

CALIFORNIA STATE PERSONNEL BOARD

801 CAPITOL MALL • SACRAMENTO 95814



September 19, 1979

Mr. Thomas F. Coleman, Co-Chairman
National Committee for Sexual Civil
Liberties
1800 North Highland Avenue, Suite 106
Los Angeles, CA 90028

Dear Mr. Coleman:

Enclosed please find (a) your tape from the first meeting with the Board members, (b) a transcript of the tape, and (c) a copy of the IPA proposal we submitted requesting funds to aid us in implementing equal employment for sexual minorities. We have also sent a carbon copy of this letter and the same three enclosures to the Advocates for Gay State Employees.

Please give me a call when we can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Jacquelyn Todd".

JACQUALYN TODD, Chief
Management Services Division
(916) 445-7452

Enc.

CALIFORNIA STATE PERSONNEL BOARD

September 10, 1953



Mr. Edward G. Brown, Jr., Chairman
National Committee for Mental Health
1300 North H Street, Suite 100
Los Angeles, CA 90005

Dear Mr. Chairman:

Enclosed please find (a) your tape from the first meeting with the Board members, (b) a transcript of the tape, and (c) a copy of the IPA proposal we submitted requesting funds to aid us in developing equal employment for mental patients. We have also sent a carbon copy of this letter and the same three enclosures to the Advocate for Gay State Employees.

Please give us a call when we can be of further assistance.

Sincerely,

[Signature]

JACQUES MONTEAU
Management Services Division
(213) 744-7432

Enc.

1 Irene Tovar: To meet with Thomas F. Holman, Cochairperson of the
2 National Commission for Sexual Civil Liberties and for purposes of
3 identification, why don't we introduce ourselves, and why don't we
4 start--(unintelligible)

5 I'm Tony Sylvestry, I'm with the Pennsylvania Council for Sexual
6 Minorities.

7 I'm Paul Hardman with the Priden Foundation.

8 My name is Rand Schrader, I'm the head of the City Attorney's
9 Health Section and the President of the Board of Directors of the Los
10 Angeles Gay Community Services Center, which is really why I'm here
11 today. As a footnote, because we're talking about personnel matters,
12 I'm the head of the City Attorney's attorney recruitment program;
13 personnel for gay persons.

14 Irene Tovar: In the City of Los Angeles?

15 Rand Schrader: For the City Attorney's Office, yes.

16 I'm Jay Cohorn. I'm a private attorney associate of Tom Coleman's
17 and I'm the associate editor of the Sexual Law Reporter.

18 I'm Al Smithson, a private attorney from San Diego. I'm on the
19 Board of Directors of the Gay Center in San Diego and Chairman of the
20 Board of Metropolitan Community Church of San Diego, also of the State
21 Central Committee.

22 I'm Tom Coleman; I guess one of the instigators of the meeting and
23 I'm Cochair of the National Committee for Sexual Civil Liberties and the
24 publisher of the Sexual Law Reporter, and also an associate of Jay
25 Cohorn.

26 I'm Burt Oliver, the Assistant Executive Officer of the Personnel
27 Board.

28 Ron Kurtz, Executive Officer of the Personnel Board.

1 I'm Bill Gianelli, a member of the Board. person of the
 2 Frank Woods, a member of the Board. poses of
 3 I'm Tony Kline of the Governor's Legal Affairs Secretary.
 4 Marilyn Halasy. Member of the Board.
 5 And Irene Tovar from--from the State Personnel Board.
 6 Irene Tovar: They have asked of the Pres--I'm sorry--Oh yes, by
 7 all means; I'm sorry, yeah--(unintelligible cross conversation).
 8 I think you'll all be concerned that I'm a member of the National
 9 Committee of (unintelligible).
 10 I'm Dave Leighton, of the staff of the Personnel Board.
 11 I'm Jackie Todd, staff of the Personnel Board.
 12 Ed Barragan of the staff of the Personnel Board.
 13 Charlie Walter, staff of the Personnel Board.
 14 Duane Morford, Personnel Board staff.
 15 Irene Tovar: Have we been introduced by everyone? Okay, every-
 16 body's taken care of. One of the things that has been asked is would we
 17 allow the presentation to be taped, and--I--I have no problems with it.
 18 I thought that for the purpose of people feeling free to ask questions
 19 back and forth that after the presentation we should stop the taping so
 20 that people can feel comfortable asking questions in this learning
 21 situation, okay? So why don't you indicate what you're--
 22 Okay, I would like to begin--we might and--first of all thank the
 23 Governor's Office for the--the Governor for the Executive Order and Tony
 24 Kline, of the Governor's Office, for helping to set up the meeting--and
 25 also to you, Ms. Tovar for taking an interest and making sure that our
 26 meetings with the--the Board and your staff. First of all I would like
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27 Frank Woods, a member of the Board.

28 I'm Bill Cianneli, a member of the Board.

1 understanding of employment discrimination law in California as it
2 stands today to assist the Board and staff in understanding the back-
3 ground, but I would like to give a brief summary of how we, as gay
4 people, got here to be meeting with you as the State Personnel Board.
5 And I think it goes back to--a--a shift in primary goals of the gay
6 community and the gay movement. Back before the Consenting Adults Act
7 was--actually became law in January of 1976, I think probably the
8 primary goal of the gay community at that time was to remove the stigma
9 of criminality from the status of homosexuality. That happened when the
10 Legislature enacted the Consenting Adults Bill and when the Governor
11 signed it and it became law on January 1st. Then, all of a sudden, it
12 was open to question; well what is our primary goal now as far as a
13 particular project and as far as giving priority to a project? And it
14 seemed to be pretty much of a consensus that employment was the next
15 area, and so in early 1976 Governor Schaup of--the former Governor of
16 Pennsylvania, sent a letter to Governor Brown informing the Governor of
17 what had been done in that state with respect to trying to end discrimi-
18 nation against gays by various state agencies and to--in offering
19 assistance to the Executive Branch of this State in sharing information
20 on such problems and on working to solve mutual problems in this area.
21 So that's when real--the--the formal overture was made to Governor
22 Brown. Then the first major project in this area was a project with the
23 State Fair Employment Practices Commission. They had taken a position
24 in the early 70s that they did not have jurisdiction over sexual orien-
25 tation complaints. As a result, if a gay person came to them with a
26 complaint, they would not even accept it for investigation and there had
27 been no court ruling up to that point in time saying whether they did or
28 did not have jurisdiction, so it was an open question. So rather than

1

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The first thing I noticed when I stepped out of the plane was the cool, crisp air. It felt like a fresh start. I had heard that the weather here was just what I needed. The sun was shining brightly, and the birds were chirping happily. It was a beautiful sight. I had never seen anything like this before.

As I walked through the airport, I noticed how busy everyone was. People were rushing to their destinations, carrying bags and suitcases. It was a bit overwhelming at first, but I soon got the hang of it. I had done this kind of thing before.

The taxi driver took me to my hotel. The room was clean and comfortable. I had everything I needed. The bed was soft, and the pillows were just what I needed. I was tired, but I managed to get some sleep. It was a good start.

The next morning, I went for a walk in the park. The children were playing happily, and the flowers were in full bloom. It was a peaceful scene. I had never seen anything like this before.

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1 just running into court, we felt well let's give the Board the--the Fair
2 Employment Practices Commission an opportunity to really think about
3 this and to hold formal hearings on the subject. They hadn't done that
4 before, it was just a motion that someone made, it was passed and that
5 was the end of it, and there had been no real input from the gay com-
6 munity in California. They agreed to hold public hearings and Paul
7 Hardman and I and a number of others worked with them and they had two
8 formal hearings; one in San Francisco and one in Los Angeles, as a
9 result of which, afterwards they still didn't change their position but
10 the dialogue had begun with that particular agency. A law suit was
11 instituted against that agency and against the Pacific Telephone Company
12 challenging FEPC's claim that they didn't have jurisdiction, and since
13 the administrative remedies had really been exhausted, a court could not
14 decide whether they did or did not have jurisdiction, and also chal-
15 lenging the discriminatory employment practices of the Telephone Company.
16 Okay, so that suit was winding its way through the courts for a number
17 of years. The next major thing that happened was since we weren't
18 getting relief at the State level, although we were beginning dialogue,
19 we really--we weren't getting legislation passed--attempts were then
20 made to get municipalities to adopt protective ordinances really more as
21 temporary measures until we could finally get a statewide uniform policy
22 on the subject. So in 1978 there were ordinances passed in Berkeley and
23 in San Francisco that would give a private cause of action for employ-
24 ment discrimination against a private employer. Then in 1979 it seemed
25 like everything hit at one time; all the work that had been going on
26 before, finally started paying off to a certain extent. Assembly Bill 1
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27 had been introduced to add sexual orientation to the Fair Employment
28 Practices Act, that has not passed yet but that was introduced. Then

1 the Governor in his Inaugural Address and his State of the State message
2 came out publicly stating, really for the first time, that the Executive
3 Branch, under his leadership, was going to be committed to ending dis-
4 crimination on the basis of sexual orientation and favoring the passage
5 of Assembly Bill 1. Assembly Bill 1 didn't seem to be moving anywhere
6 at the time and so the Governor took leadership and issued his Executive
7 Order, which is the primary reason that we're here today. Then we had
8 the Los Angeles City Council adopt an ordinance and then the Supreme
9 Court ruling came down the next day on the Pacific Telephone case, so
10 basically where we are now is we have a patchwork of remedies; we have
11 the Governor's Executive Order, we have the Supreme Court ruling stating
12 that discrimination is forbidden by any State entity or any State agency
13 whatsoever; we have the municipal ordinances, and then we have AB 1
14 still in the Legislature as a possible remedy. So when all of this kind
15 of hit, the National Committee requested the Governor's Office, through
16 Mr. Kline, to set up this meeting with the State Personnel Board to
17 begin a learning process so that we can all learn what this all means,
18 and we're going to be the implementers so we felt the--the project
19 should begin right away. So again, we'd like to thank the Governor,
20 Mr. Kline and the Board for taking an interest in this project. Now the
21 presentations that we're going to--to give to you today deal with the
22 following types of issues. First, we'd like to get into a discussion
23 about the Gay Community Centers that exist around the State; in San
24 Diego, and Los Angeles and in San Francisco, and to give you an idea of
25 the types of services that they are performing and what they do and why
26 they're interested in this project. Then we'd also like to give a brief
27 presentation on how sexual orientation discrimination can occur at--in
28 State Government. Then a presentation on the scope of the Executive

1 Order and the Supreme Court ruling; what do they mean; how far do they
2 go; what's included; what isn't included. We'll probably be raising
3 more questions than answers during that particular session, but I think
4 the questions have to be asked. Then, finally we're going to look to
5 Anthony Sylvestry from the Council on Sexual Minorities in Pennsylvania
6 to give us a summary of the Pennsylvania experience; what happened there
7 and what progress has been made, what problems have they had and how are
8 things working there, maybe as kind of a role model for us. I would
9 like to give you some information as to why I invited the people that I
10 did to this particular meeting. I feel that the people that I've
11 invited first of all, represent organizations that are broad-based
12 service organizations to the gay community. They give some geographic
13 representation to the State; they serve hundreds of thousands of people;
14 their--the groups themselves are nonpartisan groups; some of the indi-
15 viduals have their own connections and political affiliations, of course,
16 but the organizations themselves are not; they're also not religious-
17 based organizations, so they've worked with partisan groups and they've
18 worked with religious groups but they, themselves, are--sa--have a
19 purpose of serving the gay community in a nonpartisan way. They also
20 have a proven track record. They've been in existence for a number of
21 years; they have projects that they've worked on for a number of years,
22 and they follow through on what they do. The individuals in question
23 have, as you've heard from some of the introductions, have a lot of
24 expertise in working with the gay community and trying to solve problems
25 of discrimination, and also, a lot of the individuals have liaison with
26 other professional organizations and groups such as doctors and lawyers
27 and so on, and also other minority groups so that the individuals have
28 been of service to more than just the gay community and have outreached

1 to the community as a whole. So that is why I invited the particular
2 people that I did to this meeting. Now, I'd like to introduce the
3 first speaker, which is Mr. Al Smithson. As he told you, he's an
4 attorney in San Diego; he's on the California Democratic State Central
5 Committee; he's on the Board of the San Diego Gay Community Center; he's
6 the Chairperson of the Board of Metropolitan Community Church in San
7 Diego, and he's on the Board of Medical Quality Assurance Task Force on
8 Human Sexuality. So I believe that--also you were going to have--you
9 weren't going to be off, were you?

10 Unknown Voice: Whatever your pleasure.

11 Speaker: Maybe, instead we should have Rand Schrader do it because
12 I think the continuity of the presentation might be better that way--
13 my--I got my notes mixed up. Rand, I think, already introduced himself
14 adequately, from the City Attorney's Office and the Center, and also
15 the Municipal Elections Committee of the Los Angeles Board so maybe,
16 Rand, you can start off and then we'll have Al.

17 Rand Schrader: Let me begin by introducing Steve Shulte who came
18 in shortly after we started. Steve is the Executive Director of the
19 Center and will pick up when I stop if I've missed things, I hope. The
20 Los Angeles Gay Community Services Center is an organization that is
21 over eight years old. We began on Wilshire Boulevard in some old
22 Victorian buildings. We now own, big mortgage, a larger facility on
23 Highland Avenue in Hollywood. The Center is a social service agency as
24 well as being a community group--a community agency. We have a volunteer
25 Board of Directors, right now, of thirteen people; we have a staff of
26 eighty-five paid people, plus more volunteers; more volunteers than paid
27 staff. Right now we're operating in a budget of approximately \$1.2
28 million dollars a year. Primarily, that money comes from various

1 Federal, State, city and county funds, and as I'm sure as you can guess,
2 most of it is CETA right now. We have CETA funding for ten of our--I
3 think it's ten of our thirteen programs. We raise, or we project to
4 raise this year, \$150,000 from our community to support what the Center
5 does. I mention that figure only to let you know that we are developing
6 and encouraging more and more community support for gay men and lesbians
7 to--to help themselves in a variety of ways. Let me name the thirteen
8 projects so you'll get a sense of what we do. Let me drop one additional
9 figure. At this time, we have approximately 4,000 prime contacts a
10 month - 4,000 prime contacts a month. Our two county funded programs
11 are with a sexually transmitted disease control project. It is one of
12 the few projects that serves only men. We are a nonexclusionary agency;
13 we are there to serve men and women whether they're gay or nongay.
14 However, this program is to combat sexually transmitted disease in the
15 gay male community; we are open there four nights a week; we see, maybe
16 Steve can give us some more accurate figures, we see a lot of people;
17 we are, I believe, the only county program like--that receives money to
18 run itself. In other words, the county literally gives us money to do
19 the job entirely ourselves because of our proven track record and
20 responsibility, and our way of getting out to the community. We have an
21 Alcohol Abuse Project. The Alcohol Abuse Project serves men and women--
22 it fills and helps fill the need for alcohol abuse counseling which is
23 a--really a tragic--the incidence of alcohol abuse in our community is
24 tragically high. We have a--an employment office which is perhaps the
25 most relevant to you. Our employment program sees people not only for
26 long-term career counseling, but also for day labor. We have developed
27 a very positive relationship with the State Employment--a local employ-
28 ment office in Hollywood which is almost across the street from our

1 facility, and I must say that they have been responsive to the needs of
2 our community and we find that sometimes we work really as a referral to
3 them for one--for part of what we do. We have a Housing Program,
4 although we have no housing facility. As all of you may know being
5 residents of California, Hollywood is a Mecca, particularly for young
6 people, to flock to; for gay people to come there they don't know what
7 to do when they get there; they think it's going to be, what is it,
8 "bread of honey", "grapes" or whatever, and they find that it's not, and
9 we're right there; we try and help; we don't have enough money to do it.
10 We have a systems a system--systems assistance program. We help people
11 with survival needs; people who don't have identification and need to
12 find out how to get it so they can become--make themselves available for
13 other types of assistance. In that is also--a legal component where we
14 see people who have problems with the law which may well be employment
15 discrimination problems. I think we see about, right now, a very small
16 number of people who come to us directly with employment discrimination
17 problems. It's going to change. In Los Angeles it's changing because
18 of the new City Ordinance with the Governor's Executive Order. With the
19 Supreme Court decision, people are getting it in their heads they ought
20 to complain. We don't have enough people to help them, of course, but
21 we're beginning to get those employment discrimination complaints. We
22 have an educational outreach program. It's important, I think, that
23 you hear about that. Right now, we reach out to all kinds of groups to
24 tell them about what the experience is; what it is to be a gay person or
25 a lesbian in our society. We go to schools; we go to adult education
26 groups; we go anywhere we're asked. Very recently, that group plus our
27 women's project have begun an education program for the Department of
28 Public Social Services in Los Angeles County. Starting at the top,

1 meeting with the directors, the assistant directors and moving to other
2 staff level people, in order to assist them in learning about our community
3 and the problems that we face, we find that these programs are among the
4 most successful that we do. They--well, Tom and I've been doing this
5 for a long time, for ten years. Basically what I've done since I've
6 started law schools, I just let people see me. And being a gay man or a
7 lesbian, you just have to let yourself be seen because many people don't
8 understand what you're like; they don't know other people who are gay;
9 they don't know how to determine that someone is, and so we show our-
10 selves, and then we try and do a little bit of--of exploration, answer-
11 ing questions and description. We have a women's project which is the
12 only other project besides the sexually transmitted disease program
13 which deals with only one of the two sexes. The women's project really
14 provides a haven in the Center for lesbians primarily, who feel that
15 they do not--are not comfortable receiving services for men and need the
16 opportunity of talking about some of their own problems. We have a
17 county and city CETA program, information and referral agency and
18 counseling for the handicapped. Additionally, the lawyers for human
19 rights, a new organization of attorneys, has organized out of the Center
20 an independent organization, and the two physicians who are on our Board
21 of Directors are the founders of the Southern California Physicians for
22 Human Rights. In that, I'm trying to demonstrate that we try and serve
23 as a community agency where other groups didn't want to get started to
24 use our facility as a home base that could grow from there. That's some
25 of what we do. I could go on but I--I thought I'm circuiting my fund-
26 raising speech (laughter) (unintelligible)--that's not fair. May I just
27 take one minute and--and again turn to Steve to see if there is anything
28 that he wishes to add.

1 Steve Shulte: No, I think that's good. I think that is a fair
2 coverage of what we're doing. I think one thing we might verbalize a
3 little bit in the Gay Community Services Centers, this is true in Los
4 Angeles and I know it's also true in San Francisco and San Diego,
5 represent a number of constituencies that otherwise are not represented
6 or heard in the City and local levels and--I mean several--if you will,
7 a--cultural political constituencies among gay men and lesbians. As
8 Rand pointed out, we are, in a sense, nonsectarian and certainly non-
9 political, but we feel that we are a focal point for concern and growing
10 consciousness among those communities, and so that particular kind of
11 concern about the implementation of the subjective work. For example, I
12 also stress as--as Rand said, we do have a legal services component. I
13 think that's also true of the other Centers whom we really are turning
14 as--as already made clear that you would like to receive or--extend our
15 help in introducing the Centers' work. That's possible, so we can work
16 with these; particularly all of them, and I think that's very (unintel-
17 ligible)--under the circumstances.

18 Speaker: Thank you, that was great. Now, Al.

19 Al Smithson: Thank you. Thank you for the opportunity to be here.
20 I appreciate it. I'm just a plain old country lawyer from San Diego
21 (laughter)--

22 Irene Tovar: Wasn't that--isn't that what Sam Irvin said?

23 Al Smithson: --and prior to losing my North Carolina accent, and I
24 used to bake in North Carolina, I appreciate this opportunity. One of
25 the things that we have experienced in employment problems can be
26 characterized with the big fact that in San Diego we don't call our Gay
27 Center, "Gay Center", when we come to government agencies to seek some
28 help. We are the highly respectable Center for Social Services. In

1 that very nomenclature contains part of the pervasiveness of the problems
2 that we have in seeking employment. And that is, either the actual or
3 the suspected feeling that when the information comes across, that you
4 are from the gay minority that you're automatically going to be discrimi-
5 nated against, or if you're not, that there are going to be some biases
6 which are going to be exerted against you. I want to slip just a little
7 bit into my Police Academy speech that I give to the San Diego Police
8 Academy when I lecture to them in every one of their classes on gay
9 lifestyles. And that is, quite often I'm asked by those persons, "Why
10 do you insist on promoting your lifestyle to those of us who are not
11 interested in it?" We're not trying to promote it, we're just trying
12 to have the right not to have to hide it anymore. And we're tired of
13 having to pretend that we're living some lifestyle that we're not living.
14 We're not trying to flaunt it, but at the office, "The Office", and at
15 the office party, we're tired of having to pretend that we go home to
16 a heterosexual role model lifestyle. And many of the problems that we
17 encounter in employment situations have to do with not fitting into the
18 mold--not fitting into the office mold. If you're a fella and you're
19 single not having lots of girlfriends--if you're a woman not having a
20 lot of boyfriends--going to the office party and not having a wife--
21 being older than 35 or 40 and not married yet, and you're a little bit
22 funny if you aren't, these sorts of things finally transcend into either
23 subtle or overt forms of discrimination. Those things express themselves
24 in such a way as you don't get the same promotions that the person--that
25 your peer person who sits beside you gets even though you may be just as
26 qualified or unqualified, you don't get the opportunities sometimes to
27 beat the person who shines in a particular situation where another
28 person sitting alongside you would be chosen for fear that it may be

1 that very nomenclature contains part of the pervasiveness of the problems
2 that we have in seeking employment. And that is, either the actual or
3 the suspected feeling that when the information comes across, that you
4 are from the gay minority that you're automatically going to be discrimi-
5 nated against, or if you're not, that there are going to be some biases
6 which are going to be exerted against you. I want to slip just a little
7 bit into my Police Academy speech that I give to the San Diego Police
8 Academy when I lecture to them in every one of their classes on gay
9 lifestyles. And that is, quite often I'm asked by those persons, "Why
10 do you insist on promoting your lifestyle to those of us who are not
11 interested in it?" We're not trying to promote it, we're just trying
12 to have the right not to have to hide it anymore. And we're tired of
13 having to pretend that we're living some lifestyle that we're not living.
14 We're not trying to flaunt it, but at the office, "The Office", and at
15 the office party, we're tired of having to pretend that we go home to
16 a heterosexual role model lifestyle. And many of the problems that we
17 encounter in employment situations have to do with not fitting into the
18 mold--not fitting into the office mold. If you're a Jella and you're
19 single not having lots of girlfriends--if you're a woman not having a
20 lot of boyfriends--going to the office party and not having a wife--
21 being older than 35 or 40 and not married yet, and you're a little bit
22 funny if you aren't, these sorts of things finally transcend into either
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28 person sitting alongside you would be chosen for fear that it may be

1 a peer--it may appear that we'd pick the office faggot and make this
2 presentation for us, these things are pervasive and eventually they do
3 result in problems that we have with employment. And we want to bring
4 those things to your attention so you can be aware of them and look and
5 see in which areas that you can be of some assistance. For instance, we
6 need to be sure that our social service agencies that deal with the
7 sexual minority of homosexuality are on the list to get notices of job
8 openings; we want to know that our people who are referred from our
9 agencies can go down to your employment offices and can apply on an
10 equal footing and don't have to go down there and pretend to have been
11 referred from some other respectable agency other than from our sexual
12 minority agencies; we would like for you to begin to think of the problems
13 that we had in some of our people being educationally handicapped for
14 inability of having made it through school as a result of harassment,
15 peer group pressure, not being on the team, not being the local high
16 school athlete that make it through the system, or simply for one reason
17 or another for pressures of being different, or educationally handicapped.
18 In some of the other minorities there are assistance programs to help
19 people that are educationally handicapped and to assist them get to the
20 point that they can compete on an equal basis against the other person's
21 (unintelligible word) to compete. We'd like for you to help us--be able
22 to tell our people that when they do have grievances, those grievances
23 are going to be listened to just as honestly and with just as much
24 diligence as any other grievances brought before any bodies regardless
25 of what those other grievances will be. You see quite often our people
26 from the gay community are reluctant to assert their grievances to
27 articulate that they even have a grievance, because in articulating it
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1 he may give you fella's rights.

2 Paul Hardman: You almost forgot the introduction.

3 Speaker: Yes. I know all these things about Paul so I assume that
4 everyone else does. Paul is very well-known in the gay community in
5 California. He's been very active for a number of years in numerous
6 organizations. He was the founder of the California Committee for Equal
7 Rights which is an organization which has done lobbying and so on, on
8 behalf of gay rights. He's the founder of the San Francisco Gay Com-
9 munity Center and for the past six years, has been the Chief Executive
10 Officer of the Pride Foundation which operates the Center as well as
11 numerous other projects. He is a Member of the Board of the Gay Legal
12 Referral Service which is authorized by The State Bar of California.
13 He's a Member of the Board of Acceptance House which is an alcoholic
14 residential rehabilitation facility. He's a Member of the Board of the
15 San Francisco Mental Health Association and of the Citizens for Justice,
16 and many other civic organizations. He's one of the founders of the San
17 Francisco Gay Democratic Club and, more recently, he's the editor of
18 American Gay Life Magazine.

19 Paul Hardman: My primary topic which is going to be "Scope of This
20 New Waters as Mandates", but before getting into this since you have
21 both the San Diego and Los Angeles Community Center, I should mention
22 that in San Francisco, the Gay Community Center which is operated as one
23 of many kinds (unintelligible)--from the government. The--gets no CETA,
24 and there was an area of discrimination where the Pride Foundation
25 attempted even (scraping sound) adjudi--administrative adjudication
26 processes to seek remedies as to why gay people were not enjoying CETA
27 appointments within gay organizations. As you notice in Los Angeles,
28 many, many people were included in the Gay Community Center by the CETA.

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many, many people were included in the Gay Community Center by the CETA.

1 Although the reputation in San Francisco may be that it's liberal in
2 these areas, as a matter of fact, legally it is not. We found that
3 where discrimination butts up against the Federal Government, we can go
4 no further because there was no Federal law, and there was no State law,
5 and since you were depending upon the local city agency which was
6 discriminating, they didn't even conform to their own local ordinances
7 in San Francisco which we had--really had on help right. So we know
8 very seriously the problem. And I want to mention one other thing that
9 when comes to employment. No much attention is given to the very young
10 between the 14 and 17, particularly if they happen to be gay in the
11 minority. Most of the young fellows and young women are common to a
12 center, we found, lacked the very basic identification necessary even
13 to get a job despite the fact that they've been in and out of incar-
14 cerating facilities for years. When they turn them out of the youth
15 guidance facility, they don't even give them a birth certificate if
16 they haven't got one, and they don't even tell them how to get social
17 security, so they wind up on the street being a nuisance to the public
18 and no one ever said do you have a birth certificate, and how do you
19 get one. So when this problem (end of tape)--basically innocent, they
20 become victims of society, so when they come to an agency in the
21 government and they say "Have you ever been arrested?", it's not
22 whether you've ever been guilty of anything, but "Have you ever been
23 arrested?" These kids, when they grow up, don't even apply. So I
24 want to make that point in looking at fairness when you look at
25 minority groups. Well, now "Scope". The reason we put the "Scope"
26 under a separate category because all of us have to understand what
27 we're talking about. We can look at this thing theoretically, so
28 we're going to raise you as a number of questions, what are we talking

1 you consider, because you're going to have before you people who are
 2 going to have, no--been arrested, tried under these laws which are
 3 subsequently declared unconstitutional. And I bring this up because
 4 they're--may break any day now a case out of the Supreme Court dealing
 5 with the whole question of 647A; 647A is a sexual conduct law which is
 6 on the verge, we hope, of being overturned. If it's overturned, and we
 7 hope rightfully, then this is going to leave you with a large category
 8 of persons with arrest records for a crime that the Supreme Court
 9 hopefully will eventually declare nonconstitutional kind of a situation.
 10 You have to think of the remedy for that. Then you have to think of
 11 other kinds of duties that are regulatory Barney Haskins. If your
 12 discrimination is insidious, minorities who are minorities - you know,
 13 racial minorities know how it works, but gay minorities also have an
 14 experience which is not generally understood. There are such things as
 15 taunting, there is depriving, and there is exclusion. Now we can't say
 16 that you can go in and have employees' conduct - their individual
 17 conduct toward another employee - regulated, but you can also be con-
 18 scious of it and have some kind of process of enlightenment. You can't
 19 make one person love another, you can't even make them tolerate another,
 20 but you can make them at least behave as if they do. And that is the
 21 next best thing. You can't control what they think, but you can certainly
 22 encourage them to behave in a manner that is more acceptable socially.
 23 This is to permit a person who happens to be gay not to become the
 24 victim of the kind of insidious, subtle discrimination that causes
 25 people to leave their job, even though they have a right to stay there.
 26 Then there's the question of "How far does the government wish to go?"
 27 It's allright to create these new rules and regulations and promulgate
 28 peace and harmony among the tribe. But, if the people are not

1 about. We know that this is a unique thing in California. It's only
2 happened one other place in Pennsylvania. We know that what we have to
3 do as people in the gay community, try to be helpful. This is not an
4 advocacy kind of thing where one side takes a position. If we can do
5 something to make it sensible, then we want to at least raise the
6 questions which you should be able to answer. Because, apparently now,
7 with the two mandates; one from the Supreme Court and the other by
8 Executive Order, something is being said loudly and clearly, that there
9 has to be an end to discrimination based on--now, we have used to words,
10 "sexual orientation", "sexual preference". All of us have an idea what
11 words mean. One of the functions that we've got to get to is very
12 basically what we mean when we use, at the State level officially, the
13 term "sexual orientation", as differentiated from "sexual preference".
14 Now we may get many answers, but I think we have to decide the meaning
15 of those two terms because they do appear now in these mandates from the
16 court and from the Governor. The--also this gives rise to a concept of
17 law. Now those who are subject to discrimination because of sexual
18 orientation - we're talking particularly of gay men and women - does
19 this now mean that we can consider gay minorities a "minority" in that
20 very legalistic sense of the word where it becomes a suspect class with
21 more protections under the law. Those are words of art that are used at
22 law, and they have meaning. This Board's going to be dealing with
23 things on a very legalistic sense, so that these definitions from some-
24 one within your agency should be sat down so that those of us who have
25 to utilize your facilities in implementing these mandates will know that
26 when we say "minority" or "sexual orientation" or "sexual preference" or
27 whatever, that we know clearly the parameters of the words as they're
28 being used. Now, when we get these mandates we're talking about

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28 being used. Now, when we get these mandates we're talking about

1 government. And then, government is an interesting phenomenon. How
2 deeply does this mandate, or these mandates, penetrate into the govern-
3 mental system. Does it mean every branch within every function; what
4 agencies are included or, to put it more gently I hope, are there any
5 agencies or functions that are excluded; does it go so far as to go
6 into these voluntary ad hoc committees that are sometimes set up to
7 solve particular problems within the government. Then we have other
8 concepts that you deal with. We're talking about homosexuality. Only
9 talking about the homosexuality in employees that characterizes those
10 who are acting out their homosexuality. Being gay in a sense of out
11 of the closet or merely being gay in the closet, is another aspect of
12 homosexuality. Because the two different things create problems for
13 a Board like yours. In trying to solve the problem of protecting some--
14 somebody's rights to be a homosexual and employed, how do we protect
15 his desire to be private, or her desire to be private, because here
16 we're talking about the right to be a homosexual and not to be wearing
17 a pink ribbon or pink star and say now this is the resident homosexual
18 in the office. It isn't the same thing as affirmative action is what
19 I'm underscoring. There is a desire to be homosexual in many people
20 without having to wear it as a badge, and yet they also have to be
21 protected within the very system that guarantees them the right to
22 their private homosexual conduct as well as their living a gay lifestyle
23 openly. I have enumerated these so I try not to forget them, and I
24 rewrote the thing up once, but I think we have to look at the role of
25 law enforcement in the past; having enforced laws which were ultimately
26 declared unconstitutional or, in the other alternative, when a more
27 enlightened Legislature comes in, overturns them as being improper types
28 of legislation for governments to be getting into. Now these are things

1 you consider, because you're going to have before you people who are
2 going to have, no--been arrested, tried under these laws which are
3 subsequently declared unconstitutional. And I bring this up because
4 they're--may break any day now a case out of the Supreme Court dealing
5 with the whole question of 647A; 647A is a sexual conduct law which is
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1 appointed to highest levels of government, as well as the lowest levels
2 of government, then will this Board in evaluating these process say that
3 this is a form of discrimination being practiced by the government? For
4 example, we'll be very happy to see traditional appointments of people
5 on this Board. And I think particularly on this Board would be a happy
6 place to see gay representation, so that when you're talking about boards
7 and agencies and judgeships and this kind of thing, these are the kind of
8 things the government has to consider if it intends to meaningful and
9 not just say the words without acting on it. Then we're getting into
10 other areas that are controled by the government in terms of employment
11 policy. The government's right to license and regulate may also be used
12 as a technique of discrimination. If the standards for licensing and
13 permitting a person to function at their job is subject to State
14 regulation. How far does the intent of this Board in its good will
15 extend itself to at least educate other facilities within the government
16 not use their licensing power to discriminate against minorities, gay
17 people, any person who is technically, and by right, ought to be
18 protected. Then we get one step further out. The State engages many
19 contractors to accomplish the State's business. Now, if the State is
20 doing this, will the State, through a Board like this where standards
21 establish this policy, try to educate these contractors either directly
22 by requiring it, or by moral suasion insisting upon it, that they them-
23 selves, as contractors to the State performing State functions, do not
24 discriminate. This then proliferates one step further. When you're
25 dealing with con--unions which deal with the State, now the unions will
26 negotiate a contract. They have every right to have their standards set
27 forth and presented to the State. Now, does the State, using its role,
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27 forth and presented to the State. Now, does the State, using its role,
28 again moral suasion, say to the union contractors, "We do not con--we do

1 discriminate against anybody here at the State level; therefore, we would
2 like to include in this union contract the same concept". Now we don't
3 know whether you can sell that to a union, but will you as proponents of
4 this, encourage them to include such concepts in their contract. Now
5 these are questions; this is not us telling you these things have to be
6 done. We're trying to now show you the scope of the problems which could
7 ultimately arise which may, from one source or another, wind up on your
8 desk. And we don't know how to answer all these questions for you. We
9 would attempt to bring up some questions, but we think they have to be
10 looked at. We get into funding. What role does State funding have in
11 the State, and employment in other places so that we could ask legiti-
12 mately if the State money is being employed in a given project, should
13 the standards of employment that benefit from this funding also be
14 encouraged to be nondiscriminatory so that the State funding is not used
15 by somebody or some group that's receiving it to discriminate against
16 minorities, gay people, women, or whatever. Then, how are you prepared,
17 for example, to implement these mandates in very sensitive areas? Now
18 within the State there are agencies that are technically sensitive and
19 we, as gay people, understand it because there is a lot of resistance.
20 We know teachers are already theoretically protected, but there is
21 always the question of teachers, police officers, the Department of
22 Corrections, vocational guidance, rehabilitation, alcoholic rehabilita-
23 tion, the Attorney General's Office, many sensitive areas that are going
24 to have problems that give rise to problems that you have to consider.
25 We can't ignore them, so we think that they should be at least be
26 thought about. Already the question of the role of loved ones' benefits,
27 health plans; its hard to pin this down. There's no recourse for gay
28 people who happen to be--have long-standing relationships. The State

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 26 thought about. Already the question of the role of loved ones' benefits,
 27 health plans; it's hard to pin this down. There's no recourse for gay
 28 people who happen to be--have long-standing relationships. The state

1 does not permit marriage. It's not necessarily the concept, which is a
2 heterosexual concept, that can be easily translated into homosexual
3 lifestyles. But it may, and probably will, create problems in the areas
4 of benefits because a person who has lived with a partner, male, female
5 to women, to men, of long standing may look to the State for the same
6 benefits it's making to others who enjoy these benefits merely because
7 there's a State licensing procedure by which they declare themselves
8 partners and get a license and they marry. Also we would like--I would
9 like--I raised the question to myself and I wrote it down, is an opinion
10 from this Board, itself, and its legal counsel as to how it regards the
11 Executive Order and these mandates coming down from the courts. Do
12 these mandates in this form have the power of law in the sense that the
13 Legislature creates law so that recourse is eventually to the courts to
14 enforce a mandate. How you want to approach this; these are technical
15 and legal questions which at one point or another are going to be
16 raised. If someone thinks they have a right under "law", are they
17 thinking of it correctly or incorrectly and what are the parameters of
18 these mandated orders and court decisions. I bring this up again because
19 I read in the newspapers very recently; I know none of the facts; I know
20 none of the merits of the case so it's not the merits of this case that
21 I'm going to discuss. I read of a situation that came before this group
22 having to do with the conduct of a police offi--of a Highway Police
23 Officer. He did nothing apparently improper himself, but he associated
24 with individuals who may or may not have engaged in criminal activity or
25 improper moral activity in a private residence with people charged to go
26 to this party where there was an inference there may have been prostitu-
27 tion consequently because of the technical involvement of someone paying
28 to go to a party and there were transvestites present with whom the

1 does not permit marriage. It's not necessarily the concept, which is a
 2 heterosexual concept, that can be easily translated into homosexual
 3 lifestyles. But it may, and probably will, create problems in the areas
 4 of benefits because a person who has lived with a partner, male, female
 5 to women, to men, of long standing may look to the State for the same
 6 benefits it's making to others who enjoy these benefits merely because
 7 there's a State licensing procedure by which they declare themselves
 8 partners and get a license and they marry. Also we would like--I would
 9 like--I raised the question to myself and I wrote it down, as an opinion
 10 from this Board, itself, and its legal counsel as to how it regards the
 11 Executive Order and these mandates coming down from the courts. Do
 12 these mandates in this form have the power of law in the sense that the
 13 Legislature creates law so that recourse is eventually to the courts to
 14 enforce a mandate. How you want to approach this; these are technical
 15 and legal questions which at one point or another are going to be
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1 police officer associated, and this kind of conduct caused this man,
2 according to the newspaper reports, to lose his position with the
3 California Highway Patrol. Now, regardless of the merits, there are
4 questions dealing here with the conduct of the employees of the State.
5 Police officers may have a higher standard of conduct to which they must
6 adhere; that is not the question. I'm showing that these problems of
7 association with persons like a transvestite, who may or may not be a
8 homosexual by the way, that phenomenon is not confined to homosexuals
9 and some studies indicate it's one--the fact the heterosexual sexual
10 adjustment problem rather than a homosexual one. But it really brings
11 up the point of employees associating in an environment with people
12 whose sexual proclivities are not the standard that California Highway
13 Police Officers are normally expected to have, according to their own
14 criteria. Then, does this mean that now that these mandates have come
15 down that the burden of proof, in this technical sense of word--the
16 word, is now being shifted so there has to be a very strong compelling
17 State interest before these proofs are considered so that they're strong
18 enough to act against someone who engages in the kind of conduct that
19 used to be reprehensible, the rational basis; I'm using that term as a
20 word of art - is this going to be now set aside for the burden of proof
21 being shifted on the State, this Board, to prove that the conduct in
22 question is so bad that it has to come to the attention of the State
23 because of compelling State reasons to know or get involved. Switching
24 the burden of proof from the accused in a sense, to the State agency
25 which may bring the accusations. It gets down to it about gay people
26 going to be a genuine minority in a protected suspect class category.
27 Now what we're really doing is posing questions which you may, undoubtedly,
28 have to consider in the future. There are probably many more problems.

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1 We try to think up problems as they rationally could come from the
2 normal kind of business that you deal with. This is not to create
3 problems by talking about them, but perhaps by identifying the problems
4 that may come, there may be some way that they could be anticipated and
5 solutions to be, at least the techniques, the use of words, the concept
6 suspect/nonsuspect burden of proof, the way these things are going to be
7 handled, would at least be understood by those of us who may be the
8 very ones who have to, on the behalf of others, help them bring a com-
9 plaint before you. Not that we have to be in an antagonistic relation-
10 ship to this Board, but that this Board actually serves the role of
11 protecting gay people as the ultimate source within the agency structure;
12 the administrative, adjudicative structure that will, supposedly now,
13 help gay people adjust to being employed by the State and getting a fair
14 shake. Or, in the alternative, and I would say are gay people to keep
15 their lower expectations and cut down their horizons so they don't get
16 to the point of disappointment? We'd like to cooperate; that's what
17 we're here for.

18 Speaker: Thank you Paul, and as Paul said that list is not the
19 definitive word; I'm sure there are many other things that we--
20 (unintelligible)--

21 Paul Hardman: Illustrative rather than definitive.

22 Speaker: Right, as we were asking that the Fair Employment
23 Practices Act be interpreted. Okay, the next presentation would be by
24 Anthony Sylvestry. He is the Chairperson of the Pennsylvania Council
25 for Sexual Minorities. He's a sociologist; he's an editor of the
26 Journal of Homosexuality; he's an administrator of the Aramen Center in
27 Philadelphia, which is an out-patient psychiatric clinic for sexual
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1 rights groups, including the ACLU and now--and he's a founder of the--of
2 Center County Minority Rights Democratic Club, and hopefully Tony will
3 tell us that it's all okay and we can really do something here and in
4 Pennsylvania they've worked out all their problems or something.

5 Tony Sylvestry: Well, I want to thank you for inviting me. I keep
6 hoping that the day will come when there will be a conference for bureau-
7 crats with expertise in this area. Right now, between the two States, I
8 guess we could meet in Iowa somewhere (laughter) to discuss those issues,
9 but right now there aren't too many people who really had to work in the
10 area and I think our experience in Pennsylvania has been a very exciting
11 area to work in; one that needs a little bit of courage and a lot of
12 patience I guess. Let me talk briefly now; our time's getting short. A
13 council was established by Executive Order by Governor Schaup - he's
14 issued three Orders; the last Order is included in a package of material
15 which I'll give you. Our court order, unlike yours, deals with issues
16 other than employment; we deal with housing accommodations, contracts,
17 provision of services and "any other matter whatsoever". We've got them
18 all; we are empowered to work towards ending discrimination; we accept
19 complaints from all citizens and try to have those complaints handled
20 (unintelligible) we deal with education with local state workers and the
21 public, and we work with state agencies to see that discrimination in
22 their agency comes to an end. We thought, when we were first given the
23 job, that it was relatively simple; that it was simply a matter of
24 adding another category to the already existing categories needing
25 protection. We found that--well first of all, nothing is simple in
26 State Government and we found, secondly, that the issues, such as the
27 issues that Paul has raised, were very complex. There were issues that
28 needed a lot of care who aren't going to blunder. We have been successful.

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1 We've only gotten one or two ruffles in the press, and I'll mention one
2 of them later just to give you some warning. Now we've been successful;
3 we've worked very slowly; we've worked with representatives from the
4 Governor's Office, with the various agencies we're working with, and
5 from representatives of sexual minority communities. Unlike California,
6 our work deals not only with homosexuals but with transvestites and
7 transsexuals, so we have a wider population, and we have members of all
8 those groups on our council. The issue of centralization, I think, is
9 important and of consideration. We found that there were few people who
10 really understood the issues. I think Paul has raised a lot of them. I
11 think it becomes clear that you can't expect people, unless they've been
12 trained to deal--to deal with the problems that have been raised. Our
13 biggest press; the press doesn't usually notice you until there's a
14 stake, and the biggest press came about with the Department of Welfare.
15 We had urged the Secretary of Welfare to issue a policy statement that
16 there would be no discrimination in the provisions of services of that
17 Department. The way the Department chose to do it was through their
18 affirmative action goals and those goals are general. Attached to those
19 goals are what they call the plans, and in those plans, I won't use the
20 word "quota" - that would get the people in Welfare very upset, and in
21 those plans they discuss recruitment of particular numbers of minorities.
22 We were very clear that we did not want that section of the affirmative
23 action bulletin to have anything about homosexuality; that it is illegal,
24 it is improper, and we weren't advocating that there be hiring of numbers
25 of gay people. Some bureaucrat along the line wasn't aware that they
26 included sexual orientation to the (quota part of the affirmative action
27 document) and the press had a field day for about three days. Other
28 than that, our council is unnoticed, as most bureaucracies are, our

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1 work is not paid attention to and we're happy with that, I must say.
2 The issues that we find around the gayish naturalist bureaucrats are
3 picky-neat. They don't--aren't the same with other minorities. There
4 are two particular problems that we've found. The first is the issue of
5 silence. In our society there has been a taboo on the issue of homo-
6 sexuality, and that taboo extends to every profession; health workers,
7 lawyers, professors, are not taught very much about sexuality. So what
8 happens is that our staff is--the staff in all of our agencies are
9 really pretty good normally when it comes to the issue. They don't even
10 know the difference, for instance, between a transvestite, homosexual,
11 transsexual, so when we go in and tell them they have certain responsi-
12 bilities in the area, they're not even sure of who these people are.
13 They have no way of discriminating when a person comes to them if that
14 person, in fact, is a homosexual or if that person is transvestite, and
15 if so, where do they fit in our particular policies and programs. So we
16 have to do a lot of education. The silence issue was crippling and it's
17 taken our first--you know, first area of attention. The second issue
18 unique to gays, it seems to me, is the issue of the invisibility. That
19 becomes in people who have alluded to that era; that becomes a particular
20 problem. In Pennsylvania we still have sodomy that goes on the books,
21 and in Pennsylvania we have no jurisdiction where there's protection in
22 employment except the Governor's Executive Order. If a worker comes to
23 us for help, if he has been discriminated against, we have to assure
24 that worker that the fact that they're following the process, the fact
25 that they're getting involved in the program, will not end in harassment
26 to them. I suggest that you will find that there will be very few
27 complaints unless the gay people out there are very sure that in seeking
28 redress they will not be subject to further discrimination. There are

work is not paid attention to and we're happy with that, I must say.

The houses that we find around the system, the houses are

state-ness. They don't seem to be the same with other states. There

are two particular areas that we've found. The first is the issue of

inflation. In our society there has been a lot of inflation of four-

century, and that inflation extends to every professional field, workers,

lawyers, professors, and we haven't very much about inflation. So that

inflation is that our own inflation is the same as the inflation in

other parts of the country when it comes to the issue. They don't even

know the difference, for instance, between a management, professional,

inflation, as when we go in and tell them they have certain responsi-

bilities in the area, things not even some of the people are.

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request they will not be subject to further discrimination. There are

1 many gay people who are married; their spouses might not know about
2 their homosexuality; there are gay people living with their parents and
3 their parents might not know about their homosexuality; if that worker
4 is going to use the Executive Order, they have to be assured that they're
5 going to be protected; that their use--that their seeking the protection
6 is not going to backfire on them. And so we have had to be very, very
7 stringent setting off mechanisms to assure confidentiality. Among some
8 of the things that we've had to do, and I'll just be very brief, I've a
9 copy of our Annual Report here and that might help you further, just to
10 tell you a few of the things that I think are important; we had to
11 educate ourselves. I've mentioned this group that administers against
12 the order. We had to become familiar with the problems of disabled gay
13 people, of Black people, of alcoholic gay people, or particular con-
14 stituents in the gay community. All of them have different problems and
15 all of whom need attention paid to their needs. So we had among the
16 (unintelligible) programs around these particular issues so that we,
17 ourselves, are educated and sensitive to the problems. We had found it
18 necessary to establish mechanisms for discussing and interpreting the
19 issues, as Paul has raised; and as I say, the council, just in its
20 membership, intends to do that. We are constantly addressing these
21 particular issues, and others. We've had to establish a mechanism for
22 notifying people or the staffs--staff of the various State agencies, all
23 of the employees, contractors with the State, possible applicants, gay
24 groups; we've had to have mechanisms for notifying them about the Order,
25 its interpretation, and the mechanisms available for them. In Pennsylvania
26 we have a number of agencies dealing with discrimination; Human Relations
27 Commission, affirmative action, the various unions, and we've had to let
28 them each know what the mechanisms were so that they could plug into it

1 when they got complaints. We've had to keep up avenues of communication
2 with them. Now this, again, is particular to the gayish, you don't
3 have this problem because usually if in, say the affirmative action end
4 of things, they have their protection for the various minorities. As I
5 said, there are various channels for people to go through. In Pennsylvania
6 we have the one council so we had to set up a new method and one that
7 didn't exist before to get those complaints to us. That, of course,
8 means educating the staffs of those agencies as well so that they have
9 the ability to carry through. The training issue mentioned--I want to
10 emphasize that and really end with that--the training issue we had found
11 to be of major importance. We found it for two reasons: one, because
12 if we expect citizens to come to us with complaints, they have a right
13 to know that they are going to be met with people who are, if not
14 personally supportive, at least empathetic and intelligent about the
15 issue; they're not going to be embarrassed; they're not going to be
16 humiliated; they're not going to be met with antagonistic officials; so
17 we found that training is necessary. Secondly, we found that the morale
18 of the State workers depends on their feeling of control. State workers
19 were not happy with the issue until they saw that they could handle it,
20 and they had to be taught how to do that. We found in our--we met, for
21 instance, with the state police, an (unintelligible) on the State. With
22 the Department of Corrections we have a course in the training to
23 discuss homosexuality. We find that as they become familiar with the
24 topic, they have more control in doing their work so they're satisfied
25 with the programs developed. We have done research--every one of the
26 agencies in the State does research--there has been a lot of research
27 done, as you know, on personnel problems. We had some of that research
28 directed to the particular issues that were better performed. We've had

1 the various agencies publicize documents and I'm afraid I didn't bring
2 enough for everyone, but I'll leave some here. This is a document that
3 came out of the Department of Education on "What is a Sexual Minority
4 Anyway?", a very brief document, it has in the back the geography, it
5 has the Governor's Executive Order, it has lists of organizations that
6 State workers could turn to for additional information, and so we get
7 this out to the State workers whenever we train so that they have
8 something to go back to as these problems arise. The issues--and I'll
9 just end with by saying this, the issues are very complex. We haven't
10 run into any, however, that's been--that we've been unable to find
11 solutions for. I think the meeting today is important because it does
12 point out the complexity, but I think it also points out that there are
13 resources say in the gay community and within State Government upon
14 which we can call. Our council, as I said before, is excited and
15 pleased that there is another jurisdiction where this work is being
16 done. We feel that it is certainly a model, it's not--there's no
17 question in my mind that other states in the next three or four years
18 will be adding provisions such as the provision added by Governor Brown,
19 and I think they'll be looking to us for the kind of work that we do
20 manage to do on the issue. When I offer my support I mean that sincerely.
21 If there are any ways that our council can be of assistance, I want you
22 to feel free to get in touch with us. We'll be very happy to work with
23 you.

24 Speaker: Thank you Tony. I just have a few words in conclusion
25 before we open it up for whatever time we may have left for questions
26 and answers or comments. First I'd like to emphasize that while the
27 primary focus of the meeting today is concerning the Governor's Execu-
28 tive Order, the responsibility of this Board transcends the Governor's

1 Order because of the Supreme Court mandate in the Pacific Telephone
2 case, so it seems now that this is a constitutional mandate to this
3 Board to make sure that the State employees are treated fairly and not
4 arbitrarily, especially in areas concerning homosexuality and sexual
5 orientation. Also that--I think it's clear from our presentations that
6 we feel that the responsibility goes beyond merely issuing an order or
7 merely adding the term "sexual orientation" to some prohibited list of
8 classifications. A lot of work is going to be done. It's a project
9 that would--that may take ultimately to achieve a significant level of
10 success, or it may take several years of hard work. We're willing to do
11 that and work with you. The issues are--many of the issues are unique
12 and are issues that arise only in this context, and not necessarily in
13 the context of some other minorities because of the special--some of the
14 special characteristics and features of sexual orientation discrimina-
15 tion. And as a result, unique approaches may be necessary so we shouldn't
16 be trapped into just following what's been done before. We have to be
17 imaginative as well. There is an extreme interest in the gay community
18 as a result of the Executive Order and both in California and nationally
19 the gay press has picked up on the Governor's Order and gay people
20 around the country are now looking to see how this is going to be
21 implemented. As a result of which, the credibility of the Governor and
22 the State Personnel Board will depend, especially in the eyes of the gay
23 community, on how--what efforts are actually taken to implement the
24 Order. We would like to help you with that, and we look forward to
25 working with you on this project for as long as it takes. Many of us
26 have made lifetime commitments to the gay community, to gay rights, to
27 civil rights generally, and this is a part of that lifetime commitment.
28 Now, specifically we would ask you for three things. We would like a

1 series of ongoing meetings with your Executive Officer. As is obvious,
2 we have only scratched the surface and we haven't even begun the dialogue,
3 we've just given presentations. I think that's essential; also, some
4 ongoing meetings with your division heads. We have to become familiar
5 with your agency and what it does and how it operates, and what we might
6 logically and realistically be able to expect and ask of you, and so
7 that we're not asking the impossible. We need to learn about you and
8 your agency. We want to do that and we feel that we should maybe begin
9 that process with--not only with your Executive Officer but also with
10 your division heads. And then finally, we would ask that we have
11 another meeting with this Board in 90 days or four months or five
12 months, or whatever may seem appropriate, so that we can come back again
13 to really continue the dialogue, let you know what we have learned in
14 the process, and find out from you what you've learned in the process
15 and see what we can do to--(end of tape).

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series of ongoing meetings with your Executive Director. In addition,
 we have only completed the review and we haven't even begun to discuss
 what your firm would like to do. I think your Executive Director
 ongoing meetings with your Executive Director. I think your Executive
 with your agency and that is done and we are not in contact. And that is right
 regularly and consistently. We want to report that we are not in
 that review was submitted and approved. The review is done and we are
 your agency. We want to do that and we are not in contact with your
 that review and we are not in contact with your Executive Director. We are still
 your Executive Director and that is done and we are not in contact with
 another meeting with your Executive Director. We are not in contact with
 review, or contact with your Executive Director, we are not in contact with
 to really review it. However, we are not in contact with your Executive
 the process, and that is done and we are not in contact with your Executive
 and we are not in contact with your Executive Director.

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