

Triangle and Spectrum Attack Housing Discrimination

by Rudy Serra

The Legal Committee of the Triangle Foundation recently hosted Attorney Tom Coleman of the Spectrum Institute. Spectrum is a public interest organization, located in California, which engages in litigation and lobbying in favor of privacy rights, and to eliminate discrimination based upon marital status and sexual orientation. Coleman grew up in Ferndale, and instigated the Triangle Foundation's involvement in last year's successful effort to have the definition of "gross indecency" overturned by the Supreme Court.

Now, Coleman is heavily involved with the Triangle Foundation in another Jackson, Michigan, case in which landlords refused to rent apartments to an unmarried couple, arguing that it was "against his religion to do so. The Jackson Circuit Court ruled that where the law forbids discrimination based upon "marital status" it means only that you can not discriminate against married people, and since the applicants were not married, they were not protected.

"The Michigan cases are part of an organized, concerted national effort by the religious right to get exemptions in civil rights laws" according to Coleman. "First they fight against the enactment of civil rights law. If the laws are enacted anyway, they engage in repeal efforts, like in Dade County. If they can't

defeat the law at the start or get it repealed after it is enacted, then they start trying to get exemptions."

Coleman points out that if landlords win a religious exemption, others will say that it is against their religion to employ black people or Jews. The Jackson landlords own several large apartment buildings and advertise their availability through a general-circulation newspaper. "When you engage in the stream of commerce you should expect to abide by the rules set up for everyone else."

The Spectrum/Triangle brief asks the Court of Appeals to rule that the term "marital status" means what it says ... that you can't be denied housing because you are married or because you are single or because you are divorced or widowed. "We also point out to the Court" explains Coleman "that if you allow the landlord to refuse to rent a place because he thinks you're living in sin, you have violated the religious freedom of the prospective tenant. The law does not allow businesses to place religious tests in the path of a member of the public who wish to become patrons of the business. If you allow it - you're allowing religious discrimination."

In August, the Court of Appeals granted the Motion of the Triangle Foundation and the Spectrum Institute to file a brief. A decision in the case may be over a year away.

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