

STATE OF OREGON  
DEPARTMENT OF HUMAN RESOURCES

FINAL REPORT  
of the  
TASK FORCE ON SEXUAL PREFERENCE

DECEMBER 1, 1978



## TABLE OF CONTENTS

FORMATION AND PURPOSE	1
INTRODUCTION	2
ROSTER OF RECOMMENDATIONS	6
HOMOSEXUAL MEN AND WOMEN IN OREGON	11
STEREOTYPES AND MYTHS: REFLECTIONS OF OUR FEARS	14
<u>Issues Frequently Raised in Public Discussions</u>	
A MATTER OF MORALITY?	24
A THREAT TO MARRIAGE AND THE FAMILY?	27
IS SEX JUST FOR REPRODUCTION?	32
THE CONCERN ABOUT CHILD MOLESTING	36
<u>Areas of Policy Study and Recommendations</u>	
EMPLOYMENT	44
GOVERNMENT EMPLOYMENT AND SERVICES	64
ATTITUDES OF STATE EMPLOYEES TOWARDS HOMOSEXUALS: A PILOT STUDY	73
FAMILIES AND CHILDREN	88
HEALTH AND MEDICAL TREATMENT	106
EDUCATION	121
THE OLDER HOMOSEXUAL	135
CRIMINAL LAW AND POLICE RELATIONS	139
CONCLUSION	151

Copyright 1978,  
Task Force on Sexual Preference

For additional copies or correspondence, contact:

Task Force on Sexual Preference  
607 Corbett Building  
430 SW Morrison Street  
Portland, Oregon 97204

(503) 226-3651

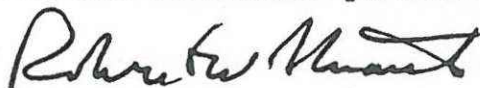
Holly Hart, Chairperson

I congratulate the Task Force on Sexual Preference on the presentation of its Final Report. The report is extraordinarily comprehensive and thoughtful. It is clearly the product of scholarship, compassion and concern.

The Task Force has made an important contribution to the people of Oregon by systematically identifying and breaking down the myths and false fears of our society. This effort should have a far-reaching effect in reducing the barriers of unthinking prejudice that have been raised against the homosexual citizen.

It has long been my belief that our civil rights should extend equally to all persons. A civilized society worthy of itself cannot unthinkingly deny rights and opportunities to its members on the basis of sexual orientation or marital status. Had I continued in office as Governor, it was my intention to enter an Executive Order prohibiting discrimination on the basis of sexual orientation or marital status in hiring for or discharging from state employment and in the availability of state services and opportunities.

This is a sensitive and responsible study worthy of the most careful consideration. I commend close attention to this report by all interested and concerned parties.



Robert W. Straub  
Governor  
December 12, 1978

THE TASK FORCE ON SEXUAL PREFERENCE

- Austin Amerine: Pastor, Metropolitan Community Church;  
Portland
- Elsie L. Bushbeck: D.P.M., Cdr. USNR (Ret.); Salem
- Jane Edwards: Budget Analyst, Executive Department, State of  
Oregon; Attorney; former Equal Employment  
Opportunity Coordinator, State of Oregon;  
Salem
- Holly Hart: Attorney; Portland (Chairperson)
- Charles F. Hinkle: Attorney and Minister, United Church of  
Christ; Chairperson, Civil Liberties Union  
of Oregon; Portland
- Jim Manley: Area Representative, AFL-CIO, Human Resources  
Development Institute; Portland
- Alyce H. Marcus: Affirmative Action Officer, City of Portland;  
Portland
- Betty Polen: Health and Safety Education Specialist, Portland  
Public Schools; Portland
- Dr. Earl W. Riddle: Conference Council Director and Director  
of Education, Oregon-Idaho Annual Conference,  
The United Methodist Church; member of the  
Human Research Committee, University of Oregon  
Medical School; Portland
- Rev. Rollin Schaleger: Minister, St. Peter's Lutheran Church;  
Medford
- Ann Marcotte Shepherd: Co-Founder, Parents of Gays; Portland
- Joseph B. Trainer, M.D.: Professor of Medicine, Associate  
Professor of Physiology, University of Oregon  
Health Sciences Center; Fellow, American  
Association of Marriage and Family Therapists;  
Portland.
- Administrative Assistant to the Task Force on Sexual Preference:  
Libby Anderson: Psychologist Associate Intern; Portland

FORMATION AND PURPOSE

The Task Force on Sexual Preference was established by Richard A. Davis, Director of the Department of Human Resources of the State of Oregon, at the request of Governor Bob Straub, in March, 1976, for the purpose of assembling accurate information on homosexual men and women in Oregon and making recommendations on legislation and administrative policies that would insure the civil rights of all Oregonians, enabling them to be fully contributing members of our society.

The twelve members of the Task Force provided representation and the varying perspectives of law, medicine, education, religion, labor, state and local government, parents and minorities.

The Preliminary Report of the Task Force on Sexual Preference was presented to the 1977 Regular Session of the Fifty-Ninth Oregon Legislative Assembly, with the recommendation that discrimination on the basis of sexual orientation and marital status be prohibited in employment, housing and public accommodations.





## INTRODUCTION

Most of the members of this Task Force, like most of our citizens, are heterosexual. And, like most of those who will read this report, when we began our work on the Task Force, we each had our own prejudices and private feelings about what homosexual women and men were like and the kinds of problems which might arise because of someone's homosexual orientation.

Homosexuality is a subject which, until recently, was not openly discussed in our society. It is still most commonly referred to in the form of derisive jokes. The people who most often do make public comments on homosexuality are those with negative opinions. Because their disparaging remarks generally are unchallenged, they assume their views are shared by most of the people around them. In fact, many people personally feel tolerant towards homosexuality, but remain silent because they imagine their more positive opinions will open them to personal attack and ridicule. The unfortunate result is that questions people have about homosexuality go unanswered because of anxieties about bringing up the subject.

Our early meetings reflected this; at first, many of us were cautious in expressing our opinions. As we became more comfortable, we began acknowledging our own misgivings which were, of course, quite similar to those many people have: uneasiness about effeminate men; concern about homosexual

#### FORMATION AND PURPOSE

teachers; the belief that in homosexual couples one person takes a male role and the other a female role; concerns about being proselytized or approached sexually by homosexuals.

When friends, family and co-workers learned that we were serving on this Task Force, there were sometimes uplifted eyebrows and "jokes." We felt the pressure to mention our wives or husbands or close friends of the opposite sex--the pressure to "prove" that we were heterosexual, to satisfy those around us. Thus ironically, we experienced the common pressures people are subjected to when they are suspected of being homosexual.

As the year progressed, we were able to sort out our thoughts and feelings. Many men and women who were homosexual attended our meetings. Rarely did they resemble the stereotype of the swishing man or the stomping woman. We soon learned it was impossible to tell from appearances which members of the public at our meetings were homosexual and which were heterosexual.

On occasion members of the Task Force have been asked to identify which other members are homosexual. This occurred at one of our meetings and our spontaneous response was to return the question to its asker: "Can you tell who among us is homosexual?" It was an object lesson that a person's sexual preference is not readily apparent.

We realize our report will be controversial. Because our findings and recommendations are unanimous, some people

## FORMATION AND PURPOSE

who read this report will assume that we began with a positive bias. We repeat, however, that our starting point was much the same as that of other people. Our views today are different from our views of a year ago because in the past year we have had experiences which most Oregonians have not yet had: the opportunity to meet a variety of men and women whom we know to be homosexual; to see how diverse their lives are in contrast to the stereotypes; and to discuss openly our own personal feelings and reservations instead of attempting to deal with them alone, as most of us had done before serving on this Task Force.

This unique experience has had a profound effect on us and many of our recommendations reflect the conviction that other Oregonians would benefit by similar experiences.

The Portland Town Council served as an advisory board to the Task Force. The members of this civil rights organization assisted subcommittees by suggesting problem areas for study and by acting as a liaison with other homosexual men and women who provided us with information about their own experiences. The Portland Town Council members who advised us did not have voting rights. The findings and recommendations of this Task Force are the sole responsibility of the members of this Task Force.

However, our work could not have been accomplished without the assistance of the Portland Town Council. It was

## FORMATION AND PURPOSE

absolutely essential in carrying out our assignment that we make contact with a substantial number of homosexual men and women. Those who have already been injured by discrimination because of their sexual preference, understandably, are reluctant to risk being identified and, perhaps, thereby subjected to further discrimination. The Portland Town Council was able to disseminate the information that this Task Force would objectively and confidentially receive testimony from homosexual people.

This report contains 31 recommendations, each of which was passed by unanimous vote. Just as the twelve of us, with our very different backgrounds, have been able to come to a consensus on directions for policy change, so we believe that our recommendations are for policy changes which a majority of Oregonians of varied social and political backgrounds can and will support.

## ROSTER OF RECOMMENDATIONS

Each of the 31 recommendations of the Task Force on Sexual Preference was passed by unanimous vote.

### EMPLOYMENT, HOUSING AND PUBLIC ACCOMMODATIONS

RECOMMENDATION: Discrimination on the basis of sexual orientation and marital status should be prohibited in employment, housing and public accommodations.

RECOMMENDATION: Further study of discriminatory policies and practices should be conducted in the areas of credit, public accommodations and housing.

### GOVERNMENT EMPLOYMENT AND SERVICES

RECOMMENDATION: The Personnel Division should adopt a policy of non-discrimination on the basis of sexual orientation and marital status and should publicize that policy in a manner calculated to effectively inform prospective applicants for state employment. Any such notice should make it clear that applicants are not expected to identify their sexual orientation.

RECOMMENDATION: Training managers for various divisions should consult with resource persons, including homosexual men and women, to analyze whether particular training should be undertaken or existing training programs modified, to prepare personnel to provide more effective services to homosexual members of the public. Homosexual men and women should be used in training programs as panelists or speakers, since the experience of meeting people who are openly homosexual is itself one of the most important and informative experiences that a person can have in preparing to serve homosexual members of the public.

RECOMMENDATION: A list of local community resources, resource people, and an annotated bibliography should be compiled and be available to service workers in all state offices, for reference use when advising members of the public who may seek further information and counseling in areas related to sexual orientation.

RECOMMENDATION: Professional and occupational licensing boards should adopt explicit policy statements that they do not discriminate on the basis of sexual orientation and marital status and these should be disseminated on application forms and in other ways calculated to effectively communicate this policy to persons who may be preparing for licensing, such as students.

RECOMMENDATION: The State Employees Benefit Board should direct the provider of the state's employee group insurance

to delete the "relationship" (of beneficiary) category from the insurance application.

RECOMMENDATION: Representatives of government and private agencies and organizations and other community leaders should have the opportunity to attend a conference on the subject of homosexuality and sexual orientation, in order to become better informed on this subject and so better able to provide leadership in dealing with the needs of all of our citizens.

RECOMMENDATION: The Task Force on Sexual Preference should be continued and reconstituted to include representatives from key state agencies: all of the divisions of the Department of Human Resources, the Personnel Division, and such other agencies as may be advisable in view of our other recommendations. In-house committees should be formed in each of the represented divisions. A detailed study of the policies and practices of individual divisions should be conducted, with the assistance of members of the public experienced with the services provided by the division.

RECOMMENDATION: In addition to those agencies which would be represented on a reconstituted Task Force, all state boards and divisions should examine their areas of responsibility to determine whether there are policies which may deny persons equal services and opportunities due to their sexual orientation and marital status.

#### FAMILIES AND CHILDREN

RECOMMENDATION: Colleges and universities which train social workers, clinical psychologists and others who counsel parents and children should include in their curriculum training in the counseling of parents and children when the parents are homosexual. A homosexual parent and his or her children, along with the other adult in the home, should be viewed as a viable family unit.

RECOMMENDATION: Organizations of parents of homosexuals should be listed in community resource materials maintained by public agencies. A state-wide organization for parents of homosexuals should be established and in every community parents of homosexual children should be available to counsel other parents, and public and private agencies should refer interested parents to such peer counseling.

RECOMMENDATION: An educational workshop should be conducted for Domestic Relations (Circuit Court) judges in the State of Oregon to provide them with accurate information about

homosexuality and the problems of homosexual parents and children.

#### HEALTH AND MEDICAL TREATMENT

RECOMMENDATION: Oregon Educational and Public Broadcasting System should institute a series of programs on human sexuality and gender identity, with college credit available.

RECOMMENDATION: Oregon colleges and universities should expand undergraduate education of medical and health professionals on the relation of human sexuality to good mental and physical health.

RECOMMENDATION: Available subjects on the TelMed program of the Multnomah County Medical Society should include tapes on sexual orientation, child molesting, gender identity and other topics addressed in this report.

RECOMMENDATION: A study should be conducted on the means by which attitudes towards sexual minorities are created and changed. Such a study should be carried out by the Task Force, its successor, or by utilizing the existing facilities of the institutions of higher education.

RECOMMENDATION: Medical societies and homophile groups should institute an arrangement whereby homosexual and transsexual patients needing medical care can be referred to physicians who are comfortable with and informed about these groups.

RECOMMENDATION: A legal arrangement should be instituted which would permit a person to designate a non-relative to act in place of next-of-kin for medico-legal purposes.

#### EDUCATION

RECOMMENDATION: Schools should promote and protect the individual worth, dignity and mental health of all students regardless of their sexual orientation. Schools should discourage discriminatory acts on the part of students, faculty, and/or administrative staff against any individual.

RECOMMENDATION: Teacher training and continued in-service education for teachers, counselors, and administrators should provide factual information about homosexuals and other sexual minorities which will help give insight and background in dealing with students concerning a particular sexual orientation.

RECOMMENDATION: Students requesting counseling in relation to their sexual orientation, when and if appropriate, should

be referred to competent medical, psychological and religious practitioners.

RECOMMENDATION: In public schools where sex education is part of the standard curriculum at the seventh grade level or above, that education should include the subject of homosexuality. In such circumstances, the material selected for use in the classroom should be factual and accurate, insuring a non-biased presentation of scientific, historical, and sociological data. The teaching technique of role-playing should be used with great caution in the presentation of material concerning homosexuality.

Questions posed by students to teachers or counselors about variant sexual orientation should receive informed, sensitive and appropriate answers.

It is appropriate for a teacher to provide information regarding the viewpoints of various medical, psychiatric and religious groups on the subject of homosexuality, and to provide information, so far as possible, regarding prevailing community standards on that subject.

#### THE OLDER HOMOSEXUAL

RECOMMENDATION: All government and private facilities and programs for the aging should review their policies and practices to assure that benefits available to heterosexual couples are also available to homosexual couples.

RECOMMENDATION: All government and private institutions which train social workers, psychologists, nurses, aides, and others to work with the aging should include in their curriculum training in the particular problems of the aging homosexual man and woman.

#### INSURANCE

RECOMMENDATION: An opinion should be requested from the Attorney General on ORS 743.024 as to whether an individual may acquire a life insurance policy on his or her own life and name as beneficiary someone who is not related to the insured by blood or marriage, in the underwriting stage. If the Attorney General concludes that insurance companies have the discretion to deny the insured the right to name such a non-related beneficiary, legislation should be enacted to require insurance companies to permit the insured to name a non-related beneficiary. If the Attorney General concludes that insurance companies do not have the discretion to deny the insured the right to name such a non-related beneficiary, the Insurance Commissioner should take appropriate action against insurance companies refusing to underwrite policies where the insured names a non-related beneficiary.



CRIMINAL LAW AND POLICE RELATIONS

RECOMMENDATION: ORS 163.455, defining the criminal offense of Accosting for Deviate Purposes, should be repealed.

RECOMMENDATION: A new statute, defining the criminal offense of Accosting a Minor for Sexual Purposes, should be enacted to provide that a person commits the crime of accosting a minor for sexual purposes if he invites or requests a person under the age of 18 to engage in sexual intercourse or deviate sexual intercourse.

RECOMMENDATION: ORS 163.465, defining the criminal offense of Public Indecency should be amended to provide that: (1) A person commits the crime of public indecency if while in, or in view of, a public place, he performs: (a) an act of sexual intercourse; or (b) an act of deviate sexual intercourse; or (c) an act of exposing his genitals with the intent of arousing sexual desire of himself or another person under circumstances in which he knows his conduct is likely to cause affront or alarm.

RECOMMENDATION: ORS 163.415, defining the criminal offense of Sexual Abuse in the Second Degree, should be amended to read: (1) A person commits the crime of sexual abuse in the second degree if he subjects another person to sexual contact; and (a) the other person does not consent to the sexual contact and the actor knows or under the circumstances should have known that the contact is offensive to the other person; or (b) the other person is incapable of consent by reason of being mentally defective, mentally incapacitated or physically helpless; or (c) the other person is under the age of 14; or (d) the other person is between the ages of 14 and 17 and the defendant is more than four years older than the other person. (2) Sexual abuse in the second degree is a Class A misdemeanor.

RECOMMENDATION: If the legislature chooses to restrict public nudity even where there is no intent to arouse sexual desire, public nudity should only be a criminal offense where the individual knows he is likely to be observed by others who would be affronted or alarmed and is observed by others who are affronted or alarmed.

HOMOSEXUAL MEN AND WOMEN IN OREGON

Who are the homosexual men and women in our state? Where do they live? What kinds of lives do they lead? The first function of the Task Force was to understand who the real people are, beneath the label "homosexual".

And here is what we found: homosexual women and men are everywhere in our state. They constitute about 10% 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. In less populated areas, a homosexual person may know only one other person who is also homosexual or only a few others. In a few larger cities, there is a subculture of clubs, churches, restaurants and bars that cater to homosexual men and women, but most homosexual men and women spend most of their time socializing with heterosexual friends, neighbors, and relatives, leading lives that are much the same as heterosexual citizens.

Whatever the social group, there are likely to be homosexual men and women in the group, although those around them usually do not identify them as homosexual because they do not match the stereotypes of what homosexuals are thought to be like. As the list of occupations in the chapter on employment shows, homosexual men and women are represented in all occupations. They are also represented in all social and economic classes, ethnic groups, and religions.

## HOMOSEXUAL MEN AND WOMEN IN OREGON

The drag queen/street life/bar lifestyle that many people believe is "the" homosexual lifestyle is no more representative of the way hundreds of thousands of homosexual men and women in Oregon live than singles bars or skid roads or bars with topless dancers are representative of the way our heterosexual citizens live.

For many years, in our larger cities homosexual organizations have existed. Like other ethnic, religious, and fraternal organizations, they have provided social and charitable services to their members and often to the general public. But most homosexual people have not belonged to any particular homosexual organizations. More recently, homosexual people in rural areas and smaller cities such as Bend, Medford, and Pendleton have been forming organizations, sometimes locating other homosexual people in their areas by contacting groups such as the Portland Town Council.

If you are not getting a clear picture of what a homosexual man or woman is like, it is because there is as much variety among our homosexual citizens as among our heterosexual citizens. A person's sexual orientation does not really tell us very much about that person.

The section on myths and stereotypes provides further information on what our homosexual neighbors, friends, and relatives are like--and how very different they are from our traditional image of them.

## HOMOSEXUAL MEN AND WOMEN IN OREGON

How has Oregon law treated these Oregonians, who happen to be homosexual?

Before 1971, sexual relations between adults of the same sex, even when in private and consented to, were a crime. For a person to be identified as homosexual meant not only possible social disapproval or loss of a job, it also meant a risk of arrest and prosecution.

In 1971, the legislature revised the criminal code, so that private, adult, consensual sex is no longer a crime, whether it is homosexual or heterosexual. Although this had some positive effect, the criminal code still makes it possible to arrest homosexual citizens in situations where heterosexual citizens are not arrested, as explained fully in our section on Criminal Law and Police Relations.

Since 1973, in every session of the legislature, bills have been introduced to prohibit discrimination on the basis of sexual preference in government employment, private employment, and in housing and public accommodations, but none of the bills has been passed.

This Task Force was created following the 1975 legislative session, with Governor Bob Straub and Department of Human Resources Director Dick Davis concurring with the opinion of many that state government needed to study the issues raised by the proposed civil rights legislation with more thoroughness and objectivity.

\*\*\*\*\*

STEREOTYPES AND MYTHS: REFLECTIONS OF OUR FEARS

What is the problem? What is there to be afraid of -- and why? Many persons grow up with the idea that homosexual men and women are themselves a problem and a threat to other people. But for homosexual men and women, the problem is that no matter what they are really like as individuals, and no matter what they actually do, other people are ready to pass judgment -- and impose a sentence because they are homosexual and "guilty" of some crime.

Sometimes the "sentence" is a very direct type of discrimination, such as being fired from a job or being rejected by parents. 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.

The threat of discrimination exists because there are certain stereotypes and myths about homosexuality. But do these stereotypes fit the real women and men who actually are homosexual? And why do the stereotypes create so much anxiety and hostility?

Whenever people think about homosexuality, the same ideas and fears come up again and again. In this chapter, these stereotypes are discussed one by one.

## STEREOTYPES AND MYTHS: REFLECTIONS OF OUR FEARS

Not only will it be seen what homosexual women and men are really like, but one will learn a lot about oneself. The myths and stereotypes that are held about homosexuals are not very good pictures of what homosexual men and women are really like, but they do reflect something about the observers and their own feelings; about sexuality, about what it means to be men and women, and about the importance of familial relationships.

### Are Homosexual Men Effeminate and Homosexual Women Masculine?

There are effeminate men in society and masculine-appearing women. Some of these persons are heterosexual and some are homosexual. Most homosexual men and women, like most heterosexual men and women, conform in behavior and appearance to culturally prescribed sex roles.

The majority of homosexual men and women live their entire lives without other people suspecting they are homosexual. They can do so precisely because of their conventional appearance.

The stereotype that homosexuals are somehow less-than-men or less-than-women is important, however, because it is a source of much of the hostility that people feel toward homosexual men and women.

Boys are taught to shun what are considered girls' games and clothes and forms of emotional expression, such as crying and showing affection. Males are also taught to measure their manliness by their sexual prowess with women.

## STEREOTYPES AND MYTHS: REFLECTIONS OF OUR FEARS

Men are very uneasy about doing anything that might be considered feminine. Many men are embarrassed -- and angered -- at the idea that a man would "break ranks" and act unmanly. When that happens, it may remind many men of their own vulnerability and self-doubts.

Women are also conditioned to sex-appropriate behavior. Women who step beyond the stereotyped women's role by entering a traditional male occupation or hobby, particularly athletics, have often been accused of being lesbians. This has been an effective way of barring women from traditional male activities.

The concept of sex roles is changing and becoming less rigid, but the dual fears -- that of being homosexual and that of stepping outside one's proper sex role continue to feed each other.

This circle of anxiety can be broken only by the realization that people's sexual orientation and the other aspects of their lives -- their jobs, hobbies, styles of dress, emotional expressiveness -- are not all tied together in a rigid way. A man is not less-than-a-man because his emotional and sexual attractions are strongest with other men, and a woman is not less-than-a-woman because her emotional and sexual ties are to other women.

Roles in a relationship are not necessarily rigid either. For a heterosexual couple, the traditional idea

## STEREOTYPES AND MYTHS: REFLECTIONS OF OUR FEARS

has been that the man has to be strong and the woman dependent. As sex roles in heterosexual marriage are changing, one can see that a man and a woman do not have to conform to those rigid roles in order to relate well to each other. Also it is true that in a relationship between two men, or two women, one does not have to be strong and the other dependent and weak.

Many people believe that homosexual men want to be women or that lesbians want to be men. It is therefore important to distinguish between the following:

(1) Transsexuals are individuals who are biologically of one sex, but who psychologically feel that they are of the other sex and "trapped in the wrong kind of body." Transsexuals who are preparing for sex change surgery may be conspicuous as they try to become accustomed to wearing the clothing of the opposite sex and to develop the appropriate mannerisms. Transsexuality is not a sexual preference, i.e. it is not a matter of sexual attraction to another person. Instead, transsexuality is a matter of self-identity ("gender identity").

(2) Transvestites are people who obtain emotional or sexual satisfaction from dressing in the clothes of the opposite sex, although they wear the clothes which are considered socially appropriate for their own sex most of the time, including at work. Most transvestites are



## STEREOTYPES AND MYTHS: REFLECTIONS OF OUR FEARS

heterosexual. Transvestites generally are not interested in sex change surgery.

(3) Homosexuals are people whose emotional and sexual preference is for other people of their own sex. Most homosexuals are not either transsexuals or transvestites.

The Myth That There are Only a Small Number of Homosexual People in Society and That They Live on the Fringes of Society

Havelock Ellis estimated that in England in 1901, approximately 2 to 5% of the male population was permanently homosexual. Hirschfield, in Germany in 1920, did a study which indicated that 2.3% of the male population was fully homosexual and an additional 3.4% partially homosexual. Katherine Davis in 1929 studied the female population and concluded that 16% of women had overt homosexual experience. The 1940 study by Landis and colleagues indicated that 4% of women had experienced overt homosexual and 21% had more intense emotional or physical attachments to other women than to men. The Kinsey study of 1948 indicated that beyond age 15, about 25% of males had "more than incidental homosexual experience" and that by age 45, 13% had homosexual contacts leading to orgasm and that about 10% were homosexual for three or more years. A study of women in 1953 showed that by age 45, about 28% of women had experienced psychological arousal toward other women, 21% had some overt

## STEREOTYPES AND MYTHS: REFLECTIONS OF OUR FEARS

experience, and 13% had experienced orgasm through homosexual activity. Morton Hunt reviewed the older materials of Kinsey and did his own study in 1970, reporting that among males over age 15, 10% of married and 11% of single males had significant homosexual experience, and that 7% were overtly homosexual for more than three years in their adult lives, while 3% of females were overtly homosexual for more than three years in their adult lives.

Thus, the available studies have produced a consistent pattern of data, showing little variation in their results over a period of more than 75 years. It seems reasonable to conclude that no less than 10% of the adult population of Oregon -- or more than 150,000 Oregonians -- have had a homosexual orientation for at least three years of their adult lives.

The Task Force has found that homosexual men and women are represented in all age groups, socioeconomic classes, racial and ethnic groups, educational levels, and employment categories. They are an integral part of society.

Are Homosexuals Promiscuous and Sexually Agressive? Do They Try to "Recruit" Others to Become Homosexuals?

Some people believe that homosexuals are very aggressive sexually and that they try to "recruit" other people to become homosexual. The "evidence" is usually

## STEREOTYPES AND MYTHS: REFLECTIONS OF OUR FEARS

that a man was approached by a stranger in a public restroom, or that a homosexual friend made a sexual advance toward a heterosexual friend.

Does this mean that homosexuals are trying to turn everyone around them into homosexuals?

When a heterosexual man makes a sexual advance toward a woman in a public place, no one calls that recruiting, even though not all women are heterosexual, and many women who are heterosexual are offended by such sexual advances from strangers.

But when a homosexual man makes an advance toward another man in a public place, that is labelled recruiting. Why? The homosexual man, like the heterosexual man, is looking for a sexual partner. There is no way that he can know which men might be interested, except by asking. In fact, most homosexual men go to great lengths of dropped hints to try to discover whether another man is homosexual before making any advance, because he is aware that many men may be offended. In comparison, heterosexual men seem much more aggressive and seem to care much less whether they will offend women by unwanted advances. The macho attitudes of men toward women is more accepted and condoned by society.

A part of the fear of recruitment by homosexuals is enhanced by the fear for "youthful" recruits. The Task Force

## STEREOTYPES AND MYTHS: REFLECTIONS OF OUR FEARS

considered carefully all the evidence in which youth were involved in sexual complaints over the past several years.

Only one or two cases of criminal rape involved homosexual offenders. The vast majority of the criminal advances were made by heterosexual men on women or young girls. The sexual orientation of young people or young adults according to the interviews with young homosexuals was not so much encouraged by "recruitment" as it was by a self-realization of those tendencies already within a young man or woman. There seemed to be little evidence of aggressiveness by homosexuals for the "recruitment" of new homosexuals.

Instead of being particularly aggressive, homosexual women and men tend to be far more cautious in their social relationships than heterosexual women and men. For example, at workplaces, heterosexual men and women engage in casual flirtation and establish sexual relationships with co-workers with little fear that their employment status will suffer as a result. Many women do not bother to report to their supervisors the persistent, unwanted sexual advances of men because they doubt if any action would be taken against the male employees.

But homosexual men and women know that any sign of sexual interest in a co-worker may bring rapid and extreme penalties. Many homosexuals have a personal policy of not

## STEREOTYPES AND MYTHS: REFLECTIONS OF OUR FEARS

becoming involved with anyone at work to avoid such repercussions. If a homosexual man or woman does become interested in someone else, he or she usually tries to verify that the person is also homosexual and would, therefore, not be affronted or alarmed by a show of interest. This involves some difficulty. Since most homosexual women and men avoid giving any indication of their sexual orientation and are not readily identifiable by appearance, co-workers who are homosexual often do not recognize each other. If homosexual men and women felt free to acknowledge their sexual status, occasions of "mistaken identity" would be reduced.

Most homosexual men and women believe that their sexual orientation is "right for them," but that does not mean they have any interest in imposing their orientation on other people. On the contrary, it is more often heterosexuals who insist that their sexual orientation is superior, and who speak of "reforming" homosexuals. Heterosexual men and women will sometimes try to "convert" a homosexual co-worker by attempting to seduce him or her. Because of such personal experiences, homosexual men and women expressed to the Task Force a strong conviction that everyone's sexual orientation should be respected and people should not impose their sexual orientation on others.

The fear that homosexual men and women will try to

**STEREOTYPES AND MYTHS: REFLECTIONS OF OUR FEARS**

"recruit" heterosexual men and women is sometimes a projection by persons who are anxious about their own homosexual feelings, their waning sexual ability, or their lack of confidence in their masculinity or femininity. Stereotypes projected about homosexual persons may well be a reflection of the fears of heterosexual persons.

A MATTER OF MORALITY?

The members of this Task Force have different views on morality, just as those of you reading this report no doubt will have a variety of moral values.

Some believe that any relationship is moral, as long as people relate to each other with mutual respect and consideration. A relationship is immoral only to the extent that one person imposes on or injures another.

Others believe that all relationships involving sex outside of marriage are immoral.

People always will differ on some moral issues. Progress is made not by dwelling on differences, but by discovering those things on which there is agreement. Often what really separates people is lack of information. Fear and ignorance sometimes become confused with moral values.

Members of this Task Force have differing moral values relating to sexual behavior. In working together, it was discovered that there is a great deal of ignorance about homosexuality, which creates fear and hostility, injuring everyone. The Task Force believes that many acts of discrimination have their real roots in such ignorance, rather than in moral values.

People who want to lead moral lives -- who want to be fair to other people -- will want to go beyond their doubts and misgivings, to become better informed, so that they do not wrongfully discriminate against other people out of ignorance.

## A MATTER OF MORALITY?

Some people have religious objections to homosexuality, believing it to be immoral according to the doctrines of their particular religions. However, as the four ministers on the Task Force have pointed out, a religious belief that homosexuality is morally wrong does not preclude a religious person from believing that homosexual citizens deserve the same civil rights and the same respect and consideration as heterosexual citizens.

Many religious denominations are re-examining their traditional attitudes toward sexuality and toward the social roles of men and women. They recognize that many of our religious doctrines were formulated by people of faith whose understanding of moral law was shaped and limited by their time and place in history.

Although traditional religious views toward homosexuality affect current attitudes, American government is founded on the principle of separation of church and state. The Task Force believes that it is not proper for the doctrines of any particular religion to be transplanted into government policy which will affect citizens of many different religions.

At our public meetings, the Task Force received testimony from some citizens who believe that government should not act to protect the rights of homosexual men and women. To do so would, in their opinion, constitute "approval" of homosexuality or of particular lifestyles.



## A MATTER OF MORALITY?

As government acts to protect the civil rights of homosexual men and women, government is not "approving" of homosexuality or of any particular lifestyle. It is not the purpose of a democratic government to approve or disapprove of its citizens' lifestyles.

The purpose of democratic government is to make it possible for all people, of many ethnic, religious and cultural backgrounds, and with many different values and lifestyles, to live their lives as they individually choose.

When government acts to protect the freedom of a particular group within society to pursue self-fulfillment as the members of that group choose, it is not "approving". Civil rights are the rights to follow the dictates of one's own conscience even when others do not approve.

A THREAT TO MARRIAGE AND THE FAMILY?

Some people oppose civil rights protections for homosexuals because they believe that homosexuality poses a threat to marriage and the traditional family. At some of our monthly public meetings, individuals testified that they feared that civil rights protections would encourage homosexuals to be more open about their relationships. They believed that as people then would become more aware of those in the community who were homosexual, this would encourage other people to become homosexual and to abandon heterosexual marriage and family life.

The heterosexual marriage is in crisis. Divorce and extramarital sex have increased. Wife-beating and child abuse occur in all social classes and are more evident than ever before. But it is not clear how homosexual men and women are responsible for this crisis in heterosexual family life.

Some people believe that marriage and childrearing are a duty for all adults. The Task Force received testimony that some citizens believe people choose a homosexual lifestyle in order to escape the responsibilities of marriage and childrearing. In response to this, other people testified that this ignores the fact that homosexual women and men may be as committed to their relationships as married heterosexuals, and that many homosexual people have children and the responsibilities of rearing them.

At our second monthly meeting, Dr. Joe Trainer explai-

## A THREAT TO MARRIAGE AND THE FAMILY?

ned that a greater acceptance of the homosexual orientation of some citizens would actually reduce the number of problem marriages. Many marriages fail because of the homosexual orientation of one, or both, of the spouses, which denies to the marriage a basis for real commitment.

Several homosexual men and women described how they had been pressured into getting married. Some of the pressure was the traditional societal expectation that all adults will marry, which was expressed through relatives and friends asking if there was "anyone special yet". Sometimes the pressure was the strongest from relatives who seemed to suspect that the unmarried person had "homosexual tendencies", and who may have believed that marriage would change their orientation.

There is even evidence (1) that homosexual men and women marry at younger ages than heterosexual men and women. In one study, 16% of the homosexual men and 49% of the homosexual women who married did so before they were 20 years old, whereas only 7% of the heterosexual men and 26% of the heterosexual women married before age 20. One explanation for this may be that young homosexuals may try to prove to themselves that they can be heterosexual by marrying.

Many homosexual people do marry because of the social pressures against staying single and because they at first

## A THREAT TO MARRIAGE AND THE FAMILY?

believe that their homosexuality is a "passing phase" which will go away when they get married. Once married, they live under the burden of knowing that they are emotionally short-changing their heterosexual spouses. They may do their best to fulfill their roles as husbands or wives, but there is "something missing".

Homosexual married people who decide to tell their spouses that they are homosexual and to get divorced may be criticized by relatives and friends for "deceiving" their spouses.

As long as all adults are expected to marry, homosexual women and men will continue to find themselves in a "can't win" situation in which they first are criticized for not marrying, and then may be criticized for marrying. No one benefits from this.

Marriage itself is degraded when people who are homosexual are pressured into getting married when their affections truly lie elsewhere. It is unfair to the heterosexual spouses, who are not receiving the full commitment from their homosexual spouses which they should be receiving. It is unfair to the homosexual spouses, who are also denied the truly fulfilling relationships and who are burdened with guilt for not being able to truly fulfill the marriage relationship.

If our society instead accepts the fact that not all

## A THREAT TO MARRIAGE AND THE FAMILY?

people are heterosexual and not all adults should marry, then there will be stronger marriages and fewer problem marriages. People will marry because they really want to make that commitment, not just because other people expect them to.

At this time in our society, there are problems in marriage and family life. It is difficult enough for heterosexual women and men to maintain satisfying marriages, even with their basic interest in each other, without insisting that homosexual adults marry when they do not have that basic orientation.

Attacking homosexuality as a threat to marriage seems to evade the fact that heterosexuals must bear the responsibility for the success or failure of heterosexual relationships. Accusing homosexuals of child molesting also evades the fact that the great majority of child molesting occurs within the heterosexual family and is heterosexual in nature.

Not only is child molesting within the family more common than molestation by strangers, it also is more damaging to the child. A child molested by her or his own father, uncle or brother not only is sexually abused, but is deprived also of the security and haven which home and family should provide. The child who is molested by a family member is likely in adulthood to have problems relating to his or her own

## A THREAT TO MARRIAGE AND THE FAMILY?

spouse because of the distorted view of family life which he or she had as a child.

In contrast, the child who is molested by a stranger generally suffers only a single or short period of trauma. Although the trauma is real, at least the child typically has the solace and security of home and family following the incident.

Blaming homosexuals for the problems of heterosexual marriage and for child molesting not only is an injustice to innocent homosexual men and women, it also may mean that society fails to confront the very real problems of heterosexual marriage and child molesting within the family.

### NOTES

1. Bell and Weinberg, *Homosexualities: A Study of Diversity Among Men and Women*, Simon and Schuster, 1978.

IS SEX JUST FOR REPRODUCTION?

Some people's attitudes toward homosexuals do not change, even when the traditional myths and stereotypes are shown to be untrue. They still contend that homosexuality is "deviant", "abnormal" and "unnatural".

They start with the belief that the purpose of sex is reproduction. Therefore, since only heterosexual intercourse (male genital/female genital contact) can result in reproduction, only heterosexual intercourse is "natural", or "normal". Therefore, homosexuality is seen as "unnatural" and "abnormal".

This line of reasoning sometimes is extended to prohibit any sexual activity even between husbands and wives other than intercourse. It follows, then, that it is improper for husband or wife to masturbate, use birth control, have oral-genital contact, have sex after therapeutic removal of gonads or after the child-bearing years. Many married couples cannot abide by their own beliefs. Consequently, they are burdened by guilt feelings when they engage in such "non-reproductive" sexual activities, or even when they fantasize about them.

Is reproductive sex the only "natural" sex? Natural, like the birds and the bees? Natural, like cows and dogs? Do only maladjusted humans engage in other sexual practices, sex for other purposes, or sex with persons of the same sex?

Actually, non-reproductive sex is quite common among

## IS SEX JUST FOR REPRODUCTION?

mammals and has been observed often in natural settings by biologists, zoologists and anthropologists, as well as by lay persons. (1) The most common forms of non-reproductive sex observed are masturbation and homosexuality, even when a receptive opposite-sex partner has been available.

What rancher has not seen cows mounting each other? Female dogs who are not in heat will rub their genitals on a variety of objects until an apparently pleasurable resolution is achieved. (2) Sometimes, a male chimpanzee in the wild will prefer the sexual attention of another male to that of a female. (3)

Although some people find these behaviors disturbing or embarrassing, and respond that "people are not just animals", these examples make it clear that, in nature, sexual behavior exists apart from the drive for species reproduction. It is actually in the "lowest" species (non-mammal) that sex is most often limited to reproduction. Non-reproductive sex is more common in mammals than non-mammals; and more common in humans than in other primates.

Humans do differ from other animals. Unlike other animals, they do not have limited periods of sexual readiness. Although conception (reproduction) only can occur about four days a month, sexual arousal can occur anytime (even during pregnancy, menstruation and after menopause). Intercourse and



## IS SEX JUST FOR REPRODUCTION?

other sexual activity can be engaged in at any time. The end result is that a large amount of human sexual behavior in American society is non-reproductive. (4)

Humans also have the largest brain cortex (with the exception of the dolphin), and therefore have more capacity for imagination and inventiveness. The greater the cortical functioning of a species, the more frequent is non-reproductive sexual behavior. Also, in this society, non-reproductive sexual behavior increases as amount of education increases.

While some people believe that sex is only for reproduction, animals in nature do not limit their sexual behavior to reproduction and neither do most people. Scientific observation of mammals illustrates that labelling homosexuality as "unnatural" is unscientific and really is a value judgment. From an objective biological viewpoint, there is a basic mammalian capacity for homosexuality.

In 49 of 76 human societies studied (64%), homosexual activity of one sort or another was considered normal and socially acceptable for some members. (5) This capacity is obscured in some societies, particularly American society, which forbids homosexual activity and regards it as unnatural. From childhood, homosexual behavior is discouraged and people are encouraged to confine their sexual activity to sexual relations within marriage. But despite cultural conditioning,

## IS SEX JUST FOR REPRODUCTION?

some people do express their basic mammalian capacity for homosexuality.

NOTES

1. Ford, C.S. & Beach, F.A. Patterns of Sexual Behavior. New York: Harper & Row, 1951.
2. Wundram, I.J. "Non-reproductive Sexual Behavior: Phylogenetic and Social Considerations". Scheduled for publication during 1979 in American Anthropologist.
3. Goodall, J. Chimpanzees of the Gombe Stream Reserve. National Geographic, 1965.
4. Kinsey, A.C., Pomeroy, W.B. & Martin, C.E. Sexual Behavior in the Human Male. Philadelphia: Saunders, 1948.  
  
Kinsey, A.C., Pomeroy, W.B., Martin, C.E. & Gebhard, P.H. Sexual Behavior in the Human Female. Philadelphia: Saunders, 1953.  
  
Allen, G. & Martin, C.G. Intimacy: Sensitivity, Sex and the Art of Love. Cowles, 1971.
5. Ford, C.S. & Beach, F.A. Patterns of Sexual Behavior. New York: Harper & Row, 1951.

THE CONCERN ABOUT CHILD MOLESTING

One of the most persistent myths about homosexuals is that they are child molesters. A film used by the Portland Public Schools for many years is typical of how this myth is perpetuated. The film is designed to warn children against strangers and it portrays all offenders, in enactments of child seduction, as being homosexual. (The use of the film was recently discontinued because of its misleading nature.)

At a public meeting of the Task Force in September, 1976, one woman stated she had been told by a juvenile detention home caseworker that "homosexuals were preying on 10-12 year old boys on downtown Portland streets" and she expressed the opinion that all homosexuals should be kept under police surveillance. Also discussed at that meeting was the case of a Salem grade school teacher charged with having sexual relations with his male students.

Because of these and other expressions of public concern, the question as to whether homosexuals are any more likely than heterosexuals to molest children was researched by the Task Force. Investigation utilized interviews with experts on sex offenses, review of police records and Children's Services Division child abuse records, and library research. Those interviewed included caseworkers and other staff of the Multnomah County Juvenile Court; the Multnomah County Sheriff's Office; the Sex Crime Detail of the Portland Police Department; the Protective Services

## THE CONCERN ABOUT CHILD MOLESTING

Unit of Children's Services Division; psychiatrists; a sexology consultant; and members of the public with particular concerns.

### Findings

The findings of the Task Force may be summarized as follows: Sexual offenses against children are committed by males. The great majority of sexual offenses against children are heterosexual in nature: male offenders and female victims. Children are most often molested by members of their own family, rather than strangers or people employed to work with children. Child molesting cannot be labeled either heterosexually or homosexually motivated; child molesters are motivated by their inability to establish satisfactory adult-adult relationships, not by their heterosexual or homosexual orientation. Sexual activity among boys is common and most boys who engage in it have heterosexual orientations as adults. Male teenage prostitutes are more likely to be exploiters than victims. Homosexuals are no more likely to molest children than are heterosexuals.

### Discussion

The annual reports on child abuse of the Children's Services Division show that in 1973-1975, 85-90% of child molesting was committed by fathers, stepfathers, foster fathers, grandfathers, brothers, uncles and mother's boyfriends. Another 6-10% were committed by men known to the family, such as

## THE CONCERN ABOUT CHILD MOLESTING

friends, neighbors, and house boarders. For example, the November, 1976, figures show 22 cases of child molestation, with all offenders male, 21 offenders being relatives and family acquaintances, and only one offender a stranger to the family, and 20 female victims and 2 male victims.

Portland Police Bureau records for the first 11 months of 1976 show 212 cases of sexual offenses against children. Eighty-one percent of the victims were girls and 19% of the victims were boys. Of the cases involving boys, at least 18% of the offenders were known to have also molested girls.

Multnomah County figures for 1974-75 show all child molesters were male, and 85% of the victims were female. According to all experts interviewed and to reports of sex offenses of Multnomah County (1974-75), City of Portland (1976), and State of Oregon (1973-76), only two cases of child molesting involving female offenders were found, and those involved 11 and 12 year old girls simulating sexual intercourse with younger children. There is no evidence that lesbians or heterosexual women ever molest children.

Two counselors at the Multnomah County Juvenile Court who handle child molestation cases stated in interviews that they had heard of "literally thousands of cases of heterosexuals molesting children." One of the counselors had never had a case of a homosexual molesting children in 18 years working at the court. The other counselor had heard of less than 5 cases in her 12 years at the court and the only ones that she could remember were two in which each involved fathers sexually

#### THE CONCERN ABOUT CHILD MOLESTING

molesting their sons. Comparing Oregon figures with those of other areas, the Regional Resource Center for Child Abuse in Boise, Idaho, reported 83 child molestings from January through September of 1976, in which 95% of the victims were female. In a study of sexual abuse of children in Minneapolis in 1970, 88% of the victims were female and all of the offenders were men.

In all the research reviewed by the Task Force, the percentage of male victims ranges from 0-19%. However, the offenders cannot be assumed to have a primary homosexual orientation just because the offender and the victim were both male. In some cases the offenders were known to have also molested girls. Most of the offenders were apparently heterosexually active, since most were either married (father, stepfather, babysitter's husband, etc.) or unmarried but involved in a heterosexual adult relationship (boyfriend of the mother).

The conclusion from the research of the Task Force and the opinion of acknowledged experts in the field is that child molesting is a behavior known as pedophilia, which is a neurosis distinct from sexual orientation. In some cases, pedophilia may not be sexually motivated at all, but instead may be an "acting out" sexually to relieve anxieties about inability to establish satisfactory adult-adult relationships.

In interviews, Bud Powell, manager of the Protective Services Unit, Children 's Services Division, and Sergeant Bill Johnson of the sex Crime Detail, Detective Division, Portland

## THE CONCERN ABOUT CHILD MOLESTING

Police Department, agreed that child molestation has little to do with heterosexual or homosexual orientation, but, rather, is a separate problem.

Experts on pedophilia conclude:

Sex offenders, as a class, are rather shy, timid, and non-aggressive; under-sexed rather than over-sexed. (1)

Pedophiliacs are particularly afflicted with anxiety regarding sexual potency. They are often impotent or partially so. Inferiority feelings leave them to seek younger, less formidable love objects, whose ignorance prevents their deficiencies from becoming obvious. The child as sexual object saves the ego from blows. (2)

The Task Force interviewed the juvenile detention home caseworker who had supposedly made the statement that homosexuals were preying on 10-12 year old boys on downtown Portland streets. The caseworker acknowledged that his "personal observation is nil in this area." His knowledge came from vice squad arrests of teenage prostitutes. The youngest boys arrested for prostitution that he had seen at the juvenile detention home in Multnomah County were 15-16 year olds and had a history of delinquency. A check of the Portland Police Bureau Uniform Crime Report of 1975 showed the arrest of 63 persons under 18 for prostitution and commercialized vice: 49 girls and 14 boys. The youngest boy arrested was in the age category 13-14.

Some teenage male prostitutes have a heterosexual orientation and engage in homosexual relations only for the purpose of making money. Teenage male prostitutes

## THE CONCERN ABOUT CHILD MOLESTING

sometimes beat up and rob their male customers, knowing that there is little likelihood the assault and robbery will be reported to police. Boys who engage in prostitution in downtown Portland do not fit the image of victims.

According to the Kinsey report, about half of the adult males (48%) and nearly two-thirds (60%) of the boys who were preadolescent at the time of interview, recalled sexual activity with other boys in their pre-adolescent years. The mean age of the first sexual contact between boys was nine years, two and a half months. Sexual contact between boys is fostered by the greater accessibility of other boys, the socially encouraged disdain for girls' ways, boys' admiration for male prowess, and their desire to emulate older boys. The anatomy and functional capacities of male genitalia interest young boys. Older preadolescents and younger adolescent males exhibit their masturbatory techniques to individual companions or to whole groups of boys.

A considerable portion of the population, perhaps the major portion of the male population, has at least some homosexual experience between adolescence and old age. In addition, about 60 percent of pre-adolescent boys engage in homosexual activities, and there is an additional group of adult males who avoid overt contacts but who are quite aware of their potentialities for reacting to other males. (Kinsey et al., 1948, p. 610.)

The data in the Kinsey study indicates that at least 37% of the male population has some homosexual experience to the point of orgasm between the beginning of adoles-



## THE CONCERN ABOUT CHILD MOLESTING

cence and old age. "This is more than one male in three of the persons that one may meet as he passes along a city street (p. 623)."

The guilt and anxiety felt by many men about a few homosexual experiences in past years and the fears that sex play among children of the same sex will affect later sexual orientation seem unfounded. Child seduction by adults also seems to have little effect on establishing a sexual orientation. Most boys who engage in sexual activity have heterosexual orientations as adults.

Child molesting is primarily a problem within the family. Although child molesting is usually spoken of in public discussion as being a threat by strangers, it is most commonly committed by family members. Although employment of homosexuals in jobs working with children is opposed with arguments that homosexual teachers and youth workers may molest children, the fact is that it is more likely that a child will be molested by her or his own father than by a teacher, heterosexual or homosexual.

## References

- Bromberg, W. Crime and the Mind. New York: J.B. Lippincott, 1948.
- Cassity, J.H. Psychological considerations of pedophilia. Psychoanalytical Review, 1927, 14(2), 189-199.
- East, W.N. Observations on exhibitionism. Lancet II, 1924, 370-375.
- Karpman, B. The sexual offender and his offenses. Etiology, pathology, psychodynamics, and treatment. New York: Julian Press, 1957.
- Kinsey, A.C., Pomeroy, W.B. & Martin, C.E. Sexual behavior in the human male. Philadelphia: W.B. Saunders, 1948.
- Tripp, C.A. The homosexual matrix. New York: McGraw-Hill, 1975.

EMPLOYMENTIntroduction

In past sessions of the Oregon legislature, bills have been introduced to prohibit discrimination on the basis of sexual orientation and marital status in employment, housing and public accommodations. During legislative hearings, it became clear that some people objected to employment protections because of assumptions they made about what homosexual men and women were like and about problems they thought employers and co-workers would have with homosexual employees.

The Task Force was created after the 1975 legislative session for the purpose of assembling accurate information on homosexual men and women so that real problems could be identified and distinguished from supposed problems for which there is little or no evidence. A subcommittee of the Task Force investigated how homosexual men and women are currently employed; whether discrimination on the basis of sexual orientation or marital status does occur; how any such discrimination affected homosexual men and women and how it affected heterosexuals; and, finally, what effects the proposed civil rights laws would have by prohibiting discrimination.

Method of Study

Information was obtained through a questionnaire survey of homosexual and heterosexual members of the public; questionnaires distributed to state employees in a pilot study of attitudes towards homosexuals; testimony at public

## EMPLOYMENT

meetings of the Task Force; and individual interviews.

### Already on the Job

Questionnaires were returned by 160 homosexual men and women, describing their most recent employment. As the list printed in this chapter shows, these individuals were widely distributed throughout the work force, with their job titles showing 105 different occupations.

This list of occupations demonstrates several important facts:

--In contrast to other minority groups, homosexual people have long been at work in the full range of jobs in our economy.

--Contrary to the stereotypes, homosexual men and women are not concentrated in a few occupations.

--We are not faced with the question, "What would happen if homosexuals were allowed in certain occupations?" The prediction that there will be negative consequences if homosexual people are permitted in certain occupations ignores the fact that homosexual men and women are already working in every area and the negative consequences predicted by some have not occurred.

Since 1974, the City of Portland has had a stated policy of non-discrimination against city employees on the basis of sexual orientation. A member of the Task Force, Alyce Marcus, is in the Bureau of Personnel, which has responsibility for administering this policy. To date, the city has not received

Occupational Range of Homosexual  
Men and Women in Discrimination Survey  
(N = Women, 86; Men, 84)

Administrative Assistant	Instructor, Athletics
Advertising Manager	Insurance Clerk
Artist/Designer	Insurance Underwriter
Assistant Cook	Interior Designer
Assistant Director of Personnel	Inventory Control Specialist
Assistant Manager	Janitor
Attorney	Kitchen Helper
Auto Mechanic	Laboratory Technician
Bank Clerk	Laborer
Bartender	Landscape Gardener
Beauty Operator	Law Clerk
Bookbinder	Lecturer
Bookkeeper	Legal Secretary
Bus Driver	Light Assembly Worker
Buyer	Manager
Carpenter	Marketing Director
Cashier	Masseuse
Chemist	Medical Records Assistant
Child Care Worker	Nurse, RN
Civil Engineering Technician	Nurse's Aide
Clerical Specialist	Nursing Assistant
Clerk Typist	Office Clerk
Computer Operator	Operations Assistant
Computer Programmer	Order Clerk
Construction Laborer	Personnel Supervisor
Corporation President	Physical Therapy Assistant
Coach	Physician's Assistant
Counselor	Police Officer
Day Care Teacher	Printer
Day Care Worker	Producer/Writer
Delivery Driver	Production Worker
Dental Technician	Program Assistant
Department Manager	Program Coordinator
Director	Psychological Technician
Dishwasher	Public Relations
Drill Press Operator	Purchasing Agent
Employment Counselor	Quality Control
Engineer	Railroad Worker
Executive Director	Realtor
Executive Secretary	Receptionist
Factory Representative	Restaurant Manager
Factory Worker	Retired
Gas Station Attendant	Sales Manager
General Office Manager	Salesperson
Graphics Designer	Sales Representative
Grocery Clerk	Secretary
Hairdresser	Small Business Owner
Hospital Worker	Social Worker
Housekeeper	Sports Director
Housemaid	Teacher
House Painter	Teacher's Aide
Instructional Aide	U. S. Army
	Waiter

## EMPLOYMENT

any complaints from members of the public alleging any misconduct by those city employees who are homosexual.

### Some Actual Cases of Discrimination

Although homosexual men and women are in a wide variety of jobs, the subcommittee accumulated considerable evidence of employment discrimination. The testimony was received from numerous people who were either denied employment or terminated from employment after their sexual orientation became known. The following cases serve as illustration:

Personal Interview: Male, 44 years old. Recruited from New York by owner of a Portland-based international firm for position as director of marketing. Owner found out he was homosexual and wanted to fire him immediately, but the company was in financial difficulty and he was kept on. After a year his responsibilities were gradually taken from him until he resigned. He was unemployed at the time of the interview.

Questionnaire: Female, 25 years old. Employed for 2 1/2 years as successful manager of adult recreation facility. Terminated when employer learned she was homosexual. Unemployed at time of survey.

Personal Interview: Male, 27 years old. Applied for counselor position. Two members of interviewing panel told him he was not hired because another person on panel knew he was homosexual.

## EMPLOYMENT

To summarize these and other examples of discrimination described to the Task Force, men and women may be denied employment once their sexual orientation becomes known. This is true even when they have had exemplary work records. Seldom are they told directly that their sexual orientation is the reason for termination or for failure to get a job. They frequently find out only from co-workers or others in whom the employer has confided. Their sexual orientation may become known after a co-worker sees them exchange a hug after work with a friend, or because of their honesty in acknowledging their sexual orientation in an encounter group sponsored by their employer, or because they confided in a co-worker who chooses to betray that confidence.

Sometimes homosexual men and women are affected by discrimination on the basis of marital status. Many companies will not hire or promote unmarried individuals into certain positions because of an assumption that they are less stable than married employees. This ignores the fact that many unmarried people, homosexual and heterosexual, are as committed to their careers as married people, are socially stable, and may have financial responsibilities for dependents. In the past, homosexual men and women have sometimes entered into marriages of convenience to satisfy the expectations of employers who favor married employees.

Homosexual women and men are denied jobs working with children, not because they have engaged in misconduct with

## EMPLOYMENT

children, but because of the automatic assumption that they might engage in such misconduct.

### The Threat of Employment Discrimination

Most homosexual men and women report that although they have not actually yet been discriminated against in employment, they experience considerable insecurity because they know that they could be discriminated against. They believe that they have not been discriminated against solely because they avoid doing anything which might indicate their sexual orientation.

To avoid discrimination, several people described to the Task Force how they were careful not to discuss their off-the-job lives at work: who their friends were, whom they lived with, the everyday ups and downs of their personal lives--things which most heterosexual men and women do not hesitate to discuss with associates at work.

They described to the Task Force the anxiety they feel when a co-worker asks a "friendly" question about whom they live with, or whom they took their vacation with, or whether there is someone "special" in their lives. One way to appreciate the pressure which this creates is to imagine what it would be like if you were married but felt that you had to keep it a secret from the people at work. There is very little you could talk about concerning your life away from work which you would not have to distort in order to



## EMPLOYMENT

conceal the existence of your spouse and the importance of that person in your life.

Many homosexual men and women are disturbed at having to be untruthful in this way. They would like to be honest with co-workers but they do not feel they can risk it because it could lead to loss of their jobs.

Many employers state they personally do not or would not discriminate on the basis of sexual orientation, but the homosexual man or woman is in a position of playing Russian Roulette, since it is difficult to predict whether a particular employer will discriminate. As a result, the tendency is for homosexuals to conceal their sexual orientation, even in employment situations where that might not be necessary.

Despite the precautions which homosexual men and women take, there always remains the possibility that by some coincidence a co-worker will discover an individual is homosexual. The fact that the individual has kept this a secret may lead people to conclude that he or she is generally dishonest, or is ashamed of his or her sexual orientation, when in fact the individual may be basically honest and not motivated by shame but rather by fear of losing a means of livelihood or a valued career.

The end result is that a great deal of human energy is wasted in the form of anxiety and painstaking efforts to avoid saying or doing anything to suggest that someone is homosexual.

## EMPLOYMENT

A Case of Mistaken Identity

Testimony that dramatically illustrated many of the factors at work in discrimination on the basis of sexual preference was given by a heterosexual woman who was terminated from a management trainee program because of the belief that she had made sexual advances towards other women trainees.

Employed by a Portland division of a national retail organization, she was summarily called into her supervisor's office, after a month of satisfactory work, and informed that she was being dismissed for making sexual advances toward other employees. The supervisor refused to give her any details about the charges.

Thinking she was charged with allegedly making passes at men, she filed a complaint of sex discrimination with the Oregon Civil Rights Division, since men are rarely if ever fired for making passes at women with whom they work. Only later did she discover that it was women toward whom she had supposedly made advances.

The fact that this woman was heterosexual and clearly had no intention of making sexual advances to other women provides an excellent opportunity to see how traditional prejudices and personal anxieties about homosexuality might lead to very wrong conclusions.

What forces were at work which might lead co-workers and a supervisor to believe that an employee is making homosexual advances? The woman had recently been separated from

## EMPLOYMENT

her husband and had resolved before beginning the job not to become involved with any man at work. Since she was recently separated, many people might have assumed she was "available" to men. When this very conventionally attractive woman consistently did not respond to the usual social and sexual overtures by her male co-workers, this might have planted a seed of doubt in some people's minds about her social and sexual orientation. There is a general social expectation that "eligible" men and women will engage in everyday flirtations and in dating. Many male supervisors routinely relate to female employees through a low, but frequent level of flirtation. The woman who does not respond "appropriately" may seem "different."

Although in a management trainee program in which people are typically competitive with each other, the woman believed it was important for co-workers, and particularly women, to be supportive of each other in a situation where they were trying to advance in a traditionally male field. This was reinforced by her recent experiences in a life enrichment program which encouraged cooperation. When co-workers expected competitiveness, but were met with supportiveness, they may have become uncomfortable--why was this woman being so friendly?

Once she had innocently triggered these sorts of doubts, the stage was set for an expression of physical affection to be interpreted in a sexual way. This woman was

## EMPLOYMENT

naturally warm and affectionate. When a woman co-worker was experiencing difficulty because her daughter was presenting some behavior problems, the woman at one point stopped by to see the mother after work, to offer whatever help she could. On other occasions, she placed her arm around the mother at work, as they were discussing how upset the mother was because of her child.

We do not know anything about the personal experiences or anxieties of the mother which may have predisposed her to interpret the woman's actions as sexually motivated. But once one co-worker jumped to this conclusion and told others, several women apparently retrospectively "discovered" the supposed homosexual nature of the woman's friendly actions.

Because everyone tends to be afraid of this subject, no one, not even the supervisor when he terminated her, would let her know of their suspicions. She was never given the opportunity to answer the suspicions about her and so stop the spreading anxieties.

This case is striking, but probably not all that unusual. As long as people have preconceived ideas about what homosexual men and women act like or look like, they may interpret totally non-sexual actions and words by both homosexual and heterosexual co-workers as homosexual in nature. Heterosexual employees, as well as homosexual employees, may be terminated or never promoted because they

## EMPLOYMENT

"look gay" or "act gay"--at least to someone.

If the behavior of a heterosexual employee can be so misconstrued, it is likely that co-workers will be even more inclined to wrongly place a sexual interpretation on the behavior of employees who are known to be homosexual. Aware of this, homosexual men and women described to the Task Force how they were much more circumspect about their social interactions at work than their heterosexual co-workers were, because they realized there was more likelihood that their actions would be misinterpreted as sexual advances than the actions of heterosexual employees.

With the protections of a civil rights law, both homosexual and heterosexual employees who feel that suspicions of this nature are limiting their employment opportunities will have an opportunity to respond to the erroneous conclusions which may be drawn about their conduct.

State Personnel Attitude Survey

A questionnaire was distributed to two sample groups of employees (administrative, clerical, and service) of state divisions, as a pilot study of attitudes toward homosexual clients, co-workers, and supervisors. One sample covered employees of a number of state divisions, located in a common facility in one of our larger metropolitan areas. The other sample covered employees of a single division, located in offices throughout the state. Results from the two studies corresponded to a high degree. A full report

## EMPLOYMENT

of this study is presented in a separate chapter of this volume.

The following is a summary of the findings which are particularly relevant to the issue of civil rights protection in employment:

1. There was a higher return rate of this questionnaire than of other questionnaires on different subjects which had been distributed to these employees, suggesting that state employees are interested and concerned about the subject of homosexuality.

2. Respondents were asked whether they would feel comfortable working with co-workers or supervisors who were homosexual. The response was: Co-workers: Comfortable, 65%; Not comfortable, 7%; Depends, 28%. Supervisors: Comfortable, 63%; Not comfortable, 7%; Depends, 30%. Those who answered "depends" gave the following reasons: behavior, personality, whether they would try to impose their values on others, whether they would make sexual advances. Those who had already been professionally involved with homosexuals were twice as likely to say they would feel comfortable working with a homosexual co-worker or supervisor as those who had never been professionally involved with homosexuals.

3. A higher percentage of the statewide sample than the metropolitan sample (88% to 70%) reported they had been professionally involved with homosexual clients, indicating

## EMPLOYMENT

that there are homosexual men and women throughout the state and that they are not all concentrated in larger cities, as is sometimes thought. The statewide sample reported that they had co-workers who were homosexual only half as often as did the metropolitan sample. This suggests the possibility that homosexual state employees in small offices in less-populated areas of the state feel more cautious about revealing their sexual orientation to co-workers.

4. 66% said they had a generally positive attitude toward homosexuals and 53% said their attitude had improved as a result of knowing someone who was homosexual. Comments included: "Close association has removed my prejudice," "Working with problem-free homosexuals," "My co-worker was an extremely professional, competent person," "Having friends who are homosexual has helped me see them first as people."

5. 52% said they definitely would attend an optional educational training program for state employees on homosexuality. 15% of those who had a negative attitude said they would attend such a program. Only 17% of the total respondents said they definitely would not attend such a training program. The remainder were undecided.

Conclusions. In considering employment protection for homosexuals, the most important points to be made from this study are: (a) contact with co-workers who acknowledge their homosexual orientation produces an increase in positive

## EMPLOYMENT

attitude and a decrease in feelings of discomfort about homosexuals, a reaction contrary to the prediction that knowing that one's colleague or boss is homosexual would have a disturbing effect; and (b) a majority of people would like more information about the subject of homosexuality, including some of those who hold negative views.

Enforcement of the proposed civil rights provisions would be administered by the Bureau of Labor and the Civil Rights Division. The Bureau already utilizes Technical Assistance personnel to provide educational programs on the laws as they relate to discrimination on the basis of currently protected groups, such as women and minorities.

In view of the interest which many people express in more information on the subject of homosexuality, Technical Assistance could expand to educational programs available to employers and their personnel on sexual orientation, which could present them with accurate information to refute the stereotypes and myths which might otherwise make them resistant to treating homosexual employees in an equitable manner.

This public interest has already been demonstrated in the case of the Health Department of one of our largest counties. A homosexual man was among a team which did educational programs on venereal disease. After some time on the job, when it became known to many that he was a homosexual; the health department began getting requests for the man to



## EMPLOYMENT

present programs on homosexuality.

Causes of Discrimination

Employers who state that they have or would discriminate against homosexuals in employment tend to give one of several reasons for their belief that homosexual men and women do not make good employees. Each "reason" is derived from the traditional myths and stereotypes about homosexuals which are discussed at length in the chapter on myths and stereotypes.

For example, an employer may be concerned that a homosexual male would wear women's clothing to work, illustrating the traditional confusion between homosexuals and transsexuals or transvestites.

The question of dress codes for men and women at work is distinct from the question of employment discrimination on the basis of sexual preference. Prohibiting employment discrimination on the basis of sexual preference will not affect an employer's right to dictate appropriate dress for male and female employees.

An employer may believe homosexuals are mentally unstable and so would be undependable on the job, unaware that there is no scientific evidence of this and that the employer with such a view more likely than not has satisfactorily relied on the work of homosexual employees for years.

Some employers state that they do not mind having homosexual employees as long as their sexual orientation is

## EMPLOYMENT

not disclosed to other employees, because they believe other employees will be upset at having homosexuals as co-workers. This contrasts with a finding of our survey of state employees, which indicated that people's attitudes towards homosexuals tend to improve when they have a co-worker who they know is homosexual.

The most common objections to employment of homosexual men and women are in occupations connected with children. In Oregon there are thousands of homosexuals employed as teachers, child care workers, and related occupations who do satisfactory work without engaging in the misconduct predicted by some people.

### Effect of Proposed Civil Rights Legislation

The Task Force recommends that legislation be passed which would prohibit employers from discriminating against employees on the basis of sexual orientation or marital status. This would parallel existing law which prohibits employment discrimination on the basis of sex, religion, race or national origin.

This recommendation was first presented in our Preliminary Report to the Oregon Legislature, in 1977. During legislative hearings, opponents gave reasons for their opposition to such legislation which indicated a lack of understanding of the proposed legislation.

For example, some people have stated that the proposed legislation would require employers to hire a quota of

## EMPLOYMENT

homosexual men and women, similar to the affirmative action which has been used to increase the number of women and minorities in occupations from which they have historically been excluded.

The fact is that affirmative action or quotas are not being proposed for homosexuals because there are differences between employment discrimination on the basis of sexual orientation and discrimination on the basis of sex and race.

Because women and minorities are readily identifiable by their appearance, they have been systematically excluded from particular job categories. In contrast, because homosexuals are not readily identifiable by their appearance, they have been erratically excluded from all kinds of employment, but continue to be represented in all job categories. (Except that lesbians, like other women, have been excluded from certain occupations because of sex discrimination and homosexual members of minority groups have been subject to racial discrimination.)

Proposed legislation would not require employers to affirmatively seek out homosexual men and women for employment or to hire any particular number or quota of them. Proposed legislation would only require that no qualified applicant for a job be excluded from consideration because of homosexual orientation and that no existing employee be terminated or denied promotional opportunities because

## EMPLOYMENT

his or her sexual orientation becomes known.

In fact, the legislation proposed in 1977 would have prohibited any inquiry into or investigation of the sexual orientation of any employee or prospective employee.

The Task Force received testimony concerning some employers who aggressively sought out information about the personal lives of single employees, apparently out of an assumption that any single employee might be homosexual.

It is the position of the Task Force that employees' rights of privacy need respect and protection. Employers have no legitimate interest in the personal or sexual lives of their employees except where there is misconduct which affects job performance.

During the 1977 legislative session, statements were made in opposition to the proposed legislation such as: "This bill would make it impossible for schools to fire a teacher who molested students."

This is absolutely untrue. If a heterosexual teacher molests a student, the teacher may be terminated. If a homosexual teacher molests a student, the teacher may be terminated.

The proposed legislation prohibits discrimination on the basis of sexual orientation, not sexual misconduct.

An employer can always act against a member of a protected group for "cause" which is work related. Any

## EMPLOYMENT

person, heterosexual or homosexual, who had a history of sexual misconduct involving children could be denied employment working with children. Any employee, heterosexual or homosexual, who engaged in misconduct with children while on the job, could be terminated.

Company Policies of Non-Discrimination

Most publicity concerning homosexual employment rights has centered around attempts to pass local, state and federal legislation which would prohibit discrimination on the basis of sexual orientation.

Less known is that a large group of major U.S. corporations have in recent years adopted clear policies of non-discrimination on the basis of sexual orientation, including many of the "Fortune 500". A partial list:

Eastman Kodak	Bell and Howell
Firestone	Bank of America
Gulf & Western	Colgate-Palmolive
Kellogg	Ford Motor Co.
Addressograph Multigraph	Standard Brands
NBC	Fieldcrest Mills
Union Carbide	General Electric
Levi Strauss	Bendix
Western Electric	Warner Communications
American Can	American Airlines
American Brands	Corning Glass
McGraw Hill	Oscar Mayer
Time	Inland Steel
Citicorp	ABC
Green Giant	Pillsbury
CBS	Eastern Airlines
Allied Chemical	AT&T
IBM	Dow Chemical
Greyhound	Carnation

## EMPLOYMENT

Typical of the affirmative statements of non-discrimination are: "Eastman Kodak Co. does not discriminate on the basis of sexual orientation in the hiring or in the promotion of its employees." "Time, Inc. does not discriminate in its employment policies on the basis of sexual orientation. To the contrary, Time, Inc., believes that individual employees should be judged on the basis of their performance and contributions."

Although a number of Oregon employers have explicit policies on non-discrimination, and many employers in fact do not discriminate against homosexuals, the full benefits of their non-discrimination are not realized by their employees because their policies are not stated clearly to them.

\*\*\*\*\*

RECOMMENDATION: Discrimination on the basis of sexual orientation and marital status should be prohibited in employment, housing and public accommodations by statute.

\*\*\*\*\*

GOVERNMENT EMPLOYMENT AND SERVICES

How do the administrative agencies of the State of Oregon relate to citizens and employees who are homosexual? Are homosexual citizens receiving the same quality of services which other citizens receive? Do they have particular needs which are not being met by existing government services? Are state employees who are homosexual given equal opportunities in their state employment? Are their skills and knowledge being utilized as fully as those of other state employees?

Method Of Study

Administrators of a variety of state agencies were interviewed; questionnaires were distributed to state employees in a pilot study; comments were solicited from employees and members of the public by notices in a variety of publications published by state agencies; members of the public and state employees were interviewed in person and by telephone.

Discussion

We met with both administrators based in Salem and other personnel from around the state. Although most people were interested and cooperative, their attitudes and apparent level of information did vary greatly, much as it does in the general population.

A few people expressed doubt that there were really enough homosexual people served by or employed by their division to warrant reviewing policies and practices. Other

## GOVERNMENT EMPLOYMENT AND SERVICES

people were aware there were a significant number of homosexual men and women, but were not aware of any particular problems relating to their division. Finally, some other people did have suggestions on how their divisions might better serve the needs of homosexual members of the public and their families, or knew of cases of state employees who had not been given equal treatment because of their supposed sexual orientation.

There were some notable differences between administrators and other personnel. Personnel from around the state were much more open in their questions and comments and were more receptive to reviewing how their services might disparately affect homosexual men and women, than were administrators in Salem.

Administrators seemed to feel constrained by their "position" as representatives of their divisions, and often expressed the belief that policy changes would be very slow in coming because they believed state employees would be particularly uncomfortable with anything relating to the subject of sexual orientation. When meeting together, administrators generated a more conservative group attitude, reinforcing their individual reluctance and misgivings.

In contrast, other personnel did not feel that they had to guard what they said. The openness of some people in each group of course encouraged other people in that group to



## GOVERNMENT EMPLOYMENT AND SERVICES

participate freely in the discussion.

Administrators therefore need to get a different perspective than they get when they meet only with other administrators, so that they can appreciate the fact that state employees and members of the public are increasingly receptive to information and a re-evaluation of our social policies relating to sexual orientation. They can then consider possible policy changes, without assuming that any and every change would be imposing something on their personnel or on the public whom they serve.

Furthermore, administrators and other state employees have doubts, fears, stereotypes, etc. about sexual orientation, just like everyone else. Before state employees can reasonably be expected to scrutinize the policies and practices of their agencies with regard to the particular needs of homosexual men and women and their families, they need an opportunity to have their own questions answered and their own conflicting feelings dealt with.

We found it unfortunate that in initial meetings with administrators, the immediate emphasis was on the particular policies and practices of that administrator's division. Administrators need an opportunity to absorb some general information on the subject of sexual orientation and need an opportunity to meet homosexual men and women served by their division and employed by their division, to provide a context for policy review, just as we ourselves, as members of this

## GOVERNMENT EMPLOYMENT AND SERVICES

Task Force, had to deal with our own preconceived notions before we could move on to making policy recommendations.

Whenever we have discussed possible changes in government policies, administrators have understandably been concerned with what public reactions may be. Unfortunately, sometimes discussion seems to get "stuck" on the most sensitive problems, resulting in a feeling that the whole subject of homosexuality is too controversial and that no policy changes would be tolerated.

Although some policies will only be politically acceptable as public attitudes have changed, other policies can be changed immediately and the effects of those changes will in themselves promote social acceptance of other policy changes.

For example, Children's Services Division has responsibility for adoptions, foster care and services to children who are living with a natural parent in their own homes. The idea that men and women who are homosexual should have the right to raise their own children is less controversial than the idea of homosexual men and women being foster parents or adoptive parents. CSD may not want to immediately change its policies in the area of foster care and adoption placements, but it could review the quality of services which it is providing to children who are living with their homosexual parents or to homosexual children.

## GOVERNMENT EMPLOYMENT AND SERVICES

Although in some chapters of this report we have made detailed recommendations on certain government functions, such as criminal law and police relations, there remain many other areas of government activity which we simply did not have the time and resources to investigate fully.

We have, however, received a variety of comments by members of the public and state employees themselves on what they felt were inadequacies in the services provided by some divisions in meeting the needs of homosexual men and women and other members of their families.

The Commonwealth of Pennsylvania Council on Sexual Minorities addressed this problem by forming in-house committees within a variety of state departments, to scrutinize policies and practices and review complaints from state employees and members of the public. In addition, each of these departments is represented on the Council itself.

This combination of in-house committees for each agency and a council with representatives of all agencies (as well as members of the public) would have several advantages over the existing structure of our Oregon Task Force, which has been made up primarily of members of the public:

- (1) State employees on the in-house committees would already be familiar with the policies and practices of their divisions;

- (2) They already would be acquainted with other personnel, which would provide a better basis for dealing with

## GOVERNMENT EMPLOYMENT AND SERVICES

proposed policy changes and complaints;

(3) By meeting together, representatives of different divisions could reduce total costs by joint development of training and other materials; exchanging ideas on analogous problems, etc.;

(4) A reconstituted Task Force, with in-house committees, would provide a supportive environment for administrators and all state personnel who would like to take positive steps in this area, but who are now reluctant to do so because they do not want to be singled out by public attention or by other state personnel.

State personnel who are homosexual, and those who are heterosexual but who have had homosexual clients, friends and relatives, making them better informed on this subject, are a real resource. They should be encouraged to share their insights with their co-workers, both on the general policies and practices of their agencies, and also on particular cases. This will only occur, of course, if they feel secure in their positions and therefore secure in offering their comments when the need arises. In every division there are already homosexual and heterosexual individuals who would be both well qualified and willing to serve on in-house committees.

\*\*\*\*\*

RECOMMENDATION: The Personnel Division should adopt a policy

## GOVERNMENT EMPLOYMENT AND SERVICES

of non-discrimination on the basis of sexual orientation and marital status and should publicize that policy in a manner calculated to effectively inform prospective applicants for state employment. Any such notice should make it clear that applicants are not expected to identify their sexual orientation.

\*\*\*\*\*

RECOMMENDATION: Training managers for various divisions should consult with resource persons, including homosexual men and women, to analyze whether particular training should be undertaken or existing training programs modified, to prepare personnel to provide more effective services to homosexual members of the public. Homosexual men and women should be used in training programs as panelists or speakers, since the experience of meeting people who are openly homosexual is itself one of the most important and informative experiences that a person can have in preparing to serve homosexual members of the public.

\*\*\*\*\*

RECOMMENDATION: A list of local community resources, resource people, and an annotated bibliography should be compiled and be available to service workers in all state offices, for reference use when advising members of the public who may seek further information and counseling in areas related to sexual orientation.

\*\*\*\*\*

## GOVERNMENT EMPLOYMENT AND SERVICES

\*\*\*\*\*

RECOMMENDATION: Professional and occupational licensing boards should adopt explicit policy statements that they do not discriminate on the basis of sexual orientation and marital status and these should be disseminated on application forms and in other ways calculated to effectively communicate this policy to persons who may be preparing for licensing, such as students.

\*\*\*\*\*

RECOMMENDATION: The State Employees Benefit Board should direct the provider of the state's employee group insurance to delete the "relationship" (of beneficiary) category from the insurance application.

\*\*\*\*\*

RECOMMENDATION: Representatives of government and private agencies and organizations and other community leaders should have the opportunity to attend a conference on the subject of homosexuality and sexual orientation, in order to become better informed on this subject and so better able to provide leadership in dealing with the needs of all of our citizens.

\*\*\*\*\*

RECOMMENDATION: The Task Force on Sexual Preference should be continued and reconstituted to include representatives from key state agencies: all of the divisions of the Department of Human Resources, the Personnel Division, and

GOVERNMENT EMPLOYMENT AND SERVICES

such other agencies as may be advisable in view of our other recommendations. In-house committees should be formed in each of the represented divisions. A detailed study of the policies and practices of individual divisions should be conducted with the assistance of members of the public experienced in the services provided by the division.

\*\*\*\*\*

RECOMMENDATION: In addition to those agencies which would be represented on a reconstituted Task Force, all state boards and divisions should examine their areas of responsibility to determine whether there are policies which may deny persons equal services and opportunities due to their sexual orientation and marital status.

\*\*\*\*\*

ATTITUDES OF STATE EMPLOYEES  
TOWARD HOMOSEXUALS: A PILOT STUDY

Summary

An attitude questionnaire was distributed to two groups of state employees: Sample 1 involved employees of a state division located in a common facility in one of our larger metropolitan areas; and Sample 2 involved employees of a state division located in branch offices throughout the state. Returns were 35% of the metropolitan sample (n=84) and 42% of the statewide sample (n=83). A high correspondence between the two samples was found on most questionnaire items. The majority of respondents had been professionally involved with homosexual clients and co-workers; felt they would be comfortable working with clients, co-workers and supervisors who were homosexual; had a positive attitude toward homosexuality; and wanted to learn more about the subject in an educational training program.

Introduction

In their study of homosexuality, researchers have concentrated mainly on homosexuals, their variety of lifestyles and personality factors. Little attention has been given to societal reaction to homosexuality and the consequences of this reaction upon the homosexual experience itself.

Kitsuse (1962), a sociologist, states:



ATTITUDES OF STATE EMPLOYEES TOWARD  
HOMOSEXUALS: A PILOT STUDY

Forms of behavior per se do not differentiate deviants from non-deviants; it is the responses of the conventional and conforming members of the society, who identify and interpret behavior as deviant, which sociologically transform persons into deviants. (p. 253)

The status of homosexual men and women in society cannot be understood without an analysis of societal reactions toward homosexuality (Plummer, 1975). Comparison studies of attitudes and knowledge about homosexuality, undertaken in San Francisco, Portland and Columbus, Ohio found tolerance toward homosexuality to be much higher than originally expected (Huff & Scott, 1975; Rist, Haggerty & Gibbons, 1974; Rooney & Gibbons, 1966).

The Task Force sought information on attitudes of state employees toward homosexuals, perceived reasons for attitude change, common stereotypes, incidence of professional contact with homosexuals within state agencies and training needs of state personnel in the area of homosexuality.

Limitations of time and budget and distribution difficulties precluded a comprehensive survey of all state agencies. However, it was felt that a pilot project consisting of an attitude questionnaire could provide sufficient data for training program recommendations and point the direction for future study.

ATTITUDES OF STATE EMPLOYEES TOWARD  
HOMOSEXUALS: A PILOT STUDY

Method

Pilot Study Sample

Sample 1. An attitude questionnaire was distributed to all employees (administrative, clerical and direct service personnel) of a state agency providing a variety of human services, located in a common facility in one of the larger metropolitan areas of Oregon. Administrative personnel of the agency handed out the questionnaire to their employees. Respondents had one week in which to complete the questionnaire and return it by placing it in a sealed box located on the receptionists' desks. Potential respondents were told in a cover letter not to sign their names; personal identity and agency affiliation were treated confidentially.

Sample 2. The same attitude questionnaire was distributed to all employees (administrative, clerical and direct service personnel) of a state division providing a specialized human service, located in numerous facilities throughout Oregon. Questionnaires were given to representatives of the various branches at a central coordinating meeting and they distributed them in their respective offices. Respondents had one month in which to complete the questionnaire and return it to the Task Force by mail. Instructions, otherwise, were identical to those given Sample 1.

ATTITUDES OF STATE EMPLOYEES TOWARD  
HOMOSEXUALS: A PILOT STUDY

Attitude Questionnaire

The questionnaire consisted of ten questions. Most of the questions were open-ended to allow a fuller range of responses. Space at the end of the questionnaire was provided for the respondents to list any questions they had about homosexuality. A cover letter explained the purpose of the Task Force and the rationale for the survey.

Results and Discussion

Distribution to the metropolitan agency resulted in a 35% return from Sample 1 (84 respondents). The agency director considered 35% a high return compared with the return from previous questionnaires. Returns from the statewide sample (Sample 2) were 42% of the distribution (83 respondents). Represented were employees from Medford, Grants Pass, Coos Bay, The Dalles, Pendleton, Bend, LaGrande, Roseburg, Astoria, Eugene, Salem and Portland.

The higher percentage of return by mail from the statewide sample was unexpected and may have been affected by the longer period of time respondents had to complete the questionnaire. More likely, it was due to the greater anonymity offered by mailing the return than by dropping the return in a box on the front desk. This speculation is strengthened by the fact that all statewide respondents lis-

ATTITUDES OF STATE EMPLOYEES TOWARD  
HOMOSEXUALS: A PILOT STUDY

ted job title (potentially a means of identification), while 8% of the metropolitan respondents did not.

The two samples showed a high correspondence in job classification (see Table 1). The slightly higher percentages of administrative, supervisory and specialist personnel in the statewide sample are understandable since these positions cannot be consolidated as in a single facility.

---

Table 1  
Job Classification of Respondents

<u>Respondents</u>	<u>Sample 1</u>		<u>Sample 2</u>	
	<u>n</u>	<u>%</u>	<u>n</u>	<u>%</u>
Direct human service providers	50	60	52	63
Clerical workers	19	23	16	19
Supervisors	5	6	7	8
Administrators	1	1	3	4
Specialists	2	2	5	6
Did not indicate job title	7	8	--	--

---

1. Professional involvement with homosexuals. A high percentage of the respondents from Sample 1 and Sample 2 (82% and 80%, respectively) said they had been professionally involved with a person or persons they thought was or were homosexual, as follows:

	<u>Sample 1</u>	<u>Sample 2</u>
Clients	70%	88%
Persons related to clients	19%	14%
Co-workers	74%	45%
Others	13%	6%

ATTITUDES OF STATE EMPLOYEES TOWARD  
HOMOSEXUALS: A PILOT STUDY

(Percentages add to more than 100% since respondents could check more than one category.)

Listed under Others were supervisors, workers in other divisions and departments, college instructors and guest speakers in workshops.

The statewide sample reported that they had co-workers who were homosexual only half as often as did the metropolitan sample. This suggests the possibility that homosexual state employees in small offices in less-populated areas of the state feel more cautious about revealing their sexual orientation to co-workers.

A higher percentage of the statewide sample than the metropolitan sample (88% to 70%) reported that they had been professionally involved with homosexual clients. The type of specialized service offered by the statewide division was more likely to elicit self-identification as homosexual by clients than some of the services offered by the Sample 1 agency. In any case, it is obvious that there are homosexual women and men throughout the state; and they are not all concentrated in larger cities, as sometimes is thought.

One of the most unexpected findings in this survey was the high incidence (80% - 82%) of professional contact with homosexuals. Interviews with administrative personnel of several state divisions had given the mistaken impression

ATTITUDES OF STATE EMPLOYEES TOWARD  
HOMOSEXUALS: A PILOT STUDY

that homosexual client and employee populations were quite small.

2. Criteria for believing a person is homosexual.

Respondents could indicate more than one reason for which they thought the person(s) they had been professionally involved with were homosexual. The majority of respondents (56%) in both samples said at least one person had identified him/herself as a homosexual to the respondent. The next most prevalent reason given (Sample 1, 33%; Sample 2, 30%) was stereotypical behavior and appearance, i.e., men or women whose tone of voice, speech, walk or clothing were more typical of the opposite sex. There was evidence in several cases that the respondent confused transexuals with homosexuals. Other reasons given were: Being told by others that someone was homosexual, noting quality of relationship with persons of the same sex and deduction from case files and interview information.

A surprising finding was the large number of people who openly had identified themselves as homosexuals in a client or co-worker capacity. This may be a correlate of the gay pride movement and changing social attitudes, reflected in removal of the "mental illness" stigma by the American Psychiatric Association, decriminalization of homosexual

ATTITUDES OF STATE EMPLOYEES TOWARD  
HOMOSEXUALS: A PILOT STUDY

activity in Oregon and resolutions by many cities and national organizations supporting equal civil rights for homosexuals.

3. The effect of a person's homosexuality upon professional service provided. A person's homosexuality would not affect the type of professional service state employees would provide if they were working with or for that person, according to 78% of the respondents from both samples. Comments were unanimously accepting of a person's right to their own sexual preference, e.g., "Each person must be treated as an individual, regardless of sexual preference"; "They are not in this world to live up to my expectations"; "Their sexual preference is their own personal business"; and "I could care less about their sexual preference, their integrity and competence is what counts".

Twenty-one percent (21%) of both samples said a person's homosexuality would or might affect their services, for the following reasons: (a) They would not refer them to family planning; (b) They would be sensitive to their different lifestyle and the attendant pressures from a non-supportive society; (c) There would be special problems if they had children; and (d) They would proceed differently in therapy if sexuality or sexual identity were part of the presenting problem.

ATTITUDES OF STATE EMPLOYEES TOWARD  
HOMOSEXUALS: A PILOT STUDY

4. Speculations about problems faced by homosexuals.

Respondents were asked what they thought were the three major problems of homosexuals. The great majority of respondents felt that the major problem faced by homosexuals stemmed from society's negative attitude toward them. Answers fell into four general areas:

Factor I--60%

Prejudice, stereotyping, discrimination and lack of understanding by society and the resulting fear and anxiety about disclosure.

Factor II--29%

Self-acceptance (most often stated as a problem because of the internalization of societal attitudes).

Factor III--7%

Forming meaningful relationships, with the same sex and the opposite sex.

Factor IV--2%

A variety of other responses, e.g., lack of attention when younger, not being at peace with God, psychological, V.D. and narcissism.

5. How state employees feel about working with homosexuals. Respondents were asked whether they would feel comfortable working with clients, co-workers or supervisors who were homosexual. The response was: (average percentages for the two samples)

Clients:	Comfortable, 72%;	Not Comfortable, 5%;	Depends, 23%
Co-workers:	Comfortable, 65%;	Not Comfortable, 7%;	Depends, 28%
Supervisors:	Comfortable, 63%;	Not Comfortable, 7%;	Depends, 30%



ATTITUDES OF STATE EMPLOYEES TOWARD  
HOMOSEXUALS: A PILOT STUDY

Those who answered Depends gave the following reasons: Behavior, personality, whether they would try to impose their values on others and whether they would make sexual advances.

Respondents from the statewide sample were somewhat less likely than the metropolitan sample to feel comfortable about working with homosexual co-workers and supervisors. Significantly, they had less actual experience working with homosexual co-workers and supervisors.

Further analysis showed that those who had already been professionally involved with homosexuals were twice as likely to say they would feel comfortable working with a homosexual client, co-worker or supervisor as those who never had been professionally involved with homosexuals. Contact with homosexuals was shown to produce a decrease in feelings of discomfort around homosexuals, a reaction contrary to the prediction that knowing one's colleague or boss is homosexual would have, at best, a disquieting effect.

6. Positive, negative and indifferent feelings about homosexuals. The majority of respondents from both samples said they had a generally positive attitude toward homosexuals. Distribution of responses are shown in Table 2.

ATTITUDES OF STATE EMPLOYEES TOWARD  
HOMOSEXUALS: A PILOT STUDY

Table 2

## Attitudes Toward Homosexuals

---

<u>Attitude</u>	<u>Sample 1</u>	<u>Sample 2</u>
Positive	68%	65%
Indifferent	13%	24%
Negative	13%	11%
No response	6%	--

---

Knowing someone who is a homosexual--a friend, relative, co-worker or client--was cited as a reason for positive attitude change by the majority of respondents. Comments included: "Close association has removed my prejudice"; "Working with problem-free homosexuals"; "My co-worker was an extremely professional, competent person"; "Having friends who are homosexual has helped me see them first as people".

Other reasons cited for positive attitude change were: Treatment of the subject of homosexuality by the media; classes and training programs on human sexuality, which included homosexual material; and more awareness and understanding in general.

The nine respondents who had experienced a negative attitude change toward homosexuals attributed it to: Working with homosexuals, too much exposure in the media, religious feelings, a son being propositioned and the belief that homosexuals "don't contribute to the survival of the species".

ATTITUDES OF STATE EMPLOYEES TOWARD  
HOMOSEXUALS: A PILOT STUDY

7. Attitudes about an in-service educational program on homosexuality. A large percentage of respondents (52%) said they definitely would attend an optional educational training program for state employees on homosexuality. Fifteen percent of those who had a negative attitude said they would attend such a program. Only 17% of the total respondents said they definitely would not attend such a training program. The remainder were undecided.

In the space provided at the end of the questionnaire, a number of respondents asked serious questions about transexuality and bisexuality, as well as homosexuality. An educational training program would provide the opportunity for these questions to be answered, particularly if guest speakers of various sexual orientations were invited to talk about their lives and feelings.

Conclusions

The ability to generalize from the results of this survey is limited by the sample size and the question of whether those who chose to respond are representative of those who did not respond. It is possible that those who responded did so because they were more favorably disposed toward homosexuals. A counter argument would be that a proportionate amount of those unfavorably disposed would welcome the opportunity to express their negative views in a like manner. The high

ATTITUDES OF STATE EMPLOYEES TOWARD  
HOMOSEXUALS: A PILOT STUDY

degree of correspondence in results from a statewide sample and a metropolitan sample lends support to the reliability of generalizing from these results to a larger population of state employees in Oregon.

The state employees surveyed in this pilot project showed a predominantly tolerant, sensitive and informed attitude about homosexuals. Similar trends toward increased tolerance found by other researchers (Kitsuse, 1962; Rist, Haggerty & Gibbons, 1974; Rooney & Gibbons, 1966) also provide some support for the results of this study. Kitsuse (1962) observed:

The "live and let live" response to homosexuals. . . was not uncommon among the subjects. Some subjects not only affirmed the right of the homosexual to "live his own life" but also reported that their knowledge of (the person's homosexuality) has had little or no effect upon their subsequent relationship. (p. 255)

Data from the Columbus, Ohio study (Huff & Scott, 1975) showed a corresponding degree of tolerance toward homosexuality to the data from Portland, described as a city with a "culture of civility" (Rist et al., 1974). When over half the Columbus sample responded that homosexuals should be allowed to teach in public schools, the researchers speculated that tolerance for homosexuality may be surprisingly widespread in the United States.

As an adjunct to the present study, a survey of attitudes

ATTITUDES OF STATE EMPLOYEES TOWARD  
HOMOSEXUALS: A PILOT STUDY

toward homosexuals among workers in mental health institutions in Oregon is presently being conducted by a graduate student in social work. Future research projects should include attitude studies before and after training programs on homosexuality.

In view of the interest in more information on the subject of homosexuality expressed by many state employees, the serious work-related questions being asked, the climate of receptivity and the amount of misinformation which causes concern among state personnel about homosexuality, training of state personnel should be adapted to better prepare personnel to provide services to those members of the public who are homosexual.

\*\*\*\*\*  
RECOMMENDATION: Training managers for various divisions should consult with resource persons, including homosexual men and women, to analyze whether particular training should be undertaken or existing training programs modified, to prepare personnel to provide more effective services to homosexual members of the public. Homosexual men and women should be used in training programs as panelists or speakers, since the experience of meeting people who are openly homosexual is itself one of the most important and informative experiences that a person can have in preparing to serve homosexual members of the public.

\*\*\*\*\*

REFERENCES

- Huff, C.R. & Scott, J.E. Deviance and cognitive consistency: Pattern in public attitudes toward deviance. Sociology and Social Research, 1975, 59 (4), 330-343.
- Kitsuse, J.I. Societal reaction to deviant behavior: Problems of theory and method. Social Problems, 1962, 9, 247-256.
- Plummer, K. Sexual stigma: An interactionist account. Boston: Routledge & Kegan Paul, 1975.
- Rist, R.C., Haggerty, L.J., & Gibbons, D.C. Public perceptions of sexual "deviance": A study on the interrelations of knowledge and values. Western Sociological Review, 1974, 2, 66-81.
- Rooney, E.A. & Gibbons, D.C. Social reactions to "crimes without victims." Social Problems, 1966, 13, 400-410.

## FAMILIES AND CHILDREN

The fear is that homosexual women and men stand outside the family and are a threat to it.

The reality is that homosexual women and men are part of families: They are sons and daughters, sisters and brothers, and mothers and fathers.

The question is whether families will accept those family members who are homosexual, or whether instead they will exclude them from family life.

### Parents and Their Homosexual Children

#### "Coming Out" to the Family

Many homosexual men and women never acknowledge to their parents that they are homosexual. Some individuals interviewed by a Task Force subcommittee explained that they were afraid they would lose their parents' love and acceptance if they revealed this important part of their lives -- their own loving relationships. One person interviewed pointed out that some sense of loss is unavoidable, because it is difficult to feel really loved by someone when one feels it necessary to conceal a vital part of oneself from that person.

In most families, when parents first learn that one of their children is homosexual there is a period of difficulty, until they realize that this child still is the same person whom they always have loved. Because of the traditional social stigma placed on homosexuality, parents who have a homosexual

## FAMILIES AND CHILDREN

child usually are troubled. The Task Force was told that different parents may react in a variety of ways. Some react with guilt: "What have we done wrong?" Other parents respond with anger or fear: "Will our child embarrass us if anyone finds out?" For some parents, the primary reaction is one of love and concern: "Will our child lead a difficult and unhappy life?"

Most of all, parents feel confused, because parents have the same stereotypes and prejudices as everyone else about homosexuality; and now, "one of those" turns out to be "one of us". This may so embarrass parents that they will not even discuss it with each other, much less talk it over with anyone else.

Some homosexual men and women describe that their parents' reaction was to look for a villain. If the child was currently involved in a relationship, the parents would blame the other person -- someone else's child -- for leading their child astray. One person interviewed by a Task Force subcommittee described how his family and the family of his companion each blamed the other for "raising their child wrong" and "corrupting their child". This "whom can we blame" approach only serves to delay parents' coming to terms with the fact that their own child is homosexual.

It is not surprising that many homosexual men and



## FAMILIES AND CHILDREN

women are not willing to risk acknowledging their sexual orientation to their parents, because they are afraid their parents will not be able to pass through this period of adjustment and accept them once again. It is difficult for a homosexual person to predict how his or her parents will react in the long run. Most of the people who described their experiences to the Task Force found that although their parents initially were upset and parent-child communication became difficult, their parents did become more comfortable and accepting, although the amount of time which this adjustment period took varied greatly, ranging from a few uneasy weeks to several years.

Concerns of Parents

Parents may blame themselves for their children's sexual orientation, since one of the common misconceptions is that homosexuality is caused by dominant mothers and absent or emotionally distant fathers. Controlled studies which have compared the parents of homosexual children with the parents of heterosexual children have never been able to demonstrate that homosexual children have parents who are any different than those of heterosexual children.

The irony of the theory that homosexuality is caused by mothers who dominate the lives of their children and fathers who remain aloof from child-rearing and emotionally distant is that, traditionally, men have been taught to con-

## FAMILIES AND CHILDREN

ceal their tender emotions from their children, particularly their sons. One way that girls learn to be caring mothers is by playing with dolls. Boys are discouraged from playing with dolls out of fears that they will be "sissies". Boys and men are taught to be afraid of being warm and gentle, of being "like girls and women", and ultimately, of being effeminate.

Parents often fear that their homosexual children will be unhappy. Some people believe that a person who is homosexual is emotionally unstable and vulnerable to depression. Often parents have sensed an uneasiness in their children for many years -- some sense that their children somehow were "different", reinforced by the fact that their children never seemed to talk much about friends of the other sex, still were unmarried when all their school friends were married, or were having problems with their marriages.

Often their children have been uneasy, because they have known they were homosexual and have worried about how not to hurt and disappoint their parents, and how to answer their parents' questions about whom they were dating, and when they were going to get married or remarried. Repeatedly, homosexual men and women explained to the Task Force that it was not their sexual orientation which distressed them; but instead, uncertainty as to how their parents and others would react to it. The love and acceptance of their parents is all that some

## FAMILIES AND CHILDREN

homosexual men and women feel they need to complete what is otherwise a fulfilling life. And yet, it is parents' own fears and misgivings which may prevent them from giving that love and acceptance.

Another concern parents often have is that their children will be deprived of the satisfaction of family life and children of their own. Accustomed to thinking in terms of the traditional family, parents may fail to acknowledge the non-traditional "family" their children do have.

They may not welcome into their home the person with whom their homosexual son or daughter lives. If that person has children, they feel no relationship with those children, in contrast to the grandparent role they would assume if a heterosexual child had stepchildren.

Some homosexual adults, like some heterosexual adults, choose not to have children. This may disappoint their parents who are looking forward to being grandparents, but it may be more reason to respect and value the adult relationships which childless adults have, which are their primary source of social satisfaction.

Sometimes parents put pressure on their homosexual son or daughter to seek psychiatric counseling in the hope that their sexual orientation can be changed, believing that this would enable their child to be happy. The daughter or son may

## FAMILIES AND CHILDREN

be content with her or his sexual orientation, but will go for counseling to satisfy the parents. Dr. Ira Pauley, a psychiatrist who testified before the Task Force about his experiences counseling parents and their homosexual children, stated that it generally is the parents who need the counseling, to work through their own negative feelings toward acceptance of their child. When the homosexual son or daughter is emotionally upset, it often is because of the parents' rejection.

Parent-Child Communication

It often is difficult for parents and children in our society to talk with each other about the areas in which their lives and expectations for each other part ways. Because parents usually have a protective attitude toward their children, even when their children are adults, it may be difficult for a parent to listen to and accept what a child is saying: That his or her homosexual relationship is a source of joy and strength, not depression and despair. Parents may be unable to express to their children their fears and doubts, and children may be unable to express to their parents the reassurance their parents need.

In response to this problem, a Task Force member who has five children, one of whom is homosexual, has joined with other parents of homosexual children to form a Parents of Gays

## FAMILIES AND CHILDREN

counseling group to assist other parents in dealing with their own feelings about their children's homosexuality and to improve parent-child communication.

Parents are not responsible for their children's sexual orientation and they cannot make their homosexual children heterosexual by withholding their love or putting other pressures on their children. The longer they try to avoid the fact of their children's sexual orientation, the longer there will be a gap between them and their children. Often what keeps parents and their homosexual children apart are doubts and fears which are groundless. If parents find it difficult to speak with their children, they may find it very rewarding to speak with other parents who also have homosexual children and who have had to work through their feelings about their children. Parents who have contacted the Parents of Gays group have reported improved relations with their children as a result.

Does homosexuality threaten the strength of our family life? Perhaps the strength of families can be measured by their ability to accept those family members who are homosexual. Tens of thousands of Oregon families are living with an illusion, carefully following a "script" of what is supposed to be typical American family life, in which all children are expected to marry and have children of their own. In recent years, television series families have permitted their homo-

## FAMILIES AND CHILDREN

sexual children to "come out" and remain part of the family.

Can Oregon families do the same?

Homosexual Parents and Their Children

A person does not have to be married to have children. Neither does a person have to be heterosexual to have children. Many homosexual men and women have children.

Homosexual parents have a variety of home situations. Some are in heterosexual marriages; some are in marriages with another homosexual of the other sex; some live alone, having been divorced or never having been married; some live with an adult with whom they have a homosexual relationship. Some have custody of their children and some do not.

One study (1) found that 20% of homosexual white males and 35% of homosexual white females had been married at least once. 74% of homosexual black males and 47% of homosexual black females had been married.

Of those homosexuals who had been married, 50% of both white men and women had children from their first marriages and 71% of black males and 73% of black females had children from their first marriages.

These figures do not include men and women who had children out of marriage, or children in later marriages.

Homosexual men or women may stay married because that is the only way they feel they will be able to maintain con-

## FAMILIES AND CHILDREN

tact with their children. A homosexual man and a homosexual woman may marry for the purpose of having children, to provide a home with both male and female adults present.

Problems Involving Child Custody

Homosexual men and women will continue to have children because they want them, but they may encounter certain problems. A major problem mentioned in testimony to the Task Force was insecurity about custody if a former spouse or a government agency were to become aware of the sexual orientation of the parent. Concern that their children may be taken from them has several effects. Parents may feel compelled to maintain a heterosexual facade, so that many stay married or get married. Single parents may feel that they have to conceal their relationships from their children because the child might inadvertently let another adult know about the parent's sexual orientation, possibly resulting in a loss of custody.

Homosexual parents may feel very self-accepting and positive about their adult relationships, and yet the secrecy which parents feel compelled to maintain may convey negative impressions to their children. As children become older and more aware of social customs, they may have questions about their parents' lifestyle. As long as parents are afraid that acknowledging their homosexual orientation may endanger their

## FAMILIES AND CHILDREN

custody of their children, parents will not feel free to respond positively to children's questions. Children who sense that their parents are uncomfortable answering their questions will become troubled.

Some parents are given custody on the condition that they do not live with their adult partner. This virtually reduces their relationship to a sexual one, since anyone who both works and has children for whom to care has little time away from home. Instead of the parent having a multifaceted relationship, which the child can appreciate as such, the court, in effect, has forced the parent's relationship to conform to the stereotype that homosexual relationships are sex-based and not part of the mainstream of life. The court does not permit the parent to have a family life; instead of permitting the parent to have a "spouse" who shares in the rearing of the children, the financial responsibility and so forth, the parent is forced instead to relate to the other person as a "lover" who is seen infrequently.

The rationale for this court action usually is that it will be an "embarrassment" to the child to have such a relationship in the home, which must be explained to the child, the child's friends, etc. Parents who have had this condition imposed observe that now they have the problem of explaining to the child why the adult who previously lived with them no



## FAMILIES AND CHILDREN

longer can do so, and why the court imposed such a restriction.

Denying custody to a homosexual parent does not change the fact that children have a homosexual parent and that they will have to adapt to this reality. A child's homosexual mother is going to continue to be that child's mother and is going to be homosexual, no matter who is given custody of that child. There are communities in which people of a religious minority or ethnic group or even political party may be ostracized by some, and their children may be embarrassed by the social reaction to their parents. Any embarrassment stems not from what a child's parents are, but from how children learn to view their parents. In a society like ours of diverse lifestyles, only the quality of the relationship between the parent and child can provide a consistent guide to custody decisions, not the ebbs and flows of bigotry of those outside the family.

If custody is denied to a homosexual parent and awarded to another parent who has serious negative feelings about homosexuality, that hatred and/or anxiety will be communicated to the child. Children who are placed in the custody of a homophobic parent may be "watched" by that parent for "signs" of homosexuality and the child may be pressured to conform to sex roles, to begin heterosexual dating early and so on. Several openly homosexual parents expressed the opinion to the

Task Force that their former spouses were anxious about their own homosexual feelings. Instead of the children being in the custody of a parent who had accepted his or her homosexuality, and who was emotionally at ease, the children were in the custody of a parent who was anxious and upset about his or her own sexual orientation and vindictive toward the absent parent.

Child custody is awarded as the result of court proceedings. Judges bring to the decision-making process their own assumptions and stereotypes about homosexuals and their lifestyles. A judge's decision may be based on erroneous, but unstated, assumptions about "all homosexuals". The rules of evidence may limit the opportunity of the homosexual parent to furnish testimony rebutting some of the common misconceptions a judge may have. The judge may permit only evidence concerning the particular parents and children, excluding more general expert testimony -- but the judge's decision may be based more on his or her general assumptions than upon the quality of the parent-child relationships in the particular family.

Examples of unwarranted assumptions made by judges are: That children will be more likely to be homosexual if custody is given to the homosexual parent; that children will not learn conventional male/female roles; that children will be

## FAMILIES AND CHILDREN

embarrassed and disturbed about their parents' sexual orientation and about their parents' friends; and that children will not get along with another adult in the home.

There currently are in progress several controlled studies of children who are living with their homosexual mothers and children who are living with their heterosexual mothers, which are attempting to determine whether the former may have any particular problems. Although final results have not been published yet, the Director of one study reported in a letter to the Task Force that preliminary results at the UCLA School of Medicine indicate that the problems which the children of divorced lesbian mothers have "are the types of difficulties very commonly seen in the children of any divorced parents: conflict of loyalties, a guilty concern as to the cause of the parents' split-up and anxiety about whether they will face some further loss. It looks to us as though no features about these children are specifically related to the mothers' sexual choice."

There has been no evidence that children who live with their homosexual mothers will not learn the social roles of the other sex, will become homosexual themselves or will become transexual. Assumptions by judges and others that children will learn the wrong sex roles or will become transexual reflect their own lack of understanding that sexual

## FAMILIES AND CHILDREN

orientation, male/female roles and gender identity are three different phenomena.

### Problems Involving Family Counseling

If homosexual parents seek counseling about some aspect of their child's behavior, they often feel uncomfortable about how their family doctor, social worker or psychologist will react if informed of the parents' social situation. Sometimes this is only incidental to obtaining professional advice. But at other times, it is essential information. A family of homosexual adults and their children can have problems like any other family. Often families need to be counseled together. This is not possible unless the professionals involved are willing to treat the people as the family unit which they are in fact. It is important that professionals attempting to provide services do not assume that problems result because the adults are of the same sex. For example, a child may be jealous whenever a parent remarries. This may occur when a homosexual parent establishes a new relationship. The child's reaction may not be because of the homosexual nature of the relationship, but instead because the child is feeling competition for the attention of the parent.

### Problems Involving Adoption and Foster Homes

Aside from homosexual adults who have their own chil-

## FAMILIES AND CHILDREN

dren, other homosexual women and men, just like heterosexual women and men, may want children but for various reasons have no children of their own. Some of these men and women expressed interest in adopting or in becoming foster parents. Some had foster children in their homes when they were in heterosexual marriages. Occasionally, homosexual men and women are able to arrange for private adoptions. They encounter more difficulty when they try to adopt children through an agency, which often requires that adoptive parents be married.

It is the current policy of the Children's Services Division (CSD) of the State of Oregon not to place children in foster homes with a foster parent known to be homosexual. There are no studies of which we are aware that have compared the experience of foster children placed with homosexual adults to that of foster children placed with heterosexual adults.

It is unclear whether the CSD policy results from the belief that the public will not accept placement of children in foster homes with homosexual parents or from the conclusion that such homes would not be beneficial to the children. Because of the shortage of foster homes, particularly for older children, this policy, which eliminates a substantial number of potential foster homes from consideration, should

## FAMILIES AND CHILDREN

be reexamined. Although a change in policy may not be politically acceptable at this time, further study in this area may itself bring forth information which might make such a policy change acceptable. There have been placements of children with homosexual foster parents which have been successful, in the opinion of the caseworker involved.

There sometimes are advantages in placing children in a single parent home: An older child may have difficulty when placed in a relatively rigid, ongoing family structure, with other children vying for attention. Single foster parents may therefore better serve the needs of some children. There also are some children who are repeatedly transferred from foster home to foster home because of their own homosexual orientation, which is disapproved of by successive foster parents. These children may benefit from being placed with well-adjusted homosexual foster parents who can provide a positive role model so that the child can develop a positive self-image.

As documented in our discussion of child molesting, there is no reason to fear that homosexual adoptive or foster parents will pose any greater threat to children in the form of sexual molestation than do heterosexual adoptive and foster parents.

## FAMILIES AND CHILDREN

\*\*\*\*\*  
RECOMMENDATION: Colleges and universities which train social workers, clinical psychologists and others who counsel parents and children should include in their curriculum training in the counselling of parents and children when the parents are homosexual. A homosexual parent and his or her children, along with the other adult in the home, should be viewed as a viable family unit.

\*\*\*\*\*  
RECOMMENDATION: Organizations of parents of homosexuals should be listed in community resource materials maintained by public agencies. A state-wide organization for parents of homosexuals should be established and in every community, parents of homosexual children should be available to counsel other parents, and public and private agencies should refer interested parents to such peer counselling.

\*\*\*\*\*  
RECOMMENDATION: An educational workshop should be conducted for Domestic Relations (Circuit Court) judges in the State of Oregon to provide them with accurate information about homosexuality and the problems of homosexual parents and children.

\*\*\*\*\*

## FAMILIES AND CHILDREN

NOTES

1. Bell and Weinberg, Homosexualities: A Study of Diversity Among Men and Women, Simon and Schuster, 1978.



## HEALTH AND MEDICAL TREATMENT

Since many stereotypes about homosexuality relate to health and medicine ("they are sick", "they can be cured", "they always have VD") and because homosexual men and women, like heterosexual men and women, are dependent on health professionals, the Task Force was interested in several topics relating to health and medicine: the attitudes of professionals in the health field towards homosexuals; the education of health professionals in the area of human sexuality; how a person's sexual orientation affected training, licensing and employment as a health professional; and the quality of health services available to homosexual men and women in Oregon.

The Subcommittee on Health and Medical Treatment investigated these topics by reviewing existing studies and statements by professional associations, surveying the attitudes of mental health professionals and physician members of the Multnomah County Medical Society, interviewing the directors of Oregon State Hospital, Dammasch Hospital and the State Board of Medical Examiners, and reviewing the sex education program in the Schools of Medicine, Nursing and Dentistry at the University of Oregon Health Sciences Center.

### A HISTORY OF ATTITUDES OF HEALTH PROFESSIONALS TOWARDS HOMOSEXUALITY

Physicians and mental health professionals define what is "sick" and "healthy" in our society. Since they are products of our society themselves, usually from middle-class families, health professionals often perpetuate traditional middle-class attitudes by their application of the labels "sick" and "healthy".

Attitudes of doctors towards the sexuality of their patients has often gone no further than to parallel popular social attitudes. For example, in the Victorian tradition, it was not natural for "normal, good" women to enjoy sex. To a doctor raised in this tradition, women who were dissatisfied and frustrated with the sexual stimulation provided by their husbands were considered "sick". The "cure" was to destroy a woman's capacity for sexual pleasure by removing the clitoris in a surgical operation known as a clitoridectomy. The clitoris is the female organ whose only function is to experience pleasure.

Homosexuality has also been viewed as unnatural and unhealthy. Treatment of homosexuality--the "curing" of it--has sometimes been as physically brutal as the clitoridectomies performed on women. Electric shock, inducement of vomiting, and other painful treatments have been used to "cure" the homosexual patient of his or her capacity for sexual pleasure.

In contrast, social attitudes have always considered heterosexual male sexual satisfaction to be normal and desirable, at least within marriage. Doctors have reflected these social attitudes. When heterosexual men have sought medical advice concerning their sexual functioning, doctors have directed treatment towards the goal of achieving sexual pleasure, not destroying the capacity for sexual pleasure. Surgical removal of the penis has never been a medically accepted way to "cure" male sexual frustration, in contrast to the once accepted "cure" of surgical removal of the clitoris.

Recently, many professionals have been re-examining some of their attitudes, which have been based more on society's intolerance of diversity than on objective evidence of maladaptation or disease.

## HEALTH AND MEDICAL TREATMENT

Furthermore, some professionals now believe their own roles extend beyond diagnosis and treatment of individuals. They believe better mental and physical health for everyone can be promoted by creating a less stressful environment.

In this century, social attitudes towards homosexuality have been changing and this change has been reflected in the medical community.

The first major evidence of change was the publication in England in 1957 of the Wolfenden Report . It pointed out that the Netherlands Law of 1911 made homosexual acts between consenting partners over 21, or of partners both between the ages of 16 and 21, nonpunishable acts unless public decency were affronted. The report recommended similar legislation for Great Britain, which was ultimately passed by Parliament.

In the United States in 1969, the professional journal *Modern Medicine* conducted a poll of physicians on special issues, including homosexuality and its legalization. At that time Illinois was the only State which had legalized homosexual acts between consenting adults. (Oregon passed such a law in 1971.) Of the 27,700 physicians responding to the poll, approximately two-thirds favored legalization of homosexual activity.

In 1970, Dr. Ira Pauly and Steven Goldstein of the University of Oregon Medical School surveyed the membership of the Oregon Medical Association concerning physician attitudes towards treating male homosexuals . In response to the question, "Do your attitudes adversely affect your treatment of the male homosexual?", the majority of the physicians responding felt there was no adverse effect.

Responses did differ among physicians with different specialities. "No adverse effect" was reported by 98 percent of psychiatrists,

81 percent of internists, 79 percent of family practitioners, 75 percent of surgeons, but only 55 percent of obstetrician-gynecologists. One reason why attitudes may differ according to specialty is that in some practices physicians have more contact with patients known to be homosexual.

This greater familiarity results in some physicians regarding and treating homosexuals as individuals rather than as stereotypes. Since the doctors were asked about attitudes towards male homosexuals and obstetrician-gynecologists treat only women and so have the least professional experience with males, they had the lowest "no adverse effects" response.

On the total number of physicians responding (not divided by specialties), 11 percent always felt uncomfortable dealing with a homosexual patient, 16 percent seldom felt comfortable, and 21 percent sometimes felt uncomfortable.

Among the physician group as a whole, the University of Oregon researchers found a correlation between the ease with which the physician could deal with the sexual problems of patients in general and the ease felt with the homosexual patient.

In 1972, the American Medical Association published a study called Human Sexuality, utilizing a committee of 45 experts drawn from the fields of medicine, the behavioral sciences and religion. In it, the AMA took the following position:

Although homosexuality is not the accepted norm, it is not invariably a psychiatric dysfunction. Most homosexuals who come to the physician do not consult him about their homosexuality. When a patient's homosexuality is reported in a history, it is important that the physician be nonjudgmental and avoid labeling as a problem that behavior which the patient accepts. . . Even if his homosexual activity is a problem, he may not want to change his behavior pattern, but may simply want to become a better adjusted homosexual.

## HEALTH AND MEDICAL TREATMENT

In 1973, the Trustees of the American Psychiatric Association (APA), by a unanimous vote (with two abstentions), ruled that homosexuality would be removed from their official list of mental disorders. They also urged that homosexuals be given all protections now guaranteed to all other citizens. A poll of the APA membership found that approximately 56 percent of psychiatrists agreed with the ruling. The APA stated that a significant proportion of homosexuals were satisfied with their sexual orientation and functioned effectively in society, and that for these and other reasons, homosexuality did not meet the criteria for a psychiatric disorder. The APA further recommended that homosexuals who are in such conflict about their sexual orientation that their social functioning is impaired, should, if they seek psychiatric treatment, be helped to accept or live with their sexual orientation or, if they desired, be helped to change it. By the new ruling, the APA hoped to help "build a more accommodative climate of opinion for the homosexual minority in our country."

Dr. Robert Spitzer, in the rationale paper on the APA resolution, pointed out that if society believes that failure to function heterosexually is a sufficient criterion for a psychiatric disorder, they would have to also consider celibacy as a psychiatric disorder.

The resolution by the American Psychiatric Association was followed in 1975 by a similar resolution by the American Psychological Association and an even broader statement by the American Public Health Association (APHA). The APHA resolution included a statement about the adverse effects of homophobia on the health of all people.

The APHA resolution recognized that hostility and fear result from negative myths and stereotypes about homosexuals. Hostility and fear create stress, which adversely affects both mental and physical health. The public health professionals concluded that through education about homosexuality, stress could be reduced and public health improved.

A survey conducted by the Task Force drew responses from 117 professionals in the health field, including counselors, psychologists, social workers, caseworkers, nurses, mental health aides, and others. Of these, 75 percent said they had a positive attitude towards homosexuals and only 6 percent said they had a negative attitude. The other 19 percent had a "live and let live" or "it's none of my business" attitude.

#### CURRENT, CONTRASTING SOCIAL AND PROFESSIONAL ATTITUDES

In our society there continues to be a diversity of attitudes among professionals and nonprofessionals alike toward homosexuality. While many people view homosexuality as simply an alternate mode of sexual expression, with no undertone of "mental illness", others, including a one-third minority within the psychiatric profession, view it as an illness. Some members of the public also believe that homosexuality is as "normal" as heterosexuality. This view is shared by many eminent anthropologists, biologists and philosophers who base their conclusion on observation of other societies as well as our own. While some people view the issue of homosexuality as a matter of personal choice, others view it as a moral question.

There is also no agreement on the causes of homosexuality or on the related issue of whether a homosexually oriented individual can truly change to a heterosexual orientation. Many respected

psychiatrists and psychologists have concluded that it is impossible to change a person's sexual orientation after early childhood, either from homosexual to heterosexual or from heterosexual to homosexual (10, 11, 12, 13). Others disagree, and contend that it is possible for a homosexual person to undertake a completely heterosexual behavior pattern (14, 15).

Often discussions as to whether sexual orientation can be changed are clouded by a failure to distinguish between changing a sexual preference and abstaining from it. Since most people with a homosexual preference also have some heterosexual responsiveness, many individuals can and have abstained from homosexual relations and have functioned heterosexually--but their homosexual preference remains. This is similar to a member of a religious order who may practice celibacy, but who still has sexual feelings and capacity.

Among those professionals who believe that an individual can change his or her sexual orientation, there is agreement, however, that this is only feasible when the individual is strongly motivated to make that change. Since most homosexuals indicate that they have little or no desire to change their sexual orientation, the great emphasis which some people place on the possibility of changing from a homosexual to a heterosexual orientation seems misplaced. Whatever problems relating to homosexuality exist in our society, continual emphasis on the possibility of "cure" evades those problems and simply delays their resolution.

Under our laws and our constitution, homosexuals cannot be compelled to be "cured", and health professionals agree that, in any event, no change in sexual orientation can be forced on a person unmotivated to change. It is for this reason that the Task Force did not

#### HEALTH AND MEDICAL TREATMENT

undertake an extensive investigation of the issue of "cure". As a government task force, concerned with broad social problems, the Task Force has concluded that changing sexual orientation simply has not been and will not be a choice made by very many homosexual men and women in Oregon, and so it cannot be relied on as a solution to any problems which may exist.

#### IMPROVED EDUCATION OF HEALTH PROFESSIONALS

Prior to 1960, there were only two medical schools in the United States which offered some formal instruction in human sexuality. With the heavy demands of their professional educations and limited leisure time, most young doctors emerged from their professional educations actually less well-informed and less experienced in sexual matters than other men and women.

The 1970 University of Oregon study shows that physicians graduated since 1960 have a more understanding attitude toward homosexuality than those who graduated earlier. Beginning around 1960, more schools began to incorporate some sex education in the curriculums, so that today 80 to 90 medical schools offer sex education.

For the past 10 years, the University of Oregon Health Sciences Center, comprised of the schools of medicine, nursing, and dentistry, has offered a two-term course in human sexuality, including homosexuality. About 150 to 200 students participate in this course annually. Medical students additionally have clinical instruction in sexuality through the departments of psychiatry and obstetrics and gynecology. Nursing students have additional instruction through the same clinical rotations and through participation in community health. While the programs are far short of the dimensions one might wish and serve only



as an introduction to human sexuality, Dr. Philip Sarrell of Yale judged the Oregon program the best of all he had surveyed among medical schools.

The course at the University of Oregon Health Sciences Center has demonstrably reduced the discomfort of the professional in dealing with sexual problems of all kinds. According to Dr. Joe Trainer, teacher of the course, one of the most gratifying experiences each year is to watch the response of class members to the session conducted by four homosexual men and women. At the outset there is visible tension in the class. Within 30 minutes, the four homosexual people have given short autobiographies of themselves and the class begins to perceive them as men and women not notably different from themselves. The following hour and a half is spent in dialogue which becomes progressively freer, and invariably ends with a cluster of students engaging the homosexual people in continued conversation long after the class is over. From this point on, the student sees the homosexual man or woman as an individual and not as a stereotype, and is more comfortable with patients who happen to be homosexual. As a result of the class, each year a few students acknowledge their own homosexual orientation to Dr. Trainer.

Both mental and physical health are dependent on development of a health sexuality. Citizens living together in a society need to understand not only their own sexuality, but also the sexuality of others. Past generations have generally been ignorant about sex. Sex education is relatively new, both for professionals and for the general population. The quality of sex education can greatly affect both individual satisfaction in life and the ease people feel toward the people around

them, who may have different sexual values or orientations.

RECOMMENDATION: There should be an expansion of undergraduate education of medical and health professionals in the relationship between human sexuality and good mental and physical health.

RECOMMENDATION: The TelMed program of the Multnomah County Medical Society should include tapes on sexual orientation, child molesting, gender identity, and other topics addressed in the Task Force report.

RECOMMENDATION: Oregon Educational Public Broadcasting (OEPBS) should institute a series of programs on Human Sexuality and Gender Identity, with college credit available.

RECOMMENDATION: Medical and health professionals should participate in educational programs with homosexual men and women, to increase professional knowledge about human sexuality and diversity of lifestyles.

RECOMMENDATION: A study should be conducted into the means by which attitudes toward sexual minorities are created and changed. Such a study should be carried out by the Task Force or its successor, or by utilizing the existing facilities of Oregon universities.

#### LICENSING AND EMPLOYMENT OF HOMOSEXUALS IN THE HEALTH FIELD

In 1976 the State Board of Medical Examiners stated it did not consider homosexuality to be a bar or a detrimental factor in granting a license to practice medicine in Oregon. The only exception to this position is the situation in which an individual's overt sexual behavior, whether homosexual or heterosexual, demonstrably interferes with the adequate practice of medicine.

There is no explicit state policy prohibiting discrimination in licensing of nurses on the basis of sexual preference. The Task Force heard testimony from several people indicating that nurses who have disclosed their homosexual orientation have had no problem receiving their state licenses.

Some employees of medical facilities are homosexual, just as are some employees in any field or occupation. Many health professionals, like other employees, continue to fear that they will be discriminated against if their sexual orientation is acknowledged. Although many supervisory personnel state that they do not discriminate in employment on the basis of sexual preference, many of their employees are unsure whether they will be penalized for their sexual orientation and continue to fear that they could be. At present, the burden continues to rest on the homosexual man or woman, who may continue to conceal his or her sexual orientation or who may acknowledge it only with considerable anxiety. Health institutions can relieve their own employees of this stress by adopting explicit policies prohibiting discrimination in employment on the basis of sexual preference.

Increasingly, health professionals who are homosexuals are acknowledging their sexual orientation, and finding continuing acceptance among their professional peers.

By way of illustration, recently a young Oregon physician, married and father of three children, concluded with his wife that their lack of marital success was due to his not previously recognizing his homosexual orientation and that a divorce would be the best solution. Subsequently, he applied for a residency in psychiatry, disclosing his sexual orientation, and was accepted.

Perhaps the most publicized disclosure of homosexual orientation among health professionals was that of the late Dr. Howard Brown, director of Public Health for New York City. He described his experiences in a recently published book, Familiar Faces, Hidden Lives.

THE QUALITY OF MEDICAL SERVICES AVAILABLE TO HOMOSEXUAL MEN AND WOMEN

For the most part, homosexual men and women have the same need for medical services as the rest of the population. Their choice of sexual partners has no relationship to the medical problems they may have, be they hangnails or pneumonia. Most of the time, therefore, it does not seem to matter whether their physician is comfortable treating a homosexual patient since the physician usually does not know and there is no need to know. Homosexuals are generally treated comfortably and respectfully even by homophobic physicians because the physician does not know that the patient is homosexual.

One exception has been in the treatment of venereal disease, where patients are required by public health laws to disclose their sexual partners. In the past, homosexuals have at times been subjected to abusive treatment by public health personnel with negative attitudes.

A Multnomah County public health worker testified to the Task Force that in recent years there has been a steady improvement in staff attitudes at the Multnomah County V. D. clinic, as staff have become better informed about homosexual men and women. The current policy and practice is to give fair and equal treatment to homosexual members of the public, with no moralizing or harassment such as have occurred in the past.

ethical breach or even sued for money damages, as a practical matter patients do not complain to medical authorities or take legal action because they fear this will only compound the problem.

(7) Transsexual patients, both before and after sex-change surgery and therapy, often have difficulty locating physicians in their local communities who will be knowledgeable and comfortable in treating them.

(8) Homosexual men and women often suffer discrimination because of policies which refuse to recognize homosexual couples as, in essence, spouses. Some hospital policies give different visiting rights to relatives and non-relatives. When permission is needed for medical treatment for a patient unable to consent, the biological next-of-kin are sought for this permission. When a patient is in intensive care or in critical condition, a relatives-only policy may prevent a homosexual partner from visiting at all.

RECOMMENDATION: Medical societies and homophile groups should institute an arrangement whereby homosexual and transsexual patients needing medical care can be put in touch with physicians who are comfortable with and informed about these groups.

RECOMMENDATION: A legal arrangement should be created whereby a person can choose any other individual to act as next-of-kin for medico-legal purposes.

EDUCATION

Scientific research increasingly supports the observation that one's sexual orientation is firmly established, in most cases, by the age of puberty. Preconscious sexual attraction to others begins to differentiate to a particular sex (except in cases of bisexual orientation) soon after the preschool child has internalized its gender identity ("Am I a boy or a girl?") and sex role expectations ("Will I grow up to be a mother or a father, etc?").

It is logical to assume, therefore, that the student population contains the same percentage (about 10%) of homosexuals as are found in the general population.

The Task Force investigated school policies, procedures, and conditions for possible discrimination against homosexuals. It asked: "Are homosexuals being treated equitably in our school system?" and, "Are students, heterosexual and homosexual, being prepared by their education to live in and contribute to a society which is 10% homosexual?"

Areas studied by the Task Force were: attitudes of teachers, administrators, and other students toward homosexual students; availability and quality of counseling for students of various sexual orientations; the nature and content of health education for all students, as it relates to homosexuality; and the treatment of homosexual men and women in the area of admissions, certification, and employ-

## EDUCATION

ment as teachers.

We investigated these areas through interviews with former students, educators and parents; interviews with Dr. Thomas Sullivan of the Governor's Commission on Youth and Anna Payne, Chairperson of the Health Education Advisory Committee to the Oregon Department of Health; review of educational materials relating to homosexuality which have been proposed for use in public schools; testimony at our own public meetings; and library research.

As a result of our investigation, we have concluded that teachers and students in our schools need to have more accurate and complete information on the subject of homosexuality. Most students have seen television programs and movies which refer in some way to homosexuality. Popular entertainment often reflects society's stereotypes by showing homosexuals as objects of derision or dangerous criminals, much in the same fashion that Black people were depicted a few years ago. Whether young people see a biased or an unbiased presentation of homosexuality, they bring questions about the subject into the classroom. Elementary school children, before they even know the meaning of homosexuality, use derogatory terms such as "queer" in quarrels with each other, because they already believe such words mean something "undesirable" or "bad".

It is a disservice to our children to fail to deal with homosexuality as part of the educational process. To leave

## EDUCATION

their questions unanswered or to present them with inaccurate information is to inadequately prepare our young people for the realities of their world.

Attitudes and Behavior of Other Students, Teachers and Administrators Toward Homosexual Students

Although many students may have a "live and let live" attitude toward homosexuals, there are others who have adopted the traditionally prejudiced attitude of their elders. Sometimes their negative attitude is the search for a scapegoat to relieve their anxiety about their own masculinity or femininity. These students can make life miserable for the student whose homosexual orientation is known or suspected, by verbal abuse, gossip, or physical violence. In those situations where the faculty or administration do not stop such harassment or actually promote it, life for the homosexual student, or student thought to be homosexual, becomes intolerable. If the student is not known to others to be homosexual, he or she may feel very isolated, having no acceptable social outlets, such as dances or dating. He or she may be unaware that there are other students in the school with a similar orientation.

Heterosexual students who appear to fit the stereotype of homosexual males and females are often treated unfairly. Assumptions are made about these students on the basis of appearance or behavior that are incorrect and



## EDUCATION

generally the result of stereotypes. Young people often do not realize that a person can have one or more homosexual experiences during their lifetime and still have a heterosexual orientation. Young people may also assume that a strong friendship between two members of the same sex implies homosexuality, whereas most people have strong friendships with members of their own sex in which homosexuality plays no part.

Testimony about attitudes toward homosexuals in the schools included the following incidents:

(1) A 17-year old student announced at a meeting of the student-body of a Portland public high school that he wanted to start a club for gay students. The next day he was beaten by other students, with the encouragement of a faculty member, and dismissed from the school by the administration.

(2) A high school student was beaten by other students in the locker room for being "a faggot." He subsequently dropped out of P.E. He was sent to the high school counselor for the purpose of "straightening him out."

(3) A pre-surgery transexual (male to female) was considered "different" in high school. She was the victim of sarcasm, insults, and ridicule from other students during her entire high school career. She felt she had no one with whom she could discuss her feelings.

(4) A teacher discovered that a student was homosexual when a gay rights button fell out of his pocket. The teacher violated the student's confidence by telling other teachers and students. The student, who felt "lonely and scared," requested and got a transfer to an alternative school where his sexual orientation was accepted. However, because of the transfer he could not get the courses he needed to complete his major.

(5) The principal of a Eugene high school and the district school superintendent have refused to allow a gay youth organization to run an ad in the student newspaper.

The Task Force also learned of some instances of support for homosexuals by other students:

(1) Staff of the student newspaper at the Eugene high school mentioned above supported the right of the gay youth group to run ads in the paper and have news events covered.

(2) Hetrosexual students at some Portland alternative and experimental schools have treated homosexual students with respect and acceptance.

(3) Students at a school where a teacher had been dismissed when her homosexuality became known, dedicated the school yearbook to her a year later.

Meetings with some school administrators revealed that their attitudes in general toward homosexuality range from fear to rejection. Because of the unpopular nature of the

## EDUCATION

issue in the minds of the public, they have never been asked to face squarely the issue of homosexuality in the schools. Homosexuality is a controversial issue. Recognizing this fact and mindful of their need to pass public school levies, administrators are careful not to establish policies and procedures that might alienate the public and result in failure of school measures at the polls. While some administrators admit that schools probably have not, in many cases, provided for the rights of homosexual students, they feel that it would be politically incautious to do so. Conversations with teachers have revealed that attitudes and knowledge about homosexuality vary a great deal.

### Counseling for Homosexual Students

Homosexual men and women testified that, as students, they had no adult in the school with whom they could identify or discuss their personal concerns. Teachers and counselors seem to be woefully lacking in information on homosexuality and places to refer students who feel isolated or who have concerns about their homosexual feelings. One student felt that if his counselor had been better informed about homosexuality and could have dealt more adequately with the situation, he would not have been forced to transfer to another school to avoid harassment.

Some homosexual students may need understanding counselors to help them accept themselves or they may wish

## EDUCATION

referral to a competent professional if they are unsure of their sexual orientation or have conflicts between their religious beliefs and their sexual feelings.

The Task Force investigated whether training institutions currently include education about homosexuality to assist prospective teachers to understand and be able to counsel homosexual students. Dr. Tom Sullivan of the Governor's Commission on Youth presented the results of a questionnaire which was sent to teacher training institutions throughout Oregon last year. One of the questionnaire items asked whether courses in human sexuality were offered and, if so, did the courses include material on homosexuality?

Of the teacher training institutions which responded, 44% said that students in their program are required to take courses which include units on human sexuality; 22% of these schools include references to homosexuality as a sexual preference within the bounds of normalcy, and 11% refer to homosexuality as an abnormal preference.

The majority of teacher training institutions do not require courses which include units on human sexuality, and of those that do, most do not include material on homosexuality.

Through interviews with administrators and teachers, the Task Force found that public schools have done little in the area of teacher in-service education about homosexuality. An isolated course for counselors and teachers, in which

## EDUCATION

homosexuality was discussed, has been offered in some school districts. In most cases the material is directed at the phenomenon of homosexuality and is not related to the fact that there are homosexual students in schools who need to be understood.

### Classroom Instructional Programs That Include Information About Homosexuality

Many schools have been reticent about including the topic of homosexuality in appropriate school subjects, such as sex education or modern problems. The reasoning behind their reluctance is that to teach about homosexuality is to condone it. The Task Force feels it is inappropriate and probably constitutionally unacceptable for an educator to make moral judgements about the "rightness" or "wrongness" of a heterosexual or homosexual orientation. This does not, however, preclude the teaching of objective facts about homosexuality or the moral attitudes towards it.

There are a number of teachers throughout the state who, for a number of years, have been presenting information about homosexuality in appropriate courses at both the junior high and high school levels and have experienced no criticism from either the students or their parents. Eight of these teachers were interviewed: 3 eighth grade and 5 tenth grade teachers. They reported that students have a great deal of misinformation on the subject and are very eager

## EDUCATION

to have their questions about homosexuality answered. During the past year, the media has focused attention on homosexuality with the result that students spontaneously bring up in class material they have read or viewed on television.

Although students in some classrooms have learned about homosexuality, an incident which took place at the State Department of Education served to point out the mood of a segment of the public with respect to the teaching about homosexuality in the public schools. A proposed Health Education Curriculum Guide, developed under the auspices of the Departments of Education in Washington, Oregon, and Wisconsin, was field tested in Oregon schools during the 1975-76 school year. Included in the senior high school volume was a single item about homosexuality which aroused the ire of a group of parents in several parts of the state. These people mobilized their strength with one goal in mind: to prevent the guide in its present form from being put in the schools and, more specifically, to remove any reference to homosexuality from the school health curriculum.

One member of the above group, who identified himself as an obstetrician/gynecologist and a concerned parent, gave lengthy testimony to the Task Force. He said that male and female sexual organs are created for procreation

## EDUCATION

and that homosexuality is a perversion. He did not feel that school districts should hire homosexual teachers or teach about homosexuality, for, in his opinion, that would encourage young people to experiment with homosexuality and thus, to become homosexual. He believed that homosexuals are guilty of child molestation and recruitment and responsible for most venereal disease. He felt that sex education of any kind accelerates psychosexual development in children and has been the cause of all the teenage problems related to pregnancy, abortion, and venereal disease. His point of view is shared by other members of his group.

While opinion polls have shown that over 72% of the people of Oregon favor sex education in the schools, there remains a group of people who actively oppose such education.

The State Superintendent of Public Instruction, having heard similar testimony from this group, asked his appointed Health Education Advisory Committee to study the Health Education Curriculum Guide and make recommendations for improvement. The Task Force interviewed a representative of the Advisory Committee about their stand on the homosexuality issue and learned that members of the Committee were looking forward to the Task Force's recommendations for guidance in this matter.

The Task Force reviewed material about homosexuality

## EDUCATION

included in new publications submitted for the 1977 state and local health textbook adoptions and found many inaccurate statements. Educational films dealing with child molestation were reviewed and some were found to be grossly unfair to homosexuals. The quality of educational materials on this subject, generally, is poor. Two films on homosexuality in a university audio-visual department also were found to contain much misinformation.

### Homosexual Teachers

Throughout the history of American education, there have been occasional dismissals of teachers when those teachers were discovered to have a homosexual orientation, particularly in public schools. Homosexual teachers have generally not lodged protests against such dismissals because they have felt that they had no support for their lifestyles.

Although today some school districts are taking less punitive measures against homosexual teachers as long as their sexual orientation remains a private matter, other districts still administer traditional sanctions. A case in point occurred in Turner, Oregon, in 1971. A teacher, whose job performance and effectiveness as a teacher were never questioned, was dismissed solely for having a homosexual orientation.



## EDUCATION

### College Admissions and Teacher Certification

Two questions asked of administrators in teacher training institutions by the Governor's Commission on Youth were:

(1) Does your institution have a policy regarding the admission of homosexual students into the teacher training program?

(2) Does your institution have a policy regarding recommending for certification following graduation those students who, in whatever way, have been identified as being homosexual?

Responses indicated that apparently none of the schools had a written policy on either of the two items: 89% of those responding said their institution had no policy; 11% did not respond to the question at all.

Teacher training institutions in Oregon generally have not been officially discriminatory about admitting homosexual students or in failing to recommend them for teacher certification following graduation. Students generally do not reveal their sexual orientation in such situations. Testimony was received by the Task Force that the dean of an Oregon law school would not allow a statement, in a brochure recruiting women law students, which indicated that homosexual women also were invited to apply.

### Conclusions

There is evidence of some discriminatory practices

## EDUCATION

being perpetrated by educational institutions. School personnel reflect societal attitudes about homosexuality and these attitudes are responsible for a reluctance to discuss the subject or attempt to gain any knowledge about it. Lack of knowledge, on the part of administrators, teachers, and counselors, is responsible for negative attitudes toward homosexual students, myths about homosexuals, stereotypes, and other misconceptions. Neither school personnel nor students have opportunities to gain accurate information about homosexuality.

The Task Force on Sexual Preference unanimously recommends the following:

\*\*\*\*\*

RECOMMENDATION: Schools should promote and protect the individual worth, dignity and mental health of all students regardless of their sexual orientation. Schools should discourage discriminatory acts on the part of students, faculty, and/or administrative staff against any individual.

\*\*\*\*\*

RECOMMENDATION: Teacher training and continued in-service education for teachers, counselors, and administrators should provide factual information about homosexuals and other sexual minorities which will help give insight and background in dealing with students concerning a particular sexual orientation.

\*\*\*\*\*

## EDUCATION

\*\*\*\*\*

RECOMMENDATION: Students requesting counseling in relation to their sexual orientation, when and if appropriate, should be referred to competent medical, psychological and religious practitioners.

\*\*\*\*\*

RECOMMENDATION: In public schools where sex education is part of the standard curriculum at the seventh grade level or above, that education should include the subject of homosexuality. In such circumstances, the material selected for use in the classroom should be factual and accurate, insuring a non-biased presentation of scientific, historical, and sociological data. The teaching technique of role-playing should be used with great caution in the presentation of material concerning homosexuality.

Questions posed by students to teachers or counselors about variant sexual orientations should receive informed, sensitive and appropriate answers.

It is appropriate for a teacher to provide information regarding the viewpoints of various medical, psychiatric and religious groups on the subject of homosexuality, and to provide information, so far as possible, regarding prevailing community standards on that subject.

\*\*\*\*\*

[Background Note: ORS 336.067 provides in part, that "In public schools, special emphasis shall be given to instruction in (a) . . .morality. . .". Though homosexual conduct between consenting adults has been decriminalized in the State of Oregon, there is still controversy over whether homosexual orientation is normal or acceptable to the community. It is consistent with constitutional principles for the teacher to present a review of scientific, historical, and cultural concepts and traditions which are the basis and foundation of community standards on the subject of homosexuality.]

\*\*\*\*\*

RECOMMENDATION: All colleges should provide classes in human sexuality, including factual information on homosexuality.

\*\*\*\*\*

THE OLDER HOMOSEXUAL

Older homosexuals are doubly oppressed. Discriminated against all of their lives because of their sexual orientation, in later years they find themselves victims of the discrimination that society impartially metes out to all aged individuals, regardless of sexual orientation.

Homosexuals born early in this century have had to face much harsher penalties for their sexual orientation than young homosexuals today. For most of their lives they have lived under the threat of loss of income, ruined careers, public humiliation, blackmail, mental and physical abuse, and jail sentence, if their homosexuality became known.

Most aging homosexuals have chosen to keep their homosexuality a secret, some for 50 years or more, and for those with long-term monogamous relationships, this has meant keeping secret the depth of feeling they have for their lifetime companion. They have received little, if any, recognition and support for maintaining a stable relationship in spite of great obstacles to its success.

A study of aging male homosexuals, by Douglas Kimmel, City College of New York, describes many happy, productive, and well-adjusted relationships, some lasting as long as 45 years. Generally, these relationship and long-term lesbian relationships cannot even serve as models for younger homosexuals because the lack of safe social gatherings in the past has enforced patterns of privacy that are difficult

## THE OLDER HOMOSEXUAL

to change in later years.

Dr. Terrie Wettle of the Institute on Aging, Portland State University, told the Task Force that difficulties arise for the older couple because a homosexual relationship is not considered a legal union, a marriage, or a family.

The resulting problems are serious, and in some cases can be tragic:

(1) If members of a homosexual couple have to reside in a nursing home, they often are not allowed to share a room, particularly if the nursing staff knows of their relationship. One exception is the Philadelphia Geriatric Center, which allows heterosexual or same-sex partners to share rooms.

(2) As discussed in our section on Health and Medical Treatment, some institutions limit visiting rights for the seriously ill to relatives, thereby excluding same-sex partners. Next-of-kin are consulted for permission for medical treatment for people no longer able to give their own consent, again excluding the same-sex partner.

(3) Some government subsidized housing permits only married couples to share apartments, so that low-income same-sex couples may have to forego decent housing in order to stay together. There are other financial benefits available to married couples, but not to same-sex couples, which are described in our section on Property and Finances. Many older people live in poverty. The denial of a variety of

## THE OLDER HOMOSEXUAL

financial benefits to same-sex couples often means severe financial problems.

(4) If a homosexual partner dies without a will, inheritance is not automatic, as it is with a heterosexual's legal spouse. Even when provision for the partner is included in the will of the deceased, relatives have sometimes had wills invalidated by arguing that the deceased was incompetent or was coerced by the homosexual partner into making the will. Since the body of the deceased becomes part of the estate and is disposed of according to the wishes of the next-of-kin, the homosexual partner, who may have been closer to the deceased than anyone else, may be denied any participation in the memorial service or funeral, and may never be permitted even to know what final arrangements have been made for the deceased.

(5) Inheritance taxes are much heavier when non-relatives inherit than when relatives inherit. Exemptions from tax which are available to heterosexual spouses are not available to same-sex partners. Under Oregon law, half of a heterosexual couple's property is automatically considered to be the property of the surviving spouse and is not subject to inheritance tax, even if the property is only in the name of the deceased spouse. In contrast, even if property has been held in the name of both members of a same-sex couple, the surviving member must prove that he or she contributed half of the purchase price, or all of the property may be

## THE OLDER HOMOSEXUAL

subject to inheritance tax, at the higher non-relative rate.

(6) If same-sex partners do not hold property in both of their names (which is sometimes inadvisable for business reasons), but both have contributed financially to the property, and the one in whose name property is held dies without a will, or with a will invalidated by a court challenge, the surviving partner may lose the property which he or she actually helped to purchase.

\*\*\*\*\*

RECOMMENDATION: All government and private facilities and programs for the aging should review their policies and practices to assure that benefits available to opposite-sex couples are also available to same-sex couples.

\*\*\*\*\*

RECOMMENDATION: All government and private institutions which train social workers, psychologists, nurses, aides and others to work with the aging should include in their curriculum training in the particular problems of the aging homosexual man and woman.

\*\*\*\*\*



CRIMINAL LAW AND POLICE RELATIONS

Introduction: A subcommittee of the Task Force did the initial work for this section of the report. Assigned to work with the subcommittee were Peter Meaney, Executive Assistant to Superintendent Robert Fisher of the Oregon State Police and Commander James Brouillette and Officer Annette Jolin of the Portland Police Bureau.

Method of Study

- (1) Interviews with members of the public;
- (2) Interviews with Superintendent Robert Fisher, Oregon State Police; Paul Bettiol, Executive Director, Board on Police Standards and Training; Chief Bruce Baker, Portland Police Bureau; Captain John Rutledge, Eugene Police Bureau; Captain Norman Reiter, Commander of Special Investigations Division, Portland Police Bureau; Chief Karel Hyer, Board on Police Standards and Training, Academy and Special Programs; Harl Haas, District Attorney, Multnomah County; Major Eugene Augherty, Oregon State Police Criminal Division.
- (3) Telephone interviews with Attorneys Kevin Brown, Tyler Marshall, and Susan Reese; Dick Simpson, counselor at Oregon Correctional Institute and instructor at Oregon Police Academy; David Jordan, Administrative Assistant to the Chief, Eugene Police Bureau; Donald Paillette, Assistant Attorney General and Counsel to the Oregon Criminal Law Revision Commission.
- (4) Review of police records.
- (5) Legal research.
- (6) Testimony at public meetings of the Task Force.

TRAINING OF POLICE OFFICERS

Police officers encounter homosexual men and women just as they do heterosexual men and women: both as victims of crime and as persons suspected of committing crimes.

Homosexual men and women from several communities testified before the Task Force that they had not reported criminal acts against them, such as vandalism, harassment, or assault and battery because they feared that they would be identified as homosexual in a police investigation and they believed that police would not act seriously on their complaints and might be insulting.

Some individuals attributed their lack of confidence in police to instances of derisive comments by an officer, or an officer's failure to take action on a complaint by a homosexual citizen.

It is difficult to determine how common are these incidents. Certainly, individual officers, like other citizens, vary in their attitudes toward and knowledge about homosexuals. Unfortunately, even an isolated incident can create a general lack of confidence in police by the many homosexual men and women in a particular community. Some of the uneasiness no doubt arises from the time prior to 1972, when all homosexual conduct was illegal and homosexuals feared arrest.

The lack of confidence which many homosexual men and women feel toward police can adversely affect the investigation of crimes totally unrelated to the sexual orientation of either the victim or the criminal. If homosexual men and women feel that they cannot trust police officers, any investigation attempting to determine "who was where and with whom" can be impeded.

The Oregon Police Academy at Monmouth provides basic training for new recruits in all police departments except the Oregon State Police, which has its own recruit training in Redmond. Monmouth also offers a variety of courses beyond the recruit level. The only time that homosexuality is specifically dealt with at Monmouth is in recruit training: first, in the section on sex crimes, and also in a course on human dimensions, in which recruits are taught that homosexual men and women do not present any special threat to the community.

The opposition which some police officers and officials have expressed to the employment of homosexual men and women as police officers indicates that some police officers continue to accept negative stereotypes about homosexuals and do not have the same respect for homosexuals as heterosexuals, despite the training they may have received.

The Task Force concluded that the recruit training at the Oregon Police Academy was reasonable, given the constraints of time and budget, but that additional education should be available in other courses at the Oregon Police Academy and within police departments throughout the state, and in the Oregon State Police's recruit training.

Given limited time and money, priority should be given to training of command personnel, including in-service courses for sergeants and higher level officers at the Oregon Police Academy.

Law enforcement in every community could benefit from improved relations between police and homosexual men and women in that community. Officers' stereotypes about homosexuals can be most effectively rebutted by giving them an opportunity to meet a variety of homosexual men and women. At the same time, such meetings would permit homosexual men and

## CRIMINAL LAW AND POLICE RELATIONS

women to have their questions on police procedures and conduct answered and would encourage better trust and communication within the community between police and homosexual people.

### EMPLOYMENT WITHIN LAW ENFORCEMENT AGENCIES

The Task Force received testimony from homosexual police officers in several Oregon communities. The officers had various lengths of service, but all felt that their continued service was dependent on keeping their sexual orientation confidential, and each intended to do so.

Police command personnel with whom the Task Force spoke varied in their awareness of police officers who are homosexual. Some acknowledged that there are probably some homosexual police officers simply because the percentage of homosexual people in the general population is going to be reflected in the composition of any police force. Some police officials understood that they would not be able to identify officers who are homosexual because homosexual police officers, like other homosexual people, are not readily identifiable by appearance or otherwise.

It is important to note that police personnel who do not believe that their department has any homosexual officers generally also express reservations about hiring homosexual officers and are concerned that if they did so, there might be adverse public reaction. In contrast, police personnel who are aware that their department probably has some homosexual officers believe that hiring homosexual officers presents no significant problems. The difference may be that police personnel who recognize that some officers probably are homosexual,

## CRIMINAL LAW AND POLICE RELATIONS

realize that homosexuals do not fit any stereotype, and their sexual orientation in no way affects their ability to perform their duties. Because of their own understanding, they are confident that they could deal with any doubts raised by other police or members of the public.

In 1974 the Portland City Council passed a resolution prohibiting discrimination because of sexual orientation in city employment. Although some personnel with the Portland police community opposed this resolution, Chief Baker has stated that there have not been any problems as a result of the resolution.

CRIMINAL STATUTES AND ARRESTS FOR HOMOSEXUAL ACTIVITY

The criminal statutes under which homosexual men are most often charged for conduct relating to their sexual orientation are:

ORS 163.455 Accosting for Deviate Sexual Intercourse  
(inviting a person to engage in oral or anal intercourse)

ORS 163.465 Public Indecency  
(exposing genitals with the intent of arousing one's sexual desire or that of another person, in or in view of a public place)

ORS 163.415 Sexual Abuse in the Second Degree  
(Non-consensual sexual contact with persons over age 18 or consensual sexual contact with persons between 14 and 18 if the defendant is more than four years older than the victim)

In many parts of the country, homosexual men are harassed by police because of the prejudices of individual police officers, rather than because of any objectionable public conduct. The Task Force was interested in determining whether arrests of homosexual men occur in Oregon because of public complaints made by members of the public who were subjected to unwanted sexual behavior.

## CRIMINAL LAW AND POLICE RELATIONS

Utilizing the data contained in "State of Oregon Analysis of Criminal Offenses and Arrests, January-December, 1975", published by the Oregon Law Enforcement Council, we estimate that at most only 140 of the 273,720 total criminal offenses reported in Oregon in 1975 involved homosexual men committing acts prohibited under these three statutes. This is less than one-half of one percent of all offenses. Harassment of members of the public by homosexuals or sexual activity in public by homosexuals does not seem to be very common or a serious social problem.

Very few arrests for the described offenses were made outside of Portland. In Eugene, for example, no arrests were made for accosting, and the few arrests for public indecency and sexual abuse in the second degree were made after a complaint by the victim. No arrests were made where the "victim" was a police officer.

The situation in Portland is quite different. Attorneys for homosexual men arrested in Portland in 1976 describe three common police arrest patterns.

(1) Arrests are made at the restroom in Lownsdale Square by an officer who watches when a man uses the urinal and the officer smiles and gestures suggestively. If the man then suggests sexual conduct, he is arrested for accosting. If he simply fails to leave promptly, he is arrested for public indecency.

(2) Arrests are made in adult bookstores by plainclothes officers who stand next to persons viewing homosexual films and indicate to the persons that they are interested in sexual contact. If the officer is then accosted or touched, he makes an arrest.

## CRIMINAL LAW AND POLICE RELATIONS

(3) Arrests are made in public by officers who stop men on the street and enter into a conversation about sex. If a man indicates his willingness to join in sexual contact, he is arrested for accosting.

The attorneys believe that police are encouraging activities which violate the statutes, but which do not harm members of the public. However, the police conduct is not technically "entrapment", which is defined by ORS 161.275 as police inducing the defendant to commit an act he "did not contemplate and would not otherwise have engaged in . . . Merely affording the [defendant] an opportunity to commit an offense does not constitute entrapment."

Captain Reiter of the Portland police denies that officers seek out homosexual men to arrest. He claims the officers who make most of the arrests enter the Lownsdale restroom simply to use the facilities themselves and that one officer is frequently accosted because he is attractive. Captain Reiter also states that officers go to adult bookstores and movies to make certain that obscenity laws are obeyed. However, while there officers may be accosted and consequently make arrests.

According to District Attorney Harl Haas, vice officers go deliberately to adult bookstores to make arrests for homosexual conduct, and he has instructed his staff not to prosecute any such cases. With respect at Lownsdale Square, Mr. Haas remarked, "How long is it proper for a police officer to stand smiling watching a man at a urinal?"

Representatives of the Portland Town Council believe some vice officers volunteer for the vice squad because they have a particular, misguided interest in sex. They point out that one of the officers who participated in most arrests of homosexuals in 1976 recently pleaded guilty to making obscene phone calls to women.

## CRIMINAL LAW AND POLICE RELATIONS

It is clear that most arrests under the three statutes in Portland are not made in direct response to public complaint and that these criminal offenses, as presently defined, do permit police to make arrests of homosexuals who are not engaging in conduct which offends any member of the public.

The Task Force recommends that changes be made in the three statutes, which would allow them to serve important public purposes, and yet prevent them from being used to harass homosexual men who are not offending the public.

RECOMMENDATION: ORS 163-455 (Accosting for Deviate Purposes) should be repealed.

DISCUSSION: ORS 163.455 now provides:

"(1) A person commits the crime of accosting for deviate purposes if while in a public place he invites or requests another person to engage in deviate sexual intercourse."

"Deviate sexual intercourse" is defined by ORS 163.305(1) as "sexual conduct between persons consisting of contact between the sex organs of one person and the mouth or anus of another." The accosting statute discriminates by making illegal invitations to engage in oral or anal sex, although vaginal, oral and anal intercourse are all legal when practiced in private between consenting adults. The Task Force concludes that the accosting statute should be repealed because there is no rational justification for this discrimination.

The all-male Oregon Criminal Law Revision Commission believed that public homosexual invitations were offensive to society and should be prohibited. It apparently did not consider heterosexual invitations to be a problem, except as related to prostitution.



However, as a practical matter, it is much more likely that a woman would be openly and aggressively accosted by a man in a public place than that a person would be openly and aggressively accosted by someone of the same sex. Yet, heterosexual accosting is not specifically prohibited.

It seems an anomaly that men are currently more protected from sexual advances than are women. Not only are women more often sexually accosted than men, they are much more often sexually assaulted. A verbal accosting is understandably more terrifying to a woman than to a man because a woman has the additional fear that the verbal conduct will be followed by a physical assault.

RECOMMENDATION: A new statute (Accosting a minor for sexual purposes) should be enacted to read:

"(1) A person commits the crime of accosting a minor for sexual purposes if he invites or requests a person under the age of (18) to engage in sexual intercourse or deviate sexual intercourse."

DISCUSSION: While there are statutes prohibiting intercourse with minors, there are no statutes prohibiting the accosting of minors for sexual purposes. Although accosting between adults should not be a criminal offense, the Task Force recommends enactment of this statute, which would deter both heterosexual and homosexual accosting of minors for sexual purposes.

RECOMMENDATION: ORS 163.465 (Public Indecency) should be amended to read:

"(1) A person commits the crime of public indecency if while in, or in view of, a public place, he performs:

- (a) an act of sexual intercourse; or
- (b) an act of deviate sexual intercourse; or
- (c) an act of exposing his genitals with the intent of arousing the sexual desire of himself or another person under circumstances in which he knows his conduct is likely to cause affront or alarm.

DISCUSSION: The change is in the addition of the underlined words. The change is recommended because under the current wording police can make arrests in public restrooms and other places, even when they are encouraging the conduct. The homosexual man has been led to believe he is pleasing another by his conduct, and he has no reason to believe any member of the public is being affronted or alarmed.

RECOMMENDATION: A new statute should be enacted prohibiting indecent exposure, reading as follows:

"(1) A person commits the crime if indecent exposure if he exposes his genitals under circumstances in which he knows he is likely to be observed by others who would be affronted or alarmed and is observed by others who are affronted or alarmed."

Under existing law, public nudity is not a criminal offense unless it can be proven that the defendant intended to arouse the sexual desire of himself or another so as to constitute public indecency, or the conduct is sufficiently aggressive to be disorderly conduct.

Instead of making criminal any public nudity, as has been proposed at times, it is recommended that if the legislature does choose to

restrict public nudity even where there is no intent to arouse sexual desire, that public nudity should only be a criminal offense where the individual knows there is a likelihood someone will be offended by his conduct. This again protects against police harassment of people who are not in fact offending any member of the public.

RECOMMENDATION: ORS 163.415 (Sexual Abuse in the Second Degree) should be amended to read:

"(1) A person commits the crime of sexual abuse in the second degree if he subjects another person to sexual contact; and

(a) The other person does not consent to the sexual contact and the actor knows or under the circumstances should have known that the contact is offensive to the other person; or

(b) The other person is incapable of consent by reason of being mentally defective, mentally incapacitated or physically helpless; or

(c) The other person is under the age of 14; or

(d) The other person is between the ages of 14 and 17 and the defendant is more than four years older than the other person.

(2) Sexual abuse in the second degree is a Class A misdemeanor."

DISCUSSION: The offense of sexual abuse in the second degree is intended to cover all forms of sexual contact which are not consented to, but which do not involve genital penetration (which is prohibited under other statute sections).

Most arrests under the statute, as currently written, are made in or near adult bookstores, with the "victims" being police officers. Multnomah County District Attorney Harl Haas has stated that he will not prosecute cases from adult bookstores where the victims are undercover police officers because of the likelihood that the defendant thought the sexual contact was desired or invited. Other arrests are made in public restrooms where, again, police officers may indicate that they approve of such contact.

In order to remove the possibility of such police harassment while at the same time preserving the function of the law, which is to protect members of the public from unwanted sexual contact, the Task Force recommends the addition of the underlined language.

(Note: A subcommittee of the Task Force was written a more detailed analysis of the legislative history of these and related sections of the code showing how existing code sections were derived from the Model Penal Code and other sources. Since this is of interest primarily to attorneys and legislators and is rather lengthy, it has been reprinted separately and may be obtained from the Task Force.

CONCLUSION

All of us are involved in a circular pattern: there exist certain traditional negative stereotypes about homosexuality and homosexuals; most homosexual women and men do not at all resemble those stereotypes, but because of the stereotypes, they are careful not to acknowledge their sexual orientation for fear of reprisals; and so the traditional negative stereotypes persist.

Many Oregonians have a live-and-let-live attitude and are aware that traditional ideas about homosexuality are not factual. But many of us are afraid to express our more accepting attitude publicly because we assume that most of the people around us continue to have negative attitudes. The fact that homosexuality has only recently begun to be openly discussed and is still most often mentioned only in the context of derisive jokes reinforces our reluctance. Furthermore, since a person's sexual orientation is not obvious, heterosexuals who speak up for civil rights protections for homosexuals may be thought of as being homosexual themselves.

Most people have some anxieties on this subject, or certainly some questions. Because there is a taboo against talking seriously about homosexuality, questions which could be answered and reassurance which could be given, are too often not forthcoming. Since often a person's best friends are of the same sex, people do not even feel comfortable talking about the subject to their own friends.

Meanwhile, a small but vocal minority, which is particularly anxious about this subject--so much so that they have even opposed the study of homosexuality by government--perpetuates the assumption that the people around us have less accepting attitudes than we may have.

Many of our citizens want more accurate information on homosexuality, but they do not know where to obtain that information.

There are many employers who actually do not discriminate against employees on the basis of sexual orientation--but they hesitate to make this a stated, publicized policy because they do not want to single out their business or department for public scrutiny or the scrutiny of their own superiors. There are many people in state government, heterosexual and homosexual, who realize that individuals served by their agency may not be treated equitably or effectively because so many services are tailored to heterosexual married couples. These government personnel sometimes have excellent ideas about how their services could be improved, but are reluctant to single themselves out by making their suggestions known.

The Task Force has found that many people believe discrimination against homosexuals should end--but few people want to take unilateral action toward that end.

Government can break this stalemate by providing the basic protection of a civil rights law prohibiting discrimination on the basis of sexual orientation or marital status in employment, housing and public accommo-

CONCLUSION

dations.

With such a law, the many people who personally oppose discrimination will no longer be in the position of seemingly taking a stand against overwhelming social tradition; employers who do not discriminate will be able to state openly that this is their policy, since it also will be the law.

Since people's attitudes towards homosexuals improve when they have a co-worker known to be homosexual, some of those now opposed to civil rights legislation because of their lack of accurate information may someday come to favor civil rights for homosexuals, as their actual on-the-job acquaintance with homosexual men and women demonstrates that their prejudices and stereotypes are unjustified.

But civil rights legislation is not the only possibility for action. As the 30 other recommendations contained in this report demonstrate, there are many areas ripe for policy change by state government, private organizations and businesses and individual citizens.

Oregonians who want to improve the emotional and material well-being of our citizens, both heterosexual and homosexual, should find many opportunities to do so as expressed in our recommendations.





DECEMBER 1, 1978

TASK FORCE ON SEXUAL PREFERENCE

of the

FINAL REPORT

DEPARTMENT OF HUMAN RESOURCES

STATE OF OREGON

