

John Kyper

Mass. Mental Health Center
Job discrimination case
Chronology: 1972-1973

I had called Mary Finn, the Nursing Supervisor at the Massachusetts Mental Health Center, 74 Fenwood Road, Boston, on several occasions during the spring and summer of 1972 to inquire about the possibilities of employment as a psychiatric aide at her hospital. At the time it was my understanding that she did not foresee any openings before September.

Tuesday, July 18, 1972: I had an interview with Miss Finn, filled out a job application, and was told to check back with her around the first of September.

I made calls in late August and in early September, and was told that nothing was available.

Friday, October 27th: I called but Miss Finn was on vacation. I talked with Miss Levesque (assumed spelling), instead. She could not locate my application, and she told me to call Miss Finn on Monday.

Monday, November 6th: I talked with Miss Finn, who informed me that I was ineligible to be hired because one of my references had revealed my homosexuality. When I challenged her about her source and asked her to justify her decision, she refused to divulge which reference had given her that information, stating only that I was "unsuitable to work with our younger patients." She did add, however, that I might be eligible to work with geriatric patients but she did not offer me a job in that area.

Later that same day: I called Dr. Richard Pillard, an openly gay psychiatrist at University Hospital (now Boston Medical Center) whom I had listed as a reference in my job application, and asked him to call Miss Finn to determine, if possible, the source of her information and the justification for her action. I also asked him to write for references from my previous hospital employers (Vermont State Hospital and New England Deaconess) to see what was in my files.

Tuesday, November 7th: At Pillard's suggestion I approached Attorney Richard Rubino of the firm Rook, Roth & Rubino, about possible legal action against Miss Finn or Mass. Mental. Rubino said he would need a retainer of \$200 if he were to take my case. I subsequently decided against the offer and had no further conversations with him on this matter.

Friday, November 10th: I talked again to Dr. Pillard. He had called Miss Finn, who repeated her unwillingness to hire homosexuals. He said that she told him that she had discovered my homosexuality through a telephone conversation with the Personnel Director of the Peter Bent Brigham Hospital, where I had never worked. (Could she have meant the Deaconess?)

Monday, November 13th: I talked with Atty. John Reinstein of the Massachusetts Chapter of the American Civil Liberties Union, who told me that he was not certain whether the ACLU could take my case. Problems: 1) Miss Finn had presented the theoretical option of working in geriatrics at Mass. Mental, and 2) I had no job there in the first place (I would have been in a stronger legal position had I been dismissed because of my homosexuality). ACLU wanted, as close as possible, the "perfect case" for a court test, he said. He also advised me that the Massachusetts Commission against Discrimination and the Office of Human Rights of the U.S.

Department of Health, Education and Welfare would be of no help, as they are concerned only with enforcement of existing civil rights laws. (At the time there were no laws prohibiting discrimination on account of sexual orientation at either the state or the federal level. Massachusetts would later enact such legislation in 1989; however, the proposed federal Employment Non-Discrimination Act, or ENDA, remains stalled in Congress as of 2015, many years after it was first introduced.)

Monday, November 20th: Reinstein informed me that the ACLU could not take my case, for the reasons he had already outlined. I decided not to employ a lawyer on my own.

Tuesday, November 21st: Dr. Pillard gave me the references he had received from the Vermont State Hospital and the Deaconess. Neither had made reference to my homosexuality.

Friday, November 24th: I talked with the Rev. Carl Scovel of King's Chapel, who suggested that I confront Deaconess Personnel officials in person to ask whether they had been the source of Miss Finn's discovery. He also promised to write a letter to Miss Finn on my behalf.

Sunday, November 26th: With several gay activists I discussed possible ways of protest—legislative hearings on gay rights bills, picketing Mass. Mental, exposes in the local papers, etc. I contacted the Medical Committee for Human Rights (MCHR) and decided to write Miss Finn a letter protesting her decision.

Thursday, December 7th: I went to the Deaconess and met with the Director of Personnel and my ex-supervisor, after the official who had written the job reference for Pillard refused to meet with me. Both denied knowledge of any reports of my homosexuality to Miss Finn. (I suspect that they were telling the truth.)

The same day: MCHR expressed its willingness to me to write a letter on my behalf to Miss Finn. I received suggestions from several people on the draft of my letter to her.

Saturday, December 9th: I completed and mailed my letter to Miss Finn. (I felt surprised that I had expressed my anger so much to my satisfaction.)

Mid-December: I contacted Ellen Flatley, an attorney with the Mayor's Office of Human Rights. She called Miss Finn, who repeated her refusal to hire me. Miss Finn acknowledged that she had received my letter and had been contacted by other people concerning my complaint, but she could not understand why I was pressing the issue. Ms. Flatley suggested that I write Mass. Mental's Superintendent Jack Ewalt to inquire whether it was hospital policy to refuse to hire homosexuals. I write the letter on Saturday, December 30th. (Ms. Flatley was not optimistic about my chances of getting a job there.)

Saturday, January 6, 1973: I received Supt. Ewalt's reply stating that the institution had no policy against hiring homosexuals, which I did not consider satisfactory.

Friday, January 26th: Ms. Flatley informed me that she had talked with Ewalt, who stated he had discussed the matter with Miss Finn, and that I had been denied a job because of my previous hospital personnel record. I was told by Ms. Flatley that I had pursued this matter as far as I could under established legal procedures.

Mass. Mental Health Center
Postscript

Saturday, January 27th: I was contacted by Laura McMurray, a lesbian activist and member of the Daughters of Bilitis, who informed me of a legislative hearing scheduled for the following week at the Massachusetts State House to consider legislation to extend the Commonwealth's existing antidiscrimination statutes to include sexual orientation. I expressed my willingness to write a statement of my experiences with Mass. Mental. I asked, however, that my testimony remain anonymous, as I was then looking for a job. I completed the statement over the weekend.

Thursday, February 1st: I attended the hearing of the Legislature's Commerce and Labor Committee but did not speak. My testimony was entered into the record. There was coverage of the hearing on radio and television, and an article in the Boston Globe a day later.

June, 1973: My letter "Dear Miss Finn" was published in condensed form in issue #5 of the local gay publication Fag Rag.

February 27, 1974: I testified personally under my own name about my case before the Commerce and Labor Committee, which was again considering the antidiscrimination bill. A news article about the hearing appeared in the Boston Globe the following day, "Gay discrimination cited," which included mention of my testimony.

Spring, 1984: When the Boston City Council was considering an ordinance to add sexual orientation to its antidiscrimination law, I volunteered my experience to the group promoting the ordinance, and it was subsequently included as an example of anti-gay discrimination in a pamphlet that they published for this campaign. The ordinance was soon adopted by a 12-1 vote.

Account originally written in 1973, revised in 1974 and 2015.

John Ayer
130 Spencer Street
Dorchester, Mass. 02124

December 8, 1972

Miss Mary Finn, Nursing Supervisor
Mass Mental Health Center
74 Fenwood Road
Boston, Mass. 02115

Dear Miss Finn:

In mid-July you interviewed me for a position as a psychiatric aide. It was my understanding that there were no openings at that time, and I was to call back around the first of September. Nothing had materialized by then, and I was advised to check with you from time to time.

On the sixth of November I called, and you informed me that you could not hire me because of my homosexuality. Several days later Dr. Richard Pillard, a psychiatrist at University Hospital, called you at my request and received the same answer.

It has been a month since our conversation. This letter is an attempt to convey my feelings about the matter:

How you discovered my homosexuality is immaterial. Presumably, any competent investigation into my background would not have to go far. Long ago I decided that if I were to respect myself, I must have the integrity to be open to other people. I saw no reason why my sexual identity should be an exception.

But this was not always the case: For most of my life I have had to deny my desire for other males. It was not until five years ago, at the age of twenty, that I could admit to myself that my feelings were homosexual. (Self-knowledge is a painful process. Childhood socialization represses recognition, especially of the obvious.) Two more years were necessary before I could accept myself.

Finally, I made my decision: I was gay and I was proud. I soon joined Boston's fledgling gay liberation movement, for myself and for those seeking the courage to affirm themselves. For the first time I did not feel alone, as I learned to love myself and my brothers and sisters. Upon occasion I spoke out, demonstrating my convictions both in private and in public. Having suffered for my queerness, I was rebelling against those labels by which others sought to define my reality for me.

At first I was startled that you would admit--to myself and to a witness--the real reason for your refusal to hire me. Of

course I could not be surprised that it happened, and I have no regrets for my own outspokenness. I knew the risk I was taking when I joined the movement.

Yet I find I am still very angry. Neither in my interview nor upon the employment application did I perceive homosexuality as a disqualification. If it were this important, why didn't you inform me beforehand? I would have disagreed with your policy, but I could have respected your integrity. I feel as if I have been tried and found guilty without the elementary decency of being allowed to defend myself.

Whatever my other qualifications (or lack of them), the fact of my homosexuality evidently was your foremost consideration in refusing to hire me. How it would affect my performance was left unanswered. I was insulted by your remark that I was "not suitable to work with young people." Your implication, that I am a potential child molester, is as absurd and obscene as the superstition that black men are naturally rapists. (By this logic heterosexual aides are equally a menace--to female patients.) My sexual orientation implies nothing about my character, my dependability or my competence.

In spite of your attempts, I am sure that there are dozens of homosexuals--male and female--who are employed at Mass. Mental. Thank God you cannot tell who they are! Were you to purge them all, your hospital would be so badly understaffed it would probably have to close. No doubt most of them are capable employees and have been little cause for complaint. Like several tenured teachers I know who are rated "excellent" by the Boston School Department. Or the aides I knew when I worked at the Vermont State Hospital, who showed me that homosexuality was more than an abstraction or a stereotype. Not suitable to work with young people, indeed. What hypocrisy these principles embody!

I feel I have no reason for regret because my openness has cost me a job at your hospital. Hatred of homosexuals is as evil a bigotry as the racism that infects American life. I pity you for the attitude you have demonstrated toward me. Like the vast majority of homosexuals, I too had the option of remaining invisible; but my sense of integrity demanded that I speak out.

Sincerely,

John Kyper

John Kyper
130 Spencer Street
Dorchester, Mass. 02124

December 30, 1972

Dr. Jack Ewalt, Superintendent
Mass Mental Health Center
74 Fenwood Road
Boston, Mass. 02125

Dear Dr. Ewalt:

Recently I was denied employment as a psychiatric aide at Mass Mental on account of my homosexuality. I am enclosing a copy of a letter I subsequently wrote to Miss Mary Finn, who is responsible for this decision.

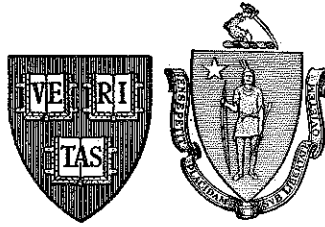
Since I wrote this letter, I have discussed the matter with Ellen Flatley, an attorney in the Mayor's Office of Human Rights. Ms. Flatley contacted Miss Finn, who repeated her refusal to hire me. When asked, she could give no justification, save that I should not work with younger patients.

Neither Ms. Flatley nor I consider this a satisfactory reply. I am writing, first, to inform you of what has happened thusfar, and second, to inquire whether the refusal to hire homosexuals is an official hospital policy, orris merely Miss Finn's personal practice.

Respectfully yours,

John Kyper

Harvard Medical School
Department of Psychiatry
74 Fenwood Road, Boston 02115



Massachusetts Mental Health Center
(Boston Psychopathic Hospital)
Department of Mental Health

JACK R. EWALT, M.D.
BULLARD PROFESSOR OF PSYCHIATRY
SUPERINTENDENT

January 4, 1973

Mr. John Kyper
130 Spencer St.
Dorchester, Mass. 02124

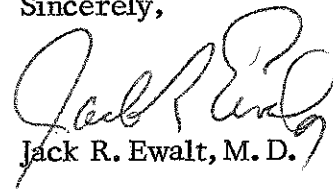
Dear Mr. Kyper:

This will refer to your letter of December 30.

You have asked whether or not it is hospital policy not to hire homosexuals. The hospital has no policy against hiring homosexuals, or any other general classification of persons, be the classification based on sexual preference, race, religion, or other large general group.

The hospital reserves its right to select individuals that we wish to work here.

Sincerely,



Jack R. Ewalt, M.D.

JRE/eg

I trust that you will respect my request not to use my name. I have been active in gay liberation over the last three years, and the decision to remain anonymous at this hearing is a difficult--but necessary--choice. I am currently looking for a job; as the following account demonstrates, I cannot afford to give my name:

In mid-July I was interviewed by Nursing Supervisor Mary Finn for a position as a psychiatric aide at Mass Mental Health Center. I had previously engaged in hospital work, for six months as an aide at another New England state hospital, and more recently, as a conscientious objector at a local hospital.

At the interview I was advised to check back from time to time to see if any openings had materialized. On the sixth of November I called, and Miss Finn informed me that I could not be hired on account of my homosexuality. This was subsequently confirmed by Miss Finn to two individuals who called her on my behalf: Dr. Richard Pillard, a psychiatrist at University Hospital, and Ellen Flatley, an attorney from the Mayor's Office of Human Rights.

In addition, Miss Finn told me I that I was "not suitable to work with young people." Neither to me nor in these interviews could she give a substantial reason for her refusal to hire me. At Ms. Flatley's suggestion, I wrote to Dr. Jack Ewalt, the hospital's Superintendent, to inquire whether Mass Mental had a policy against hiring homosexuals. I consider the reply I received from Dr. Ewalt to be unsatisfactory.

I talked to Attorney John Reinstein of the American Civil Liberties Union to see about the possibilities for a test case. I was told that mine was not considered "the perfect case" by ACLU's criteria. That is, it was not a clearcut case that would, as much as possible, guarantee a favorable legal precedent against this form of discrimination. He also informed me that I could expect no help from the Massachusetts Commission Against Discrimination or the US Government's Office of Civil Rights, inasmuch as these agencies are concerned solely with the enforcement of existing statutes.

Ms. Flatley has advised me that I have pursued this matter as far as I can within the existing procedures. It should be evident from this account that gay men and women have little protection under the law from the prejudices common to this society, of which Miss Finn is a small example.

1/28/73 - for hearing of Legislative Committee on Commerce & Labor! 2/1/73

Boston Globe, Fri 2/21/73
Homosexuals testify on anti-bias bills

By Jonathan Feuerbringer
Globe Staff

"It has taken me a long period of time to be able to stand here before you as a homosexual," said Robert Dow as he spoke before a legislative committee yesterday.

Dow was one of several homosexual men and women who appeared at the State House to protest discrimination in housing and employment because of sexual preference.

Dow, speaking in behalf of bills H-3218 and H-3220, told his own story of discrimination.

Seven years ago, he said, his driver's license was revoked by the Registry of Motor Vehicles because they asserted he was not a person of good moral character since he was a homosexual. He did not get his license back until last year, when he said he "made a nuisance of myself" at the Registry.

Without his license, he said, he could not work in the construction trade, for a time could not get a drink in a local bar, and could not drive his parents' around.

Asked why he did not protest seven years ago, Dow said: "It took me seven years to get myself to where I could come before you (the committee) and look you in the eye and say I am a homosexual."

Rep. Barney Frank (D-Back Bay) said in support of the bills he sponsored for the groups that "I was guilty of stereotyping?" homosexuals until last year when he ran for office.

Frank said his district probably had 2000 gay men and women in its population of 40,000.

"Homosexuality is a subject all of us don't take seriously," he told his fellow legislators. "The gay men and women are the same place blacks were 40 years ago . . . "They are a group of very diverse people. They

are like us except in sexual preference," he said.

Elaine Noble, co-moderator of "Gayway" on radio station WBUR, told the committee, headed by Sen. Alan McKinnon (D-Weymouth) and Rep. Anthony Scallì (D-Charlestown):

"Twenty percent of any given group may be homosexual. Hypothetically, gentlemen, that could mean that one out of every five of you sitting on the Commerce and Labor Committee could be a homosexual . . .

"Each one of you could be the fifth person depending on how we altered the seating arrangement."

Miss Noble, continuing a prepared statement, said: "If your constituents knew you were a homosexual, would you be re-elected? I think not. Wouldn't this be sad in most of your cases? Wouldn't this be sad if you were denied your position as a

state representative because of a personal sexual preference? Do people really have the right to deny you a chance to build a career in politics because of a sexual preference?"

Associate prof. of psychiatry Richard C. Pillard of Boston University, who is medical director of the Homophile Community Health Service, testified to the discrimination in employment experienced by many of the persons he had treated.

Dow, who is president of the Homophile Union of Boston, which he said represents 25,000 homosexuals in the Boston area, was asked by Rep. Nils Nordberg (R-Reading) if lifting the restrictions would in any way encourage more people who weren't homosexuals to "try it."

Dow replied: "Homosexuality is not catching. Even if I had a homosexual experience with you it would not mean that you were homosexual.

"If I walk over and touch you, you won't get it."

prepared 6/4/73 for inclusion w/ letter in Frog King

The mental health industry has traditionally been a source of oppression for many people. In the nineteenth century it was fashionable entertainment among London's wealthy to gawk at the caged inmates of Bedlam on Sunday afternoons. Contemporary methods of "treatment" are more refined, though often no less cruel.

Psychiatric medicine is commonly used as a means of social control, rather than as an aid for genuine ~~personal fulfillment~~ self-realization. Homosexual patients are frequent victims of its deviance-is-disease shibboleth. Some become the unwitting guinea pigs for one or another of the neat behaviorist techniques that are proposed as the definitive Cure for our insidious perversion.

A local gay psychiatrist states that the members of his profession seem particularly uptight about homosexuality. Gay lib is by nature subversive to their intricate house of cards. The rebellion of affirming oneself by Coming Out belies the stereotype of the unhappy, intimidated homosexual.

Dissidence within the ranks is discouraged, particularly among subordinates. Two years ago an aide at the Mattapan Unit of Boston City Hospital was fired because he objected to the aversion therapy being practiced upon one patient. And the Lindeman Center on Beacon Hill, which counsels many homosexuals, refuses to include a gay member in its board of directors.

My own experiences, then, are but one manifestation of this pattern of intolerance toward anyone who challenges the neat psychiatric categorization of human behavior:

At first when I wrote this I was startled that I had expressed my anger so fully. Of course, the letter was about the extent of my satisfaction. My legal options were limited: I could hire a lawyer at my own ~~expense~~, with little promise of a favorable judgement. Federal and state ~~antidiscrimination~~ ^{civil rights} agencies were concerned solely with the enforcement of existing statutes. As a homosexual I had no protection under the law.

A sympathetic feminist attorney from the Mayor's Office of Human Rights interviewed Miss Finn. Yes, she had received my letter, but it had sailed right over her head. She could not understand why I should protest. (Wasn't it obvious that homosexuals weren't to be trusted with children?) Further inquiry to Dr. Jack Ewalt, Mass Mental's Superintendent, finally yielded the explanation that my previous hospital employment record was unsatisfactory.

After three months I had pursued the matter to a dead end. I had no recourse now, save to write a statement of my experiences for a legislative committee that was considering the extension of the state's antidiscrimination laws. (Reluctantly, I had to submit it anonymously, as I was then looking for a job.) This bill was ultimately killed.

We can assume that there will eventually be passed some form of civil rights legislation for gays. As with blacks and other minorities, though, any such law can be evaded without much difficulty. The next time around Miss Finn will not be so foolish as to tell the truth. But in the end this repressed little old lady was herself a most pathetic victim of America's sexual tragedy.

Gay is Angry, Gay is Proud.



BOSTON UNIVERSITY MEDICAL CENTER



BOSTON UNIVERSITY SCHOOL OF MEDICINE

700 Harrison Avenue, Boston, Massachusetts 02118

DIVISION OF PSYCHIATRY

PSYCHOPHARMACOLOGY LABORATORY

Seymour Fisher, Ph.D.

Research Professor & Director

February 21, 1974

Mr. John Kyper
114 Bowdoin Street
Dorchester, Mass. 02024

Dear Mr Kyper:

In October 1972 I wrote a letter in support of your application for an attendant position at the Massachusetts Mental Health Center. When you were denied the job, I called the Director of Nursing, Miss Mary Finn. She said that it was not MMHC policy to hire homosexuals because, "we can't have them around our young patients." There seemed to be no question that this was among the reasons that you did not get the job.

Sincerely,

Richard C. Pillard, M.D.
Associate Professor
of Psychiatry

RCP:dwh

Job Discrimination Because of Homosexuality

a case presented February 27, 1974 before the Commerce and Labor Committee of the Massachusetts Legislature.

My name is John Kyper. I live at 114 Bowdoin St. in Dorchester. In July, 1972, I was interviewed for a position as a psychiatric aide at the Massachusetts Mental Health Center in Boston by Nursing Supervisor Mary Finn. I had previously engaged in hospital work, for six months as an aide at another New England state hospital, and more recently, as a conscientious objector at a local hospital.

At the interview I was told there were no current openings, but I was advised to check back from time to time. On November 6, 1972, I called, and Miss Finn informed me that I could not be hired on account of my homosexuality. This reason was subsequently confirmed by Miss Finn to two individuals who called her on my behalf: Dr. Richard Pillard, a psychiatrist at University Hospital, and Ellen Flatley, an attorney from the Mayor's Office of Human Rights.

In addition, Miss Finn told me that I was "not suitable to work with young people". I was especially insulted by that remark. Her implication, that I am a potential child molester, is as absurd and as obscene as the superstition that black men are naturally rapists. I know several tenured teachers who would find her comments especially ironic. Although they are rated "excellent" by the Boston School Department, they would face immediate dismissal were their homosexuality known.

When I asked, Miss Finn refused to divulge how she had learned of my homosexuality. Perhaps she or one of her staff had become suspicious because I had listed Dr. Pillard as a personal reference, since Pillard is also associated with the local Homophile Community Health Service.

Miss Finn could not give me or my two witnesses a substantial reason for her refusal to hire me. At Ms. Flatley's suggestion, I wrote to Dr. Jack Ewalt, the hospital's superintendent, to inquire whether Mass. Mental had a policy against hiring homosexuals. In reply, Dr. Ewalt stated, "The hospital has no policy against hiring homosexuals, or any other general classification of persons, be the classification based on sexual preference, race, religion, or other large general group."

Dr. Ewalt's point is well taken. What he did not say, however, is that Mass. Mental also has no policy against discriminating against homosexuals. There is nothing to prevent Miss Finn from refusing to hire anyone on the basis of her personal prejudices. Until the law is changed, gay people will have little protection against such practices.

Dozens speak at State House hearing ^{2/28/74} Gay discrimination cited ^{Evening Globe p 42}

By Rachelle Patterson
Globe Staff

A Catholic priest yesterday testified that discrimination drives many gay people to the streets, to the welfare rolls, and to "ghetto environments where we then hypocritically criticize them."

Rev. Paul Shanley of Boston, assigned by Humberto Cardinal Medeiros to minister to the gay and bisexual community, told a hearing before the Legislature's Committee on Commerce and Labor that homosexuality is not a sickness. "What is sick is to discriminate against the homosexual."

Shanley was among three dozen persons representing a wide-range of organizations who testified on behalf of proposed legislation to prohibit discrimination on the basis of sexual preference in employment, public accommodations, labor unions, insurance, mortgages, housing, leasing commercial space, and credit.

The measures are part of a growing move by the homosexual community to achieve the same rights as anyone else.

Cities that have laws prohibiting discrimination against homosexuals are Ann Arbor and E. Lansing, Michigan; San Francisco and Berkeley, California; and Seattle, Wash. States considering such laws are Oregon, Minnesota and New York.

Personal testimony of discriminatory practices highlighted the hearing.

John Kyper of Dorches-

ter, a psychiatric aide, said he was interviewed for a job at a mental health center in Boston, told there were no openings but to check back.

"I called, and I was informed that I could not be hired on account of my homosexuality," he said. "I was told I was not suitable to work with young people."

Robert J. Muller, employed as a general manager of a taxi company and the heterosexual father of three, said he was directed by the president to discharge anyone believed to have a homosexual preference.

"I dismissed these individuals as ordered even though they were performing their duties competently, adequately, and profitably in my opinion," he said.

The president of the Homophile Union of Boston, Robert Dow, said that after appearing last year before the committee on similar bills, during which he detailed how he was denied a driver's license by the Registry of Motor Vehicles, he was fired from his job as an electrician with a baking firm in Lynn where he worked for over a year.

Since then, he said, he collected \$3237 in unemployment compensation benefits. "Over \$3000 was paid out to me during a period of 39 weeks, all because my employer disapproved of my personal life, and my political activities related thereto."

Richard Bavley, a supervisor of social services

for the state Dept. of Welfare, urged passage of the legislation. He said he often works with many adolescents who have difficulty with their sexual functioning and in many cases are homosexual.

Bavley said it is often impossible to work out a treatment plan because these youngsters are deliberately excluded from any employment and must rely and be supported by the welfare system.

Last year, the measures were overwhelmingly rejected by the Legislature.

An avid proponent, Rep. Barney Frank (D-Boston), whose district includes a large segment of the gay population, said he was optimistic of picking up more votes but it will likely take another year or two to enact such legislation.

By any rational standard, by any standards of morality, it is absurd that human beings in America in 1974 should have to appear before a committee to ask for the same elemental rights of respectability as anyone else," Frank said.

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Rep. Frank says he doesn't expect any legislation

By Rachelle Patterson
Globe Staff

New Massachusetts laws prohibiting discrimination against homosexuals in employment, housing, credit and other areas probably will not be enacted this year, one legislator believes.

Rep. Barney Frank, a Beacon Hill Democrat whose district includes a large segment of the gay population, said it will probably take another year or two to convince lawmakers that inequality and prejudice against homosexuality must be eliminated.

Bills before the Legislature this year would prohibit discrimination,

on the basis of sexual preference, in employment, public accommodation, labor unions, insurance, mortgages, housing, leasing commercial space and credit.

Last year similar measures were overwhelmingly rejected by the Legislature, and parliamentary tactics were employed to minimize debate on the subject.

Sen. Allan McKinnon (D-Weymouth), chairman of the Committee on Commerce and Labor, which gave unfavorable reports to the measures last year, said lawmakers are afraid of "what their constituents might think."

He said there is a certain amount of sympathy for the legislation on

the committee, but he declined to forecast whether any of the members who rejected the bills last year changed their minds. "This is an election year," he noted.

Equal rights for homosexuals living in Massachusetts were urged by two social workers of the Department of Public Welfare yesterday in letters to McKinnon.

They said the discriminatory practices now in existence add to the welfare rolls.

Richard Bavley, supervisor of social services, said he works with many adolescents who have difficulty with their sexual functioning and in many cases are homosexual.

It is often impossible, he said, "to

work out a treatment plan because these youngsters are deliberately excluded from any employment and must rely on and be supported by the welfare system."

Geraldine Azzata, another social worker, said: "It seems to me that a person's sexual life style, whether heterosexual or homosexual, has little bearing either on job performance or on reliability as a tenant."

At Wednesday's hearing on the proposed legislation a number of homosexuals and others gave personal testimony on discriminatory practices.

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The Boston Globe Friday, March 1, 1974

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in Boston and told there were no openings but to check back.

"I called, and I was informed that I could not be hired on account of my homosexuality," he said. "I was told I was not suitable to work with young people."

In other testimony, the general manager of a Boston taxi company, Robert J. Muller, said he was directed by the president to discharge anyone believed to be a homosexual.

"I dismissed these individuals as ordered, even though they were performing their duties competently, adequately and profitably in my opinion," he said.

The president of the Homophile Union of Boston, Robert Dow, said

that, after appearing last year before the committee on similar bills, during which he detailed how he was denied a driver's license by the Registry of Motor Vehicles, he was fired from his job as an electrician with a Lynn bakery where he had worked for a year. He has since collected \$3257 in unemployment compensation.

Should Massachusetts pass the antidiscrimination legislation, it will be the first state to do so. Similar proposals are before the legislatures of Oregon, Minnesota and New York. Cities that have laws prohibiting discrimination are Ann Arbor and East Lansing, Mich., San Francisco and Berkeley, Calif., and Seattle.