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Editorials

Thursday, May 29, 1980

6B

Yes on Measures A and B

A homosexual who is denied a job or housing because he or she is homosexual presently has no legal recourse in this community.

Ordinances prohibiting discrimination based on sexual preference were passed last August by the Santa Clara County Board of Supervisors and the San Jose City Council, but the measures never became law. Petition campaigns by citizens opposing the gay rights measures forced them onto the June ballot, where they are designated as Measure A, for the county, and Measure B, for San Jose.

San Joseans will vote on both measures; voters in unincorporated areas and the county's 14 other cities only on Measure A. Those who wish to put the ordinances into effect will vote "yes," and those who want to repeal them will vote "no."

If the ordinances are upheld, persons who are denied commercial goods and services, jobs, credit, union membership, or housing because they are, or are assumed to be, homosexual, will be able to sue for damages. Plaintiffs will have to prove in court that such discrimination occurred.

Both ordinances exempt religious organizations, and the county measure also exempts child care and domestic work in private homes.

No federal or state legislation now prohibits discrimination against homosexuals, but Measures A and B are similar to laws now in effect in 46 cities and counties in the United States. In a few communities there have been successful repeal campaigns; Dade County (Miami) Fla. is the most famous example.

As in Dade County, the campaign here has been highly emotional, especially on the part of fundamentalist Christians opposing the ordinances. But religious groups also are on the other side. A and B have the support, for example, of the Santa Clara County Council of Churches, which includes 80 of the county's 600 congregations, and of the Commission on Social Justice of the Roman Catholic Archdiocese of San Francisco.

Some opponents of the gay rights laws argue that there's no need for them because there's no evidence of discrimination. In fact, little documentation exists locally, but that may be because the county Human Relations Commission is

prohibited by present laws from investigating complaints from homosexuals; passage of the county measure would designate the commission as a mediation agency in disputes over alleged discrimination on the basis of sexual orientation.

Supporters of the ordinances point to a year-long study conducted in Oregon by a task force appointed by then-Gov. Robert Straub. The Oregon study group found that "homosexual men and women . . . constitute about 10 percent of our adult population. There is no particular 'homosexual' lifestyle. Citizens who are homosexual are found on our ranches and in towns and cities of every size."

As to whether homosexuals suffer discrimination, the Oregon study concluded that "Sometimes (there) is a very direct type of discrimination, such as being fired from a job . . . Most often because they live in secrecy, homosexual men and women do not actually experience discrimination, but instead live in fear that their sexual orientation will be discovered and that they might be penalized because of other people's feelings about homosexuality."

In the absence of non-partisan local evidence either way, we suspect the same general situation exists here. Certainly the Human Relations Commission says it receives dozens of complaints from homosexuals who *perceive* that they are discriminated against.

It is just as true that many opponents of A and B *perceive* the ordinances as governmental endorsement of a lifestyle which they find reprehensible, degenerate and immoral.

We think that view of the ordinances' purpose is distorted, if sincere. The referendum is about discrimination, not about morality. The question is not whether voters like or approve of homosexuals. The question is whether the law should guarantee them the same rights that heterosexual citizens have.

We had mixed feelings about the ordinances when they were proposed last summer, because we feared that debate over their passage would evoke bias, bigotry and hostility. But the laws were passed, petition drives to take them to the voters were successful, and they are now on the ballot, despite our misgivings.

If the voters vote "no," they will be saying, explicitly, that homosexuals in this community do not have legal recourse when they suffer discrimination. In our opinion, that would be illogical and unfair. We recommend a "yes" vote on Measures A and B.

