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Tense council meeeting

S.J. enacts gay rights law

By Mark Saylor
Staff Writer

About half of a standing-room-only crowd broke into wild cheers Tuesday night as the San Jose City Council voted 6-1 in favor of a "gay rights" ordinance.

The other half of the audience of about 400 sat in silence until one man jumped up and shouted: "You're ignoring the will of the people."

The intense emotional tenor of the meeting and the results of the decision echoed recent hearings before both the San Jose council and the Santa Clara County Board of Supervisors.

The council action reaffirmed an earlier vote approving the ordinance in concept.

Only Councilman Larry Pegram voted against the city

law that would ban discrimination against homosexuals in jobs, housing and business.

"I've talked to business and community leaders," Pegram said to loud applause from the Christian conservatives in the audience, "and there will be significant and unfortunate problems from this ordinance."

But the other council mem-

Back of Section, Col. 1

S.J. council enacts gay rights ordinance by 6-1 vote

Continued from Page 1

bers also held to their earlier positions.

Councilman Jerry Estruth said, "My pappy told me that in front of company you should never talk about sex, politics or religion. This issue has all three, and that's why it's such a difficult issue . . .

"I believe the ordinance is right," said Estruth.

The Santa Clara County Board of Supervisors approved a similar, but probably weaker, ordinance a week ago.

The vote by San Jose council members approving the ordi-

nance on its first reading sets up another and final vote on the second reading in two weeks.

The ordinance would become effective 30 days after the final reading and adoption.

Estruth suggested a committee of proponents and opponents of the ordinance be established to work out a compromise before the final vote. However, council members took no action on the suggestion.

In light of the council's earlier vote conceptually approving the ordinance, the hearing

Tuesday might have been a little milder than past hearings where the conservative opponents dominated the crowd.

This time the audience appeared evenly divided. Conservatives invoked biblical passages and shouted occasional "amens" in the non-smoking section on one side of the council chambers. Supporters of the law, many of them gays, congregated into the smoking section on the other side. The two groups intermingled in the center section and along the back walls.

An applause meter probably

would have rated the proponents of the law slightly louder.

"I think they (the conservatives) have given up at the city level," said Salvatore Accardi, president of the Watergarden Corp., a San Jose bathhouse catering to homosexuals and bisexuals.

Rick Harrington, president of Concerned Citizens Opposed to the Homosexual Ordinance, spoke only briefly. He told the council that there is a better way to deal with the ordinance — at the ballot box.

"The council already made up their minds," said Harring-

ton, whose organization has organized a petition drive for a referendum on the county ordinance.

Becky Kiessig, a member of the Republican State Central Committee, said, "The government that governs least governs best."

Jerel McCrary, an attorney with the San Francisco Gay Rights Advocates, told the council that gays have no protection from discrimination under the law without such an ordinance.

The hearing lasted less than two hours after the council vot-

ed to limit debate.

The ordinance requires that every employer and labor organization required by federal or state law to post an equal employment notice must also post a notice saying discrimination on the basis of sexual orientation is prohibited.

The penalty for noncompliance with the notice provision is a \$50 fine for each violation.

There are no criminal penalties prescribed for discrimination of homosexuals. Civil remedies allowed provide for damages ranging between \$200 and \$400 for violations.