

United States Senate

WASHINGTON, D.C. 20510

September 18, 1979

Dear Colleague:

On Monday, ^{Spt.} July 24, 1979, I will introduce legislation which will amend the Civil Rights Act of 1964 to prohibit employment discrimination on the basis of sexual orientation.

This legislation would seek to redress the arbitrary and unjust discrimination against gay people in employment. The proposed legislation would prohibit such discrimination and would provide appropriate legal recourse. The legislation would not allow any special privileges nor would it make any moral judgments about homosexuality. It is a well-established principle that considerations in employment should not be effected by discrimination based on irrelevant criteria such as race, creed, color, sex, and so forth. Inclusion of the term "sexual orientation" is consistent with the sound civil rights principle.

Although the nature of the issue makes precise figures difficult, it is generally agreed that homosexuals constitute approximately 10% of the U.S. population. One study indicated that 16% of all gay people have employment difficulties and 9% lose their jobs simply because of their sexual orientation. Because gay people can and often do hide their sexual orientation, employment problems usually occur once employed rather than at the point of hiring. As studies indicate, if a person is discovered to be gay, he or she may very well lose their jobs simply because they are gay. Not only can this have a devastating impact on those effected, but it may well deny society the talents of very capable individuals.

The issue of civil rights for gay people is relatively new, but it has already gained substantial support. Organizations such as the American Psychiatric Association, the National Council of Churches, and the National Federation of Priests' Councils, among others, have taken positions in support of the inclusion of the term "sexual orientation" in existing civil rights laws.

The policy of non-discrimination against gay people in employment is already a well-tested one. Over forty cities across the country now have local ordinances similar to the legislation you are being asked to consider. And despite the dire predictions of those that oppose the legislation, those

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ordinances have worked well. Non-discrimination in employment has also found wide acceptance within the business community. Among the many firms which have issued non-discrimination statements are AT&T, DuPont, Ford Motors, and IBM. This statement by Penn Mutual Life Insurance Company speaks, we believe, to the sound reasons for business support for non-discrimination:

"It is Penn Mutual's policy to provide equal employment and advancement opportunity for all employees, regardless of their race, color, religion, sex, national origin, age or sexual preference. Equality of opportunity is a sound business objective that, by allowing us to make effective use of our human resources, help us secure profitable growth."

Support for fair employment for homosexuals has also found wide support among your constituents. Virtually all of the national polls (Gallop, Harris NBC/Associated Press, etc.) indicate majority support for such basic civil rights. A recent national poll conducted by Louis Harris and Associates, Inc. on privacy strongly reinforces the view that private matters should not enter into employment considerations. Harris, speaking of this study, The Dimensions of Privacy, said, "The results are a literal warning shot across the national bow. The message is clear: The rights to privacy in this country, the land of the free, is in jeopardy." A summary of the findings on employee privacy shows that more than 70% of the public feels it is improper for an employer to ask a job applicant about the kinds of friends he has, the neighborhood he lives in, information about a spouse or about membership in political or community organizations.

There is currently legislation in the House (with almost 50 co-sponsors) which would include "affectional or sexual orientation" in employment, housing, public facilities and federally assisted opportunities. It is our feeling that pursuing a more limited version might be best. With the substantial support from major organizations, the business community and the public in general, and the compelling need for such legislation, it is our hope that you will choose to join us in sponsoring this legislation. If you wish to co-sponsor or want further information, please call Helene Colvin in Senator Paul Tsongas' Office at 224-2742.

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