

Findings



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Preservation of the Family.

Special Rights for Homosexuals

Why sexual orientation should not be a protected class

By Alysse Michelle ElHage

If you listen carefully to the media today, you will hear that violence and discrimination against homosexuals is widespread. Homosexual men and women are often portrayed as victims of violent crimes or unfair hiring and firing practices. Remember the media reaction to Matthew Shepard, the young homosexual who was brutally murdered in Wyoming? His murder was quickly labeled by many in the media as a “hate crime,” even before his sexual orientation was determined to be the reason why he was killed. Gay rights groups have used his death to raise a battle cry against the victimization of homosexuals that is supposedly taking place across this country.

It is a cry that is part of a very subtle attempt to portray gays as victims. Gay rights activists Marshall Kirk and Erastes Pill stated this in an article entitled, “The Overhauling of Straight America” in 1987: “In any campaign to win over the public, gays must be portrayed as victims in need of protection . . . Our campaign should not demand direct support of homosexual practices but should instead take antidiscrimination as its theme.”¹

The ultimate goal of the gay rights movement is to gain public acceptance of the homosexual lifestyle. One method of achieving this goal is to make sexual orientation a protected class through nondiscrimination legislation, granting gays the same civil rights status enjoyed by women, African Americans and the disabled.

Many fail of many to recognize the powerful impact granting gays special rights will have on American society. Often, even pro-family citizens, who oppose attempts by gay rights activists to legitimize the

homosexual lifestyle, do not see the potential danger of these laws. In addition, because Christians oppose violence against homosexuals, it is often even more difficult for them to make a case against hate crimes legislation.

A Cause for Concern

To some, protecting homosexuals from discrimination in areas like employment may not sound like such a bad idea. Neither does protecting them from violent crimes. But we must be careful not to miss the real purpose of this effort by homosexual activists to portray themselves as victims.

Granting homosexuals special rights sends a strong message to society. It says that people who make this lifestyle choice deserve the same legal status and protection as someone who is born black or female or handicapped. This helps to validate the claim that homosexuality is not a choice but a predetermined characteristic.

By taking the focus off of immoral behavior and making homosexuals victims, gay rights groups engender more support for their lifestyle. For this reason alone, it is vitally important that pro-family citizens understand the danger of granting homosexuals special rights.

Legislative Activity

Bills are being introduced and reintroduced at both the federal and state levels that purport to be about protecting homosexuals from employment discrimination and the violence of hate crimes, while their underlying goal is to have sexual orientation placed on the list of protected classes.

The Hate Crimes Prevention Act of 1999 is one federal bill that would make sexual orientation a protected class. The Employment Non-Discrimination Act (ENDA), a federal bill dealing with employment, has been reintroduced in Congress for years, falling short of just one

vote in 1996. Under ENDA, businesses with 15 or more employees would not be able to discriminate against homosexuals in hiring or firing.² Failing to get these bills passed at the federal level, homosexual activists have taken similar legislation to the states. Currently, there are more than 80 pieces of antidiscrimination legislation throughout the states that resemble ENDA.³

It is happening in North Carolina. In 1999, a number of bills were introduced in the General Assembly that would have added sexual orientation to the list of protected classes in various localities across the state.

According to Article 1, Section 19 of the North Carolina Constitution, “every citizen is guaranteed equal protection under the law” on the basis of race, religion and national origin.⁴ But proponents of antidiscrimination legislation would like to see sexual orientation added to this list.

One of the proposed bills, The Matthew Shepard Memorial Act (HB 884), dealt with hate crimes and would have added sexual orientation to the list of specially protected classes under current state law. It failed in the House by a vote of 48-58.⁵

Another bill, the Orange County Civil Rights bill (HB 844), also failed on the House floor by a vote of 36 to 67. This bill would have added sexual orientation to the list of protected classes in employment, housing, and public accommodations in Orange County.⁶

Another bill that would grant special rights to homosexuals passed the Senate. The Durham City Antidiscrimination Bill, SB 701, would allow the city of Durham to adopt an ordinance granting special protection from discrimination in housing and employment to any classification of persons chosen by the City Council.⁷ Clearly, sexual orientation would be one of the first classes considered.

In addition, Senate Bill 759 entitled the Sexual Privacy Act, would have partially repealed North Carolina's sodomy law by legalizing crimes against nature as long as they occurred between consenting adults.

Under North Carolina law, homosexual acts including crimes against nature are considered criminal activity.⁸ These bills that make sexual orientation a protected class would be direct contradictions to current law in North Carolina. If sexual orientation is added to the list of protected classes, an employer could be prosecuted for not hiring a homosexual, but that same employer could discover a homosexual committing a sex act and turn him into the police.

Special protection for homosexuals could also mean problems for landlords. Under this legislation, a landlord could be sued for failing to rent to a homosexual, particularly if the landlord knew the prospective tenant's sexual orientation. Furthermore, landowners who rent apartments, sometimes even in their own homes, would be told they must rent to individuals who may be committing illegal acts on their property.

A Brief History

There is nothing new about this effort. Gay rights activists have been pushing to get sexual orientation added to civil rights laws for almost three decades.

The Civil Rights Act, which was passed in 1964, outlawed discrimination on the basis of color, race, religion, sex and national origin. From the beginning of the gay rights movement, leaders desired that sexual orientation be added to this list.⁹

In 1972, special rights legislation was introduced in the New York City Council. Although it failed, this was the first attempt to pass a law prohibiting discrimination against gays and lesbians.¹⁰

The first city in the U.S. to pass a nondiscrimination policy for homosexuals was East Lansing, Michigan in 1972. The initiative began at Michigan State University with a student's group called the Gay Liberation Movement.¹¹ San Francisco became the second U.S. city to adopt antidiscrimination laws for gays and lesbians in 1978.¹²

But the push for the adoption of sexual orientation in civil rights laws began at the federal level in 1974 when Congresswoman Bella Abzug (D-NY) introduced the Gay and Lesbian Civil Rights Bill. Congress rejected the bill, but others like it have been reintroduced on a continuous basis since then.¹³

A Civil Rights or Moral Issue

"I think the entire gay civil rights movement is an extension of the civil rights struggle involved with the racial groups, women and other minorities," says Seth Kilbourn of the Human Rights Campaign, a gay lobby group in Washington, D.C.¹⁴

“Comparison of . . . racial and sexual discrimination is a convenient but invalid argument.”

Ret. Gen. Colin Powell

The argument that the granting of protected status for homosexuals is a civil rights issue has been used often in this debate. It is a comparison that has angered some in the African-American community.

"Skin color is a benign, non-behavioral characteristic," General Colin Powell wrote. "Sexual orientation is perhaps the most profound of human behavioral characteristics. Comparison of the two, racial and sexual discrimination, is a convenient but invalid argument."¹⁵

The U.S. Supreme Court has laid down three requirements for a group to receive protected status - a shared immutable characteristic, economic deprivation, and a history of political powerlessness.¹⁶ A close look at each of these characteristics reveals that homosexuals do not meet the requirements.

Immutable Characteristics?

Being gay is not the same as being black or being a woman. These are characteristics that can be seen and are not based on behavior.

"The Supreme Court has declared that immutable characteristics are like the shape of the eyes, skin and hair - there is nothing immutable about homosexual sex," says Reverend Louis P. Sheldon, president of the Traditional Values Coalition. "It is a behavior-driven characteristic and to align it with minority status is absolutely erroneous."¹⁷

Title VII of the Civil Rights Act of 1964 defines immutable characteristics as things like skin color, hair texture or certain facial features.¹⁸ Behavior is not included in the definition.

Economic Deprivation?

Is it even fair to compare the history of the black Civil Rights Movement with homosexual rights?

"When you look at the indications that

homosexuals earn more per capita than the average American, woman or black, and you look at the conditions for blacks and other minorities, you must ask yourself: where is the discrimination?" asks African-American leader, Rev. Earl Jackson of the Christian Coalition's Samaritan Project.¹⁹

Where indeed? Homosexuals are among the richest and most privileged class in this country. With an average household income of \$55,430, they far exceed the general population's average income of \$32,144.²⁰ Homosexual households are also four times as likely than average Americans to be earning over \$100,000 annually.²¹ Together, gays and lesbians earn over \$514 billion a year.²² Jeff Vitale, president of Chicago-based market research firm Overlooked Opinions remarked that gays and lesbians have "tremendous buying power and lots of discretionary income."²³

Political Powerlessness?

Does the Gay Rights Movement have a history of being politically powerless? If you look at the history of the movement, homosexuals have been anything but powerless. This is a group that has wielded an enormous amount of power from the very beginning.

The movement officially began in the 1970's, just one year after the infamous Stonewall Riots in New York City's Greenwich Village. During the 60s, gay rights groups began to form powerful unions with minorities such as African-Americans, feminists, and Hispanics. Coalitions with groups like the American Civil Liberties Union and the National Organization of Women were key to their success.²⁴

But homosexuals received their biggest boost in 1973 when the American Psychiatric Association (APA) removed homosexuality from its list of behavioral disorders.²⁵ That very same year there were more than 800 gay political groups in the United States.²⁶

The Democratic Party Platform adopted a plank in support of federal gay rights legislation in 1980, and in 1982, the National Association of Gay and Lesbian Democratic Clubs was formed. By 1983, the Lesbian and Gay Caucus had become an established part of the Democratic National Convention.²⁷

It is obvious that this group does not have a history of political powerlessness.

The Real Issue

"Civil rights laws were enacted to offset discrimination against blacks, but homosexuals can claim no victim status as an

oppressed, poor minority,” writes Robert Knight, Senior Director of Cultural Studies for the Family Research Council. “They are trying to hijack a movement for their own advantage.”²⁸

It is clear that homosexuals as a group do not meet the requirements of a protected class. The real issue, of course, is one of morality, not civil rights. Homosexuality is a behavior. More importantly, it is a behavior that encompasses a very distinct lifestyle in which homosexual sex plays a major role.

The ultimate goal of the gay rights movement is to legitimize the homosexual lifestyle. Once a group is granted protected status, legitimization is soon to follow.

It’s important to look at the far-reaching effects of special rights legislation on pro-family citizens. There are two main areas of concern - the threat to free speech and the danger to children.

Freedom of Expression

One of the questions that granting homosexuals protected status raises is, how much of an impact will it have on the freedom of expression?

While proponents claim that it will not affect free speech at all, a closer look clearly demonstrates that this is simply not the case.

“It is a serious threat to free speech rights,” says American Center for Law and Justice (ACLJ) attorney, Colby May. “For example, as a Christian supervisor who doesn’t believe that homosexuality is an appropriate and healthy lifestyle, this legislation would chill my ability to express those beliefs in the workplace.”²⁹

If antidiscrimination legislation for employment should pass in North Carolina, pro-family business owners could be faced with difficult choices over whom they hire and whom they fire.

“It flies in the face of equally important First Amendment rights to freedom of religion and of speech,” says Reverend Earl Jackson.³⁰

Churches would be affected as well. No where in the North Carolina legislation is a religious exemption included. This means that the policy could very well apply to churches, church-run schools and day care centers.

Employment antidiscrimination legislation isn’t the only threat to free speech. Hate crimes legislation could also impact the freedom to express deeply held beliefs.

Robert Knight of the Family Research Council testified in May before a Senate committee that the Hate Crimes Prevention

Act of 1999 actually “creates thought crime” because the violent acts are already against the law.³¹

“Furthermore, some in the media and in the government have begun to interpret public opposition to normalizing homosexuality as ‘hate.’ Homosexual activists have characterized even mild formulations of opposing views as a proximate cause of violence,” said Mr. Knight. “As football great Reggie White and Senate Majority Leader Trent Lott learned last year, expressing the biblical view that homosexuality is sinful is scarcely tolerated among some activists.”³²

Then, of course, there is the media reaction to Matthew Shepard’s brutal murder for which many pro-family groups were blamed. The crime? An ad campaign where former homosexuals talk about how God changed their lives and helped them to leave the lifestyle. Supposedly, these types of messages instigate prejudice against homosexuals and lead to crimes of violence against them.

“If an undiluted message of love is considered grounds for charges of complicity in a murder, then we have moved far down the road toward silencing anyone who holds to traditional morality,” said Mr. Knight.³³

A Threat to Children

Special rights legislation also has the potential of impacting the most vulnerable in our society. This becomes more of a

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concern in the area of employment.

“The potential impact this legislation will have on children is the most dangerous factor,” says Rev. Earl Jackson.³⁴

Under this legislation, school systems, whether private or public, would not be allowed to hire or fire teachers, principals and guidance counselors on the basis of their sexual behavior. Homosexuals in the classroom are certainly an issue of concern for pro-family citizens.

The educational system isn’t the only institution where special rights legislation is

threatening children. Even voluntary clubs or youth organizations are feeling the pressure.

The Boy Scouts of America is one well-known and highly respected organization that has struggled with accusations of discrimination because of its long-held policy not to employ homosexuals.

“The Boy Scouts of America is a voluntary organization with the right to establish its own membership and leadership standards,” says Greg Shields, national spokesperson for the organization. “Boy Scouts has long taught traditional family values, and a person who engages in homosexual conduct is not a role model for those values.”³⁵

This policy hasn’t stopped homosexuals from applying for positions within the Boy Scouts, nor has it stopped many from suing when they are rejected. In 1998, for example, James Dale, a Scout leader, became co-president of a homosexual organization while attending Rutgers University. When Boy Scout officials discovered this, Mr. Dale was expelled as a Scout leader.³⁶

With the assistance of the American Civil Liberties Union (ACLU), Mr. Dale filed suit against the Boy Scouts. He won because under New Jersey State law it is illegal for an employer to discriminate based on “sexual orientation” if the organization falls under the definition of a “public accommodation.” The Boy Scouts argued that they are a private organization, not a public accommodation, and should not be forced to hire homosexuals. They appealed the lower court’s ruling and have taken the case to the New Jersey Supreme Court, where a decision is still pending.³⁷

This is the type of organization that special rights legislation has an impact on, even when a religious exemption is included. And this is exactly the kind of organization homosexuals want most to infiltrate. How better to shape the future than to mold the minds of the youth?

The Agenda

There is obviously more to special rights legislation than homosexual rights activists would like us to believe. The push to have sexual orientation added to the list of specially protected classes has been a stated part of the homosexual agenda for almost thirty years. And with good reason. It is much easier for gay rights activists to gain support for antidiscrimination laws than it is for them to gain support for more blatant legislation such as same-sex marriage.

Just this June, Senator Ted Kennedy (D-

Mass.) announced that he, along with several other congressmen, will be reintroducing the Employment Nondiscrimination Act (ENDA).³⁸ The last time ENDA went before Congress, it failed in the House by only one vote. The Hate Crimes Prevention Act is also back again, with gay rights groups like the Human Rights Campaign pushing hard for its passage.³⁹

The fact that these bills are resurfacing once again is cause for alarm. They have not gone away and probably never will. When they fail to pass at the federal level, homosexual rights groups are simply bringing similar legislation back to the states.

It must be remembered that these bills aren't really about protecting homosexuals in the workplace or from violent crimes. Homosexuals are already protected in these areas just like everyone else. Special rights legislation is simply another, more subtle attempt by gay rights groups to legitimize the homosexual lifestyle.

Making sexual orientation a protected class does more than just grant homosexuals "special rights" status. It also poses a serious threat to the free speech rights of millions of pro-family Americans.

Business men and women who hold to traditional values and beliefs will no longer be able to express those beliefs in the workplace. Public and private school administrators will be forced to hire homosexual teachers and guidance counselors. Private organizations like the Boy Scouts will continue to be bombarded with requests from homosexuals to allow them to be scout leaders, as well as with lawsuits if they continue to refuse. Most importantly, parents will have to watch in silence as their children are placed at the feet of those who push the homosexual agenda.

The goal of the gay rights movement is to receive social acceptance of the homosexual lifestyle. Once homosexuals as a group receive special rights status, they will be one step closer to that goal. ¶

Alysse Michelle Elhage is the Director of Communications for the North Carolina Family Policy Council.

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