J., all of whom were elected as representatives of the Eastern region, and Sonia Swanson of Tonawanda, N. Y., who was elected to the nominating committee. All are supporters of Mrs. DeCrow.

SENATOR BIRCH BAYH, A PRESIDENTIAL CANDIDATE,
SUPPORTS H. R. 166

ON THE FEDERAL LEVEL —

The following two pages are from the Congressional Record, which records the daily business of the United States Congress. Mr. Edward Koch, a Representative from New York, briefly addresses the House about the cases of Air Force Sgt. Leonard Matlovich and Navy Corpsman John W. Fortner, both of whom face discharge from the military for the sole reason of freely admitting to homosexuality. He then describes a bill numbered H.R. 166 that has been recently introduced and which would "ban discrimination based on affectional or sexual preferences in all federally assisted areas." Take note of who is currently co-sponsoring this bill.

Representative Koch also introduces into the Record his actual correspondence with Secretary of the Defense Schlesinger and Secretary of the Navy Middendorf concerning the military's policy of automatically discharging homosexuals as "unsuitable for service."

Additionally, there is included a reprint of a New York Times article in which an ACLU study cites widespread easing of discrimination against gays at all levels of government: Federal, State, and municipal. That article appears on page H6584 of the Record.

rules and are responsible for the biggest scandal HUD and FHA have had to date," one local official said.

H.R. 166: A BILL TO PROHIBIT DISCRIMINATION ON THE BASIS OF AFFECTIONAL OR SEXUAL PREFERENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Koch) is recognized for 5 minutes.

Mr. KOCH, Mr. Speaker, the cases of Navy Corpsman John Wesley Fortner and Air Force Sgt. Leonard Matlovich, who are both subject to discharge from the armed services because they are admitted homosexuals has sharpened debate on the subject of whether it is lawful or conscionable to discriminate against an individual on the grounds of that person's affectional preferences. Today I have written to Secretary of Defense James Schlesinger taking issue with the Department's requirement of "prompt separation of homosexuals." I believe that it is particularly pertinent that the Department of Defense review its policies toward homosexuals now that the Civil Service Commission has issued new guidelines to all Federal agencies that prohibit disqualification of an individual for Federal employment solely on the basis of homosexual conduct.

H.R. 166 is a measure that would ban discrimination based on affectional or sexual preferences in all federally assisted areas. That legislation is currently sponsored by Representatives BELLA ABZUG, HERMAN BADILLO, JONATHAN BINGHAM, GEORGE BROWN, JR., JOHN BURTON, SHIRLEY CHISHOLM, RON DELLUMS, WALTER FAUNTROY, DON FRASER, MICHAEL HARRINGTON, ELIZABETH HOLTZMAN, EDWARD KOCH, PAUL McCLOSKEY, NORMAN MINETA, PAREN MITCHELL, ROBERT NIX, CHARLES RANGEL, FRED RICHMOND, BENJAMIN ROSENTHAL, PAT SCHROEDER, STEPHEN SOLARZ, PETE (FORTNEY H.) STARR, GERRY STUBBS, and HENRY WAXMAN.

I would hope that other Members, understandably reluctant to involve themselves in a very sensitive and controversial area would nevertheless sponsor the legislation and seek hearings on the subject out of a sense of responsibility for other human beings who are being subjected to senseless discrimination and ostracism affecting their lives and denying the American public the full benefits of their abilities.

An article appearing in today's New York Times reported that an ACLU study shows a widespread easing of job discrimination against homosexuals at Federal, State, and municipal levels. The Times article and my correspondence with Secretary of Defense Schlesinger and Secretary of the Navy Middelndorf follow:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 9, 1975.

HON. JAMES SCHLESINGER,
Secretary of Defense,
The Pentagon,
Washington, D.C.

DEAR MR. SECRETARY: I am writing on behalf of Air Force T. Sgt. Leonard F. Matlovich, who as I understand it is contesting the Air Corps intention to discharge him

from service because he has publicly stated that he is a homosexual.

I believe, and I would hope that you would take the same position, that service in the armed forces should not be barred to homosexuals, and that the behavior of such individuals should be judged in the same way as the service does heterosexuals. To wit does the individual perform his or her work and conduct himself or herself properly during working hours, without in any way having the service interest itself in that individual's private sexual behavior. Let me be specific. If a male member of the armed services were to engage in sexual acts with a member of the opposite sex during working hours or if off duty engage in a lewd public way, such an individual would be subject to discipline and possibly even dismissal from the services, depending on the gravity of the act. I believe that same rule should apply to a homosexual and that one's affectional preferences should not be of interest to the armed services.

As I am sure you know, a number of cities and several states, the most recent of which is California, have changed their laws on this subject and I would hope the armed services, which under President Harry Truman led the way in ending racial segregation would lead the way in this area as well.

I would appreciate any comments you have on this subject.

Sincerely,

EDWARD I. KOCH.

DEPARTMENT OF THE AIR FORCE,
Washington, June 25, 1975.

HON. EDWARD I. KOCH,
House of Representatives.

DEAR MR. KOCH: This is in reply to your letter of June 9, 1975, to the Secretary of Defense in behalf of Technical Sergeant Leonard P. Matlovich who is contesting his involuntary separation from the Air Force for homosexuality.

Officials in Air Force Headquarters advise Department of Defense (DOD) policy requires prompt separation of homosexuals. Such a person is considered unsuitable for military service and is not permitted to serve in the armed forces in any capacity. His presence in a military unit would seriously impair discipline, good order, morale, and security. Further, DOD has an obligation and responsibility to provide our young men and women in the armed forces with the most wholesome and healthful environment possible.

Those individuals who have established homosexual tendencies are discharged administratively as unsuitable for military service. Persons discharged under this purview receive either an honorable or general discharge depending on the quality of their previous military service. Those persons who commit homosexual acts or acts of sexual perversion, when established, may be discharged as unfit for military service and may receive an undesirable discharge. In addition, specific homosexual acts may be a violation of the Uniform Code of Military Justice and, in many cases, the laws of various states.

The unique character of the military environment, ashore and at sea, precludes any possibility of their assimilation within a military organization, under any conditions. Consequently, homosexual persons cannot be accepted into the armed forces and must be promptly separated when so identified. Likewise, persons who are found unsuitable for military service because of homosexual or other aberrant tendencies are not accepted into or are discharged from the military service, as appropriate. This policy is considered to be absolutely essential to the effectiveness of our armed forces and to the morale and welfare of its members.

The Air Force fully subscribes to the foregoing. In this regard, our policy on the

administrative discharge of personnel for homosexual tendencies or acts is contained in Air Force Manuals 36-2 (officers) and 39-12 (airmen). In Calendar year 1974, 113 people were administratively discharged from the Air Force for homosexual tendencies and 59 for homosexual acts.

Sergeant Matlovich's case is currently being processed in accordance with established directives. Please be assured that his rights will be fully protected and that the final decision will be made on the merits of the case.

We trust this information adequately explains the position of the Air Force in this matter.

Sincerely,

RALPH J. MAGLIONE,
Major General, USAF,
Director, Legislative Liaison.

MAY 12, 1975.

J. WM. MIDDENDORF II,
Secretary of the Navy,
Pentagon,
Washington, D.C.

DEAR MR. SECRETARY: I am enclosing a news report concerning the administrative discharge proceedings now pending against John Wesley Fortner as a result of his publicly acknowledging his homosexuality. So far as I can see from the report, there is no allegation that he has engaged in any public activities on or off the base which discredit him as a member of the Armed Services. As he says "I am not a security or a reliability risk. I have openly admitted that I am a homosexual. No one can blackmail me because I have nothing to hide." May I suggest that your rules and regulations in this matter be reviewed with the thought of ending the preemptory banning of an individual based on sexual orientation. Homosexuals should be judged, insofar as their conduct, in the same way as heterosexuals when in the Armed Services, to wit, the way they conduct themselves while on official time.

Sincerely,

EDWARD I. KOCH.

DEPARTMENT OF THE NAVY,
Washington, D.C., June 20, 1975.
HON. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: Thank you for your letter of May 12, 1975, concerning Petty Officer John Wesley Fortner, III, Hospital Corpsman third class, United States Navy.

It has long been Department of Defense policy that any member who commits or admits to homosexual acts should be separated from the military service. The in-service homosexual offender, whether he be confirmed or a "one-timer," has committed not only a breach of moral behavior, but also a serious breach of discipline, and discipline is a military concern of the importance. Furthermore, the composition of the crews of the Navy's ships is, as you know, exclusively masculine. Since all Navy men, for at least a portion of their careers, must serve as members of those crews, and those crews must live under close daily conditions, the presence of homosexuals within the Navy's ranks would cause a particularly serious potential for conflict, disruption, victimization, and exploitation. Also, it must be emphasized that overt acts of sexual perversion, including acts of homosexuality, constitute a crime both under Federal law and under the statutes of most States and localities, and persons who commit such acts are law violators. In short, the presence of homosexuals in the Navy would jeopardize discipline or morale in a variety of ways.

Upon Petty Officer Fortner's admission that he had engaged in homosexual conduct while a member of the Navy and continued to con-

sider himself a homosexual, his Commanding Officer officially notified him on March 20, 1975, that he was being considered for administrative discharge from the naval service by reason of unfitness. He was advised of his rights and privileges in connection with this type of action and elected to have his case heard before a local Administrative Discharge Board; to be represented by counsel; to appear in person before the Board; to call witnesses and to submit statements in his own behalf. A Board hearing was held at the Naval Air Station, Jacksonville, Florida, on April 28, 1975, and upon completion of the hearing, the Board then submitted its findings and recommendation relative to Petty Officer Fortner's fitness for retention in the Navy to the Commanding Officer, who in turn forwarded them, along with his own recommendation, to the Chief of Naval Personnel for final disposition. All aspects of Petty Officer Fortner's case, including his record of naval service, were carefully reviewed and considered by the Chief of Naval Personnel, and upon conclusion it was found necessary to discharge him by reason of unfitness. On June 3, 1975, his Commanding Officer was directed to separate him from the naval service with a general discharge under honorable conditions. If Petty Officer Fortner's discharge has not yet been effected, it will be in the near future.

It is the policy of the Navy not to furnish information of a confidential nature from the personal records of naval members or former members to persons outside the naval service except to the parents or guardians of individuals who have not reached the age of majority. However, the foregoing is provided to you in your capacity as a Member of Congress, with the request that it be used only in the best interests of the individual concerned.

Sincerely yours,

J. WILLIAM MIDDENDORF II,
Secretary of the Navy.

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 10, 1975.

Hon. JAMES SCHLESINGER,
Secretary of Defense,
Pentagon,
Washington, D.C.

DEAR MR. SECRETARY: I have had correspondence with the Department of the Air Force and the Secretary of the Navy about two career servicemen who have indicated that they are homosexuals and the Department of Defense's policies toward individuals with such sexual preferences.

I would first like to express my disagreement with the Department's requirement of "prompt separation of homosexuals." All people who carry out their duties responsibly should be treated equally. Short of reflecting this policy, the Department's regulations should be sufficiently flexible so that a man can be retained who, after having established an excellent military record over a number of years, indicates he is a homosexual.

Furthermore, anyone who is discharged because of homosexual acts or latent homosexual tendencies who is otherwise entitled to an honorable discharge should receive that honorable discharge. The present policy of automatically giving an administrative discharge—and at times a dishonorable discharge—because of homosexual tendencies or acts, is a grievous practice that unfairly prejudices a man's future career. What you are indicating in an honorable discharge is that an individual has served honorably. A person who has served honorably, whether or not a heterosexual, is owed the honorable discharge. It is ludicrous to maintain that 20 years of service with distinction and honors, for instance, suddenly becomes less than honorable upon revelation by the individual

that he is a homosexual, a preference that involves his personal life, not his military life.

The Department's policy toward homosexuals to date has been one of categorical refusal to give any quarter to this segment of the population. My own view is that the Department's black and white policy on this issue is an attempt to isolate itself from having to deal with the rights that homosexuals have in our society as individuals.

I would point out that the Civil Service Commission in the past week has issued new guidelines to all federal agencies on the employability of homosexuals. The guidelines are the result of court decisions and injunctions requiring that the same standards be applied to homosexuals as heterosexuals in federal employment. The guidelines state that a person cannot be disqualified solely on the basis of homosexual conduct.

Where does that leave the Department of Defense? To continue policies that are contrary to federal employment policies?

May I suggest that the Department can no longer continue its ostrich in the sand profile on this issue. A responsible step would be to appoint a special Secretary's Committee to examine all aspects of this matter and recommend suitable changes in your regulations.

I look forward to receiving your comments.
EDWARD I. KOCH.

[From the New York Times, Thursday,
July 10, 1975]

ACLU STUDY FINDS WIDE EASING OF JOBS BIAS
AGAINST HOMOSEXUALS
(By Peter Kihss)

The American Civil Liberties Union yesterday reported widespread easing of job discrimination against homosexuals at Federal, state and municipal levels.

The organization said it regarded new Federal civil service rules that took effect this month as "cautiously an advance," depending on how they would be applied.

At least a dozen United States cities, it said, have enacted local ordinances since 1972 barring job discrimination in varying degrees. Eight states, it said, have repealed criminal penalties for private consensual sexual activity between adults.

In Washington, the Civil Service Commission said its new guidelines issued this month revise suitability standards for Federal civilian employment, outside of such agencies as the Federal Bureau of Investigation and Central Intelligence Agency.

They provide for deciding each case on its own merits, "applying the same standard evaluating sexual conduct whether heterosexual or homosexual" and prohibiting disqualification "solely on the basis of homosexual conduct."

They add that "a person may be dismissed or found unsuitable for Federal employment where the evidence establishes that such person's conduct affects job fitness."

The civil liberties group said that its board had adopted a policy branding government inquiries into "sexual practices and preferences" of employees and disseminating information to others as "an unconstitutional invasion of privacy."

The organization reported the current status of laws on homosexuals in the latest of its series of guidebooks on rights of various groups—"The Rights of Gay People."

Municipal ordinances against discrimination by private employers because of employees' "sexual preferences" were reported in San Francisco; Washington, D.C.; East Lansing, Ann Arbor and Detroit, Mich.; Seattle, Minneapolis, St. Paul, Madison, Wis.; Palo Alto, Calif.; Ithaca, N.Y., and Portland, Ore., as well as in Toronto.

OPEN PUBLIC PLACES

Bans on discrimination in public accommodations based on "sexual orientation"

were reported in Alfred, N.Y.; Ann Arbor, East Lansing and Detroit, Columbus, Ohio, and Washington.

New York City's Council rejected a bill on homosexuals' rights on May 23, 1974, after three years of bitter controversies.

Illinois was described as the first state to repeal a consensual sodomy law in 1962, followed since by California, Colorado, Connecticut, Delaware, Hawaii, Ohio and Oregon.

Florida's Supreme Court, the new guide said, declared its state sodomy law unconstitutional in 1971, but another Florida law against "unnatural and lascivious acts with another person" has been interpreted to bar acts formerly covered by the sodomy law. Massachusetts' Supreme Court ruled last year that its state law against such acts did not apply to private conduct between consenting adults.

The 268-page new book has four lawyers as co-authors—E. Carrington Boggan, general counsel for the Lambda Legal Defense and Education Fund; Marilyn G. Haft, director of the A.C.L.U. National Project on Sexual Privacy; Charles Lister and John P. Rupp.

Their study is being published by Avon in paperback at \$1.75 in question and answer form.

The guide says that states have licensing requirements for more than 300 occupations involving seven million persons, and added that homosexuals were excluded from many "on the grounds that their sexual orientation or activities are evidence of bad moral character."

The authors reported estimates that in the last 10 years or so, an average of at least 2,000 persons had been separated to homosexuality. But they said this was "probably something less than 2 percent of the total number of predominantly homosexual males serving."

The study estimated that 2.2 million workers in private industry were subject to industrial security clearances and said the program's director had never seen a case where "a professed gay" had been permitted clearance.

FREEDOM EXISTS FOR ALL
RELIGIONS IN ISRAEL

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, amidst the clamor surrounding the situation in the Middle East, too little is known or reported about the treatment of religious minorities in Israel. Religious tolerance and equality are keystones of the modern Israeli state and are included in the Proclamation of Independence issued at the birth of the State of Israel.

Last May 28, Mr. David Glass, the director general of Israel's Ministry of Religious Affairs addressed a group of Jews and non-Jews on the subject of religious minorities in Israel and what the Israeli Government is doing to help all the religious groups. His talk was sponsored by the New York Board of Rabbis and was very well received. I am appending it for the information of my colleagues.

The article follows:

RELIGIOUS DENOMINATIONS IN ISRAEL

(By Mr. David Glass, Director General of the Ministry of Religious Affairs of the State of Israel)

POPE PAUL ON JERUSALEM

On March 25th in his apostolic exhortation "nobilis in amino", Pope Paul hailed Jeru-

97TH CONGRESS
1ST SESSION

H. R. 166

IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 1975

Mr. ANZIO (for herself, Mr. JOHN L. BURTON, Mr. KOCH, Mr. McCLOSKEY, and Mr. NIX) 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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Civil Rights Amendments
4 of 1975".

PUBLIC ACCOMMODATIONS

5
6 SEC. 2. (a) Section 201 (a) of the Civil Rights Act of
7 1964 (42 U.S.C. 2000a (a)) is amended by inserting after
8 "religion," the words "affectional or sexual preference,".

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

PUBLIC FACILITIES

1
2 SEC. 3. Section 301 (a) of the Civil Rights Act of 1964
3 (42 U.S.C. 2000b (a)) is amended by inserting after "re-
4 ligious," the words "affectional or sexual preference,".

PUBLIC EDUCATION

5
6 SEC. 4. Sections 401 (b), 407 (a) (2), and 410 of the
7 Civil Rights Act of 1964 (42 U.S.C. 2000c-6 (a) (2),
8 2000c-9) are each amended by inserting after "sex," the
9 words "affectional or sexual preference,".

FEDERALLY ASSISTED OPPORTUNITIES

10
11 SEC. 5. Section 601 of the Civil Rights Act of 1964 (42
12 U.S.C. 2000d) is amended by inserting after "color," the
13 words "affectional or sexual preference,".

EQUAL EMPLOYMENT OPPORTUNITIES

14
15 SEC. 6. (a) Sections 703 (a), 703 (b), 703 (c), 703
16 (d), 703 (e), 703 (j), 704 (b), 706 (g), 717 (a), and 717
17 (e) of the Civil Rights Act of 1964 (42 U.S.C. 2000c-2,
18 -3, -5, -16) are amended by adding after the word "sex,"
19 each time it appears the words "affectional or sexual pref-
20 erence."

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

1 INTERVENTION AND PROCEDURE

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

5 HOUSING SALE, RENTAL, FINANCING, AND BROKERAGE
6 SERVICES

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

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

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

18 PREVENTION OF INTIMIDATION

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

1 EDUCATION PROGRAMS RECEIVING FEDERAL FINANCIAL
2 ASSISTANCE

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

7 DEFINITION

8 SEC. 11. As used in this Act, the term "affectional or
9 or sexual preference" means having or manifesting an emo-
10 tional or physical attachment to another consenting person
11 or persons of either gender, or having or manifesting a pref-
12 erence for such attachment.

The Sergeant v. The Air Force

When T/Sgt. Leonard Matlovich handed his coming-out letter to his superior officer, a black captain at Langley Air Force Base, Va., the officer said: "What the hell does this mean?" Replied Matlovich: "It means *Brown v. the Board of Education*."

Matlovich, now 32, was deliberately provoking a discharge from the Air Force in order to challenge the military's long-standing ban on homosexuals (TIME, June 9). Indeed, his lawyers hope the case will reach the Supreme Court

and produce a landmark decision on homosexual rights comparable to the court's historic school integration decision of 1954. It is a perfect test case. The tall, red-haired sergeant has an impeccable twelve-year military record, no known psychiatric problems, and a Bronze Star and Purple Heart won on one of his three tours in Viet Nam. A five-man Air Force review board begins hearings Sept. 16 at Langley.

Matlovich is the son of an Air Force sergeant, and was raised at airbases in the U.S. and England. Though he says he knew he was homosexual at the age of twelve, he did not act upon that knowledge till he was 30, when he finally got up the nerve to go to a gay bar in Pensacola, Fla. Though Matlovich feared he would be raped by frenzied homosexuals, the bar turned out to be a civ-

ilized place filled with airmen, blue-collar workers and middle-class professional men. He lost his virginity that night to a government civil servant. Says Matlovich: "I had never held another person in my arms, never kissed another person since I was a child except for family."

Though only dimly aware of the gay liberation movement, he ran across the name of Gay Activist Frank Kameny in a military magazine's article on homosexuals. He flew to Washington, met with Kameny and Addlestone, and enthusiastically offered to challenge the military ban on homosexuals. The two men urged him to slow down and think about it. Matlovich did—for nine months—before writing his letter last March.

Since then, Matlovich has become one of the best-known gays in the country. (His parents prefer to think he is more interested in homosexuality as a

cause than as a way of life.) Addressing a Gay Pride Week rally in New York in June, he broke down and cried. Says he: "I found myself, little nobody me, standing up in front of tens of thousands of gay people. And just two years ago I thought I was the only gay in the world. It was a mixture of joy and sadness. It was just great pride to be an American, to know I'm oppressed but able to stand up there and say so. They were very beautiful people out there."

MATLOVICH RECOVERING FROM WOUNDS AT DANANG (BELOW) & DANCING AT A GAY BAR (LEFT)



34

TIME, SEPTEMBER 8, 1975

COVER STORY: "I AM A HOMOSEXUAL"

Ouster Upheld On Gay GI

Associated Press

WASHINGTON — Air Force Secretary John McLucas yesterday rejected T/Sgt. Leonard P. Matlovich's appeal of a decision to discharge him because he is a homosexual.

McLucas upheld the honorable discharge ordered for Matlovich by Col. Alton J. Thorgersen, the sergeant's commanding officer at Langley Air Force Base, Va.

On Sept. 30, Thorgersen upgraded the discharge for Matlovich, 32, from a general to an honorable discharge after a board hearing at the base.

The Matlovich case has become something of a landmark because the sergeant, a Vietnam veteran, publicly declared his homosexuality and insisted that sexual practices should not be ground for discharge.

Matlovich has been kept on active duty pending a final decision on his request last March 6 that the Air Force waive the requirement that homosexuals be discharged.

Matlovich to continue fight for rights of gay

WASHINGTON (AP) — Leonard P. Matlovich, discharged as a career Air Force enlisted man, says his fight for the right of homosexuals to serve in the armed forces will continue in the courts.

U.S. District Judge Gerhard A. Gesell agreed yesterday to meet the issue head-on and decide the constitutionality of military regulations that require the automatic discharge of homosexuals.

Declaring the issue to be "a novel area of constitutional law," Gesell

said he expected the Matlovich case to go to the Supreme Court.

Lawyers for Matlovich had also sought to have the 32-year-old former technical sergeant remain in the service while the constitutionality of the antigay regulation is tested.

★ ★ ★

But Gesell said previous decisions in the U.S. Court of Appeals and the Supreme Court prohibited him from granting a restraining order asked by Matlovich attorney David F. Addlestone.

PHILA. INQUIRER
OCT. 22, 1975

HARRISBURG EVENING
NEWS
OCT. 23, 1975