

QUESTIONS AND ANSWERS ABOUT THE CITY COUNCIL BILL TO ENACT A
LOCAL LAW TO BAN DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION

prepared by the Coalition for Lesbian and Gay Rights, Box 1760, NYC 10163

1. WHAT DOES THIS BILL DO?

It amends the City's Human Rights Law to ban discrimination on the basis of sexual orientation in jobs, housing, and public accommodations. Discrimination in those areas is already prohibited on the bases of race, creed, color, national origin, sex, ancestry, age, marital status, and physical disability.

2. HOW DOES IT DIFFER FROM THE BILL THAT WAS FIRST INTRODUCED IN 1971?

In substance, not at all. In 1985, a preamble (legislative declaration) was added that explained the bill's intent. In this new version, which was drafted by Tom Stoddard of the New York Civil Liberties Union in consultation with the Corporation Counsel, Council Members, and the Coalition for Lesbian and Gay Rights, several clauses in the preamble of last year's Intro 990 have been reclassified so that they will become part of the administrative code itself when the bill becomes law. These clauses include:

- o no affirmative action
- o no override of existing exemptions for small (4 or fewer employees) businesses, two-family houses, and religious organizations
- o no legalization of anything prohibited by the state penal code
- o no implied endorsement of any "behavior or way of life"
- o a definition of sexual orientation as "heterosexuality, homosexuality, or bisexuality"

3. WHY WERE THESE CLAUSES ADDED TO THE BILL?

This is the most debated bill in the history of the Council. A lot of myths have been perpetuated about its intent. While most of the clauses are not legally necessary, they have been included to answer the bill's critics in black and white. Some religious critics of past bills were invited to assist in the drafting of the bill and some of them participated in the process.

4. WHY WAS A DEFINITION OF SEXUAL ORIENTATION ADDED?

Again, legally there was no need. This legislation is not novel. It has become law in fifty cities and the state of Wisconsin. It has a case-law history.

More than half the places where this is law do not define the term sexual orientation any more than they define creed or disability. But to silence (or at least subdue) critics who claim it means everything from sex with animals to sex with trees, the New York bill now includes a definition that is common to the many laws that do define the term.

5. WOULD GAY PEOPLE BE GIVEN PREFERENTIAL TREATMENT IF THE BILL BECOMES LAW?

Absolutely not. The bill protects people of all sexual orientations from discrimination. It prohibits affirmative action. In that sense, "gay rights bill" is a misnomer. This is a human rights bill that would benefit gay people because lesbians and gay men experience most of the discrimination based on sexual orientation.

6. WHY IS THE BILL NEEDED?

If the civil rights of lesbians and gay men are not protected, they are much more likely to hide their sexual orientations. There is an enormous social cost

9. HOW ELSE WILL PASSAGE OF THE BILL HELP?

Protection of lesbian and gay rights is also essential to crime solving. If a gay person is the victim of or witness to a crime, he or she needs to feel free to be open about his or her identity in order to cooperate with the authorities in the pursuit of justice. Police will tell you that many crimes went unsolved in the past because of the reluctance of gay witnesses to cooperate. That's because gay people distrusted the police -- an with good reason because the police were famous for entrapping gays in years past. Local precinct dialogues between gay people and police officers has helped promote understanding between the groups. The Mayor's Police Council on Lesbian and Gay Issues has also helped relieve tensions and resolve problems. Passage of this bill would further contribute to an atmosphere of understanding and cooperation.

Doctors involved in AIDS research are also concerned that people feel free to be open about their sexual identities. Without civil rights protections, there will be those who are reluctant to participate in studies that could lead to a cure for AIDS. Furthermore, AIDS is a difficult enough condition to live with. Gay people with AIDS should not be further stigmatized for their sexuality.

10. WHAT QUESTIONS SHOULD OPPONENTS OF THIS BILL HAVE TO ANSWER?

The opponents of this bill rarely deal with the actual language of the bill itself. They tend to engage in a campaign of distortion that includes such charges as the bill legitimizing sex with children or sanctioning sodomy or forcing landlords to put gay couples on priority lists. The best answer to these opponents is to ask them to show you where in the bill it says these things.

Some additional questions:

- o Why are so many religious leaders (such as Episcopal Bishop Paul Moore, Jr., Jewish Rabbi Balfour Brickner, and such Catholic leaders as Archbishops Rembert Weakland of Milwaukee and Raymond Hunthausen of Seattle) able to support civil rights protections for lesbians and gay men?
- o In the 50 cities and state of Wisconsin where this is law, what have been the effects on society? (These cities include Boston, Philadelphia, Los Angeles, San Francisco, Washington, Seattle, Buffalo, and Amherst.)
- o If you had any gay children, would you want them to receive less civil rights protection than your non-gay children?
- o If the bill is so evil, why does it enjoy broad-based political support from such leaders as Governor Cuomo, Senator Moynihan, Mayor Koch, Council President Stein, the National Democratic Party, and so many others? (Note: three-quarters of the City's Assembly delegation voted for a state bill banning discrimination on the basis of sexual orientation last year.)

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THE NEW YORK CITY COUNCIL (1986-90) AND LESBIAN AND GAY RIGHTS

prepared by the Coalition for Lesbian and Gay Rights, PO Box 1760, NYC 10163

At this writing (3/11/86), 17 Council Members are publicly committed to vote for Intro 2, the new bill that would ban discrimination on the basis of sexual orientation that was introduced by Mayor Koch, Comptroller Goldin, Council President Stein and 14 co-sponsors on January 22nd and referred to the new General Welfare Committee. That 7-member committee will take it up on March 11th. We need 4 votes to win in this committee (and we expect them) and 18 on the floor of the Council. Our job in the coming weeks is to hold onto the votes we have and work to secure some more commitments. The full Council vote is set for March 20th.

All Council Members can be written at City Council, City Hall, NYC 10007. (To find out who on this list represents you, call the League of Women Voters at 212/674-8484.) Send copies of letters to CLGR, Box 1760, NYC 10163. The stands on the bill listed below are based on the public positions of the Council Members. All phone #'s are 566- unless indicated.

<u>DISTRICT</u>	<u>COUNCIL MEMBER (PHONE)</u>	<u>NEIGHBORHOODS</u>	<u>POSITION</u>
Manhattan			
2	Miriam Friedlander-1324	E. Village, Lower E. Side, Soho, Tribeca	YES; Sponsor; GWC
3	Carol Greitzer-349-2466	Village, Chelsea, Midtown, East Side	YES; Sponsor
4	Ruth Messinger-0709	Upper Left Side	YES; Sponsor; GWC
5	Hilton Clark-7925	Harlem, Morningside Heights	YES; Sponsor
6	Stanley Michels-1322	Washington Heights, Inwood	YES; Sponsor
7	Robert Dryfoos-4361	Upper East Side	YES; Sponsor; GWC
8	Carolyn Maloney-0423	E. Harlem, Yorkville, Manh. Valley, SE Bronx	YES; Sponsor
Bronx			
9	Wendell Foster-7823	Southwest Bronx	undecided
10	June Eisland-4239	Riverdale, Co-op City	YES; Sponsor
11	Rafael C. Colon-7442	South Bronx	NO
12	Michael de Marco-5250	Throgs Neck, Pelham	NO
13	Fernando Ferrer-7778	Kingsbridge, University Heights	YES; GWC
14	Jerry Crispino-5250	Wakefield, Woodlawn	"open mind"
Queens			
15	Walter Ward-1350	Rockaway, Howard Beach	NO
16	Sheldon Leffler- 3748	Queens Village, Hollis	YES
17	Archie Spigner-4276	Jamaica, Springfield Gardens	NO
18	Morton Povman-4486	Jamaica Estates	NO; GWC
19	J. Harrison 718-886-7040	Bayside, Flushing	YES; Sponsor
20	Peter Vallone-5250	Astoria, Whitestone	NO (Majority Ldr.)
21	W. McCaffrey 718-482-1200	Woodside, Long Island City	NO
22	Arthur Katzman-4765	Forest Hills, Rego Park	YES; Sponsor
34	Joseph Lisa-5250	Jackson Heights, Corona	NO
Brooklyn			
23	Herbert Berman-8144	Canarsie, Flatlands	YES
24	Priscilla Wooten-8259	East New York	NO
25	Susan Alter-3999	Flatbush, East Flatbush	NO
26	Enoch Williams-4002	Bedford Stuyvesant	NO
27	Victor Robles-0846	Bushwick, Greenpoint	YES; Sponsor
28	Mary Pinkett-0289	Fort Greene, Clinton Hill, Prospect Heights	YES; Sponsor
29	Abraham Gerges-0871	Brooklyn Heights, Williamsburgh	YES; Sponsor
30	Stephen Di Brienza- 7968	Park Slope, Sunset Park, Windsor Terrace	YES; Sponsor
31	Sal Albanese-1499	Bay Ridge	undecided
32	N. Dear 718-338-1110	Borough Park	NO; GWC
33	Sam Horwitz-4959	Brighton Beach, Coney Island	undecided; GWC Ch
Staten Island			
1	Susan Molinari-5250	all of SI except northern section	NO (only Repub.)
35	Jerome O'Donovan-7975	northern SI, Bensonhurst (Brooklyn)	NO

"GWC" indicates a member of the General Welfare Committee