

Sacramento City Council

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COUNCIL COMMITTEE ON LAW & LEGISLATION

DOUGLAS N. POPE
CHAIRMAN
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LYNN ROBIE
WILLIAM A. SMALLMAN

LAW AND LEGISLATION COMMITTEE MEETING

May 16, 1985

2:00 P.M.

The meeting was held in the Supervisors' Conference Room of the Sacramento County Administration Building due to the anticipated large crowd.

The meeting was called to order at 2:10 P.M. by Chairman Doug Pope. Also present were Council members Lynn Robie, Dave Shore, and Bill Smallman.

Chairman Doug Pope discussed the format for this meeting: The opponents would speak first, then the proponents, then the speakers would have a few minutes to rebut something from the other side, if desired. He said he would begin with names from a list of people who had called in to request time; then, if time permitted, he would take speakers from the audience.

Councilwoman Lynn Robie at this time introduced Dr. Hom from the County Health Department, who was present to discuss the issue raised regarding the relationship with AIDS in food handling, how AIDS was actually transmitted, and how it would relate to this ordinance.

Dr. Hom stated that he had not read the proposed ordinance, so he would not be addressing that issue. He discussed the fact that AIDS is a virus most commonly transmitted by intercourse or by hypodermic needles in drug abusers and in blood transfusions. He said there was no evidence that AIDS was transmitted by casual contact such as touching, handshakes, doorknobs, etc. He also said there was no evidence that it can be transmitted by food or airborne. He discussed the issue of food handling with the Center for Disease Control and the State Health Department, who each stated to Dr. Hom that they would not exclude AIDS victims from handling food. The only problem would be if the AIDS victim had other infections like gastro-intestinal parasites or the like, which many AIDS victims do.

Councilwoman Robie asked Dr. Hom whether AIDS could be transmitted if an AIDS victim cut his/her hand while handling meats or vegetables. Dr. Hom said there was no evidence of risk, and that proper cooking or washing would remove any risk.

Opponents

Dan Benvenuti, private citizen and businessman. He said he was speaking for many business groups. He wanted to tell what it was like in the "real world of business" where gays are concerned. He explained some bad experiences he has had when hiring and renting to gays and lesbians, and stated that his was an economic point of view.

Rev. Burchett, National Association of Evangelicals. Rev. Burchett questioned government regulations. He feels sexual practices should be something to remain in private, and not become a reason for government interference. He agrees that equal protection of civil rights is due everyone, but that sexual preference should not be the reason for special treatment. He feels that businesses should be able to use their own judgment.

Rev. Thurmon, Community Baptist Church. Rev. Thurmon discussed his opposition to this ordinance, stating that if it passes, "you are blaspheming against your creator."

Rev. Rochelle. Rev. Rochelle spoke on behalf of a coalition of 164 pastors and churches, the Grocers' Association, and others. He stated that (1) it is not a necessary issue, and (2) AIDS. He said that Dr. Hom stated AIDS was not catching, but he quoted several articles which showed that it is easily transmitted. Rev. Rochelle said he does not want "In my opinion..." but, rather, "Is there a possibility?" He feels that we should not be forced to employ persons who may contribute to the spread of AIDS. He also stated that if the City Council revised this ordinance to make it "all inclusive", it still would not change the fact that the sexual preference issue is included, and he said he does not want to see sexual preference included, as we do not have the right to make people hire or rent to people on that basis.

Art Nunn, Director of Admissions to Sacramento Churches. He is opposed to this ordinance, as he feels that rights should be equal for all people, not just a minority.

Rev. James Washington, Capital City Seventh Day Adventist Church. Rev. Washington expressed his concern about this ordinance, and feels it is not in the best interest of the City of Sacramento.

James Evans, Pastor of the Hillsdale Boulevard Baptist Church. Pastor Evans questioned the fact that if AIDS is so hard to contract, why is it becoming such an epidemic? He resents the suggestion that homosexuals are a legal minority. He feels that homosexuals are using our government to promote their lifestyle.

John Crabtree, Chimneysweep. Mr. Crabtree said he was not trying to make a mockery of this hearing because of his unusual attire, but what he was wearing (gloves, hat, face mask, long-sleeved shirt, etc.)

was his regular uniform for his job. He explained the dangers of his job as chimneysweep, and quoted an article from the National Chimneysweep Guild magazine concerning the potential dangers of serving homes of homosexuals who might not even know they have AIDS.

John Cowan, Pastor, Calvary Chapel Church. He gave a personal appeal against the passage of this ordinance. He feels there is a vital line between tolerance and encouragement. He also questioned why this ordinance was necessary. He feels this ordinance was designed to bring the homosexual lifestyle into the mainstream of this society. He quoted some Bible verses which spoke against homosexuality. Pastor Cowan said that AIDS is increasing in direct proportion to the amount of acceptance of homosexuality.

Sherwood Carthen, Pastor, Church of the Living God. Pastor Carthen stated that the City of Sacramento is responsible for shaping the future. He suggested that the City let the community decide this issue [by public vote]. He concluded by saying that the people will hold the City Council totally responsible if this ordinance should pass.

Paul Shanley, Attorney for the Sacramento Valley Employees' Council. Mr. Shanley stated that he was against discrimination. However, he has major problems with the proposed ordinance: He feels it creates a greater burden on Sacramento employers, and any additional burden is too much; If you don't hire, or if you fire, an unknown gay, you may end up in court; and it is impossible for the City government to monitor union labor laws, since this is preempted. He also questioned the section in the ordinance regarding attorney's fees, and feels that the 18-month statute of limitation is longer than any other discrimination statute of limitation. He also expressed his concern about making it a crime to not post the notice. He feels that if this should pass, every employer in this City would be in violation, as no business posts everything required.

Pamela Granick, citizen. Ms. Granick stated that this seems to be an ordinance of strong personal beliefs. She feels homosexuals are a group already enjoying the full benefits of this society, and that an ordinance is not needed. She explained that as a small business person, she has her own personal feelings about how she conducts her business. If she should be taken to court because of an alleged act of discrimination against a homosexual, it would cause her business to shut down because of the cost of a lawsuit. She also feels this ordinance will cause unnecessary rifts in the community.

David Woodell, Citizens Against Pornography. Mr. Woodell expressed his concern about our children if this ordinance should pass. He mentioned cases of child molestation and rape involving homosexuals. He then stated that God created Adam and Eve, not Adam and Steve or Eve and Genevieve, and also that homosexuals do not

procreate, they recruit. He also expressed his concern about the matter of AIDS.

At this time Councilman Dave Shore requested the City Attorney's office check with the District Attorney's office to ascertain what percentage of child molest cases were homosexual or heterosexual, and what percentage of rapes were homosexual and heterosexual.

Bill Silaghi. Mr. Silaghi stated that the United States was built upon the foundation of the Bible, and that we cannot regulate morality, but it can and has made laws to prohibit conduct contrary to the community. He feels that by passing this ordinance, we say homosexuality is okay.

PROPOSERS

John Castello, Chief Counsel for Fair Employment and Housing. Mr. Castello responded to the question about the Unruh Act. He said that we do have on the books laws that prohibit discrimination based on sexual orientation in housing, but not in employment. He explained the laws, stating that the Unruh Civil Rights Act applies to "all persons". Prior to 1962, rentals and sales of houses were not considered a public business.

Councilwoman Lynn Robie asked Mr. Castello whether it was true that the Fair Employment and Housing does not enforce its own law. Mr. Castello said that of course they enforce their laws, if a claim is filed. Councilwoman Robie said that at the last meeting it was stated that they take the complaints but don't act on them. Mr. Castello explained that this was not true, and that California has approximately 15,000 cases, approximately 7,000 of which are not filed for investigation. Councilwoman Robie asked how many of these cases are because of sexual discrimination. Mr. Castello said that none are now in litigation, but that many persons file claims in order to comply with the law prior to filing a private lawsuit. When that happens, they close their file on the matter.

Ron Gray, Sacramentoans for Justice. Mr. Gray wanted to say that, for the record, the Sacramento Chamber of Commerce is neutral on the ordinance, and the Grocer's Association has not taken a stand. And regarding child molestations, 90% are done by heterosexuals.

Shereen Miles, Sacramento chapter of the National Organization of Women (NOW). She stated that every woman is entitled to be her own person, including the right to her own lifestyle. She said that the speakers against the ordinance prove the need for this ordinance, because homosexuals are considered illegal and "a disease". She said that other issues of legislation are "matters of choice", such as religion, marital status, etc. She then introduced a guest, a former National President of NOW, Eleanor Smeal. Ms. Smeal stated that we

need ordinances such as this because discrimination does exist. She recalls similar testimony for ERA and blacks. She feels it is necessary, and Sacramento would be joining other communities across the nation who have already done this. She said that when people say "special rights", they are not special -- they are rights everyone should have.

Martin L. Kennison, Human Rights and Fair Housing Chairman. Mr. Kennison just wants an ordinance to allow everyone equal rights. He stated that 37% of the apartment complexes in Sacramento discourage rentals to gays.

Kevin Braaten, member of the South Sacramento Democratic Club. Mr. Braaten stated he was opposed to all discrimination, and feels that by passing this ordinance the City is saying that they want to allow all people equal rights.

Gary Miller, Chairman of the Democratic Party of Sacramento County. Mr. Miller said that Democrats have always worked for the rights of all citizens, and that for this ordinance, even the Republicans are in support. He stated that President Reagan said that it was wrong to single out any group for discrimination. He quoted Ed Davis, Assemblyman, who equates opponents of gay rights to Hitler, as the gays were the first victims of Hitler. Mr. Miller said that as a Christian, bigotry has no place in the church. He stated that the law protects him against discrimination because of his religious choice, his marital status, his political choice, but not against his sexual orientation.

Jean Hanson, Sacramento Resident. Mrs. Hanson stated that she has been a Sacramento resident for 28 years, active in many community and religious activities, and a teacher in the San Juan Unified School District. She is also active in the group called FLAG (Friends of Lesbians and Gays), which help support parents of gay children. She explained some of the discrimination against her daughter and her daughter's friends because of their sexual orientation. She feels that with passage of this ordinance, gays can say "It's okay who I am." She feels gays should receive the same rights as everyone else.

David Miller, Professor of Law at McGeorge School of Law. Professor Miller wants equal rights for all for their fundamental needs. He feels there is an obvious need for this ordinance, and that this is not a gay and lesbian issue, but one of human rights. He said he finds homosexuality, for himself, distasteful, but that there is a lack of human rights without this passage.

Rev. Frieda Smith, Pastor of the Metropolitan Community Church. The Metropolitan Community Church is a congregation of gays and lesbians. Rev. Smith explained that it was formed because of the discrimination these people encountered in other churches because of their

sexual orientation. Rev. Smith feels that every person is endowed with worth and should not be discriminated against. She stated that the Episcopal Diocesan Bishop says a beginning needs to be made on behalf of the homosexual community, as they deserve to receive equal opportunities. She explained that homosexuals are living fearful lives, and she would like to see them receive the same liberties as all of the people. She feels that homosexuals do not take legal action because of the great costs in the way of lost jobs, family, etc., by discussing in public their sexual preference.

Tim Warford, Lambda Community Fund. Mr. Warford stated that he was against any discrimination. He described the energy it takes to keep one's homosexuality a secret, which takes time away from productivity.

Rosemary Metrailler, Attorney, Metrailler & Langenkamp. Ms. Metrailler handles a great deal of employment discrimination cases in her law practice, and feels there is a great need for this ordinance. She explained that in the last four years her office has complaints from a considerable number of homosexuals who believe they have been discriminated against because of their lifestyles. She said these people have been harrassed, fired, threatened, had their privacy invaded (checked up on), and have been afraid to go out in public for fear of being seen by their co-workers. The Unruh Act and Fair Employment and Housing does not cover this employment problem. She said that this ordinance would not force anyone from doing anything, but it would protect.

Rev. David Meyers, St. Paul's Episcopal Church. Rev. Meyers stated that Christianity is a protected choice, though it used to be considered a depravity. He feels that everyone's choices should be protected, whether or not he agrees with them. He said that homosexuals are still children of God.

Rev. Robert Ball, Fremont Presbyterian Church. Rev. Ball stated that he favored the ordinance because he feels that homosexuals should have the same protection under the law as every other citizen.

Rev. Tom Stratton, Fruitridge Christian Church. Rev. Stratton stated that the church is seeking a more enlightened understanding and just attitude in a complex subject, and believes that full civil and human rights justly extend to all individuals, without respect to sexual orientation.

Rev. Tony Ubalde. Rev. Ubalde expressed his support of this ordinance and feels that all persons are entitled to have their human and civil rights ensured.

Rev. Merrill M. Follansbee, Westminster Presbyterian Church. Rev. Follansbee expressed his belief that one does not choose his or her

sexual orientation, and that we all have options within that orientation. He stated that, as the father of a gay son, he knows first-hand the discrimination based on sexual orientation; they are called "sick" and "sinners", and told they must change to heterosexual to fit into our society. He believes that everyone should be afforded the same rights and privileges, regardless of their sexual preference.

Because of the lack of time, Doug Pope surveyed the audience to see how many people wished to speak for or against this proposed ordinance. Because there was a number of people who raised their hand, Chairman Pope and the other Council Committee members felt that it would only be fair to hear everyone. For this reason, it was agreed that the matter would be continued until next week, May 23, at 2:00 p.m. in the City Council chambers.

The meeting was adjourned at 5:15 p.m.

jmv