

Support and opposition statements for the anti-discrimination law from Wisconsin religious leaders

The sponsors of Chapter 112 saw the support of mainstream religious leaders as vital in getting the bill passed.¹ Republican Governor Dreyfus cited the endorsement of all big Christian denominations, as well as the Jewish community, in his statement of reasons for signing the law.² Even though the religious right had gained considerable political clout by the early eighties, fundamentalist voices failed to influence the debate about the bill. The Reverend Richard E. Pritchard of Madison stood alone in his opposition to the bill, while Wisconsin's Lutheran, Methodist, Episcopal, Presbyterian and Baptist Churches, and even the Catholic Archbishop of Milwaukee, expressed their support. While many churches considered homosexuality a sin, they were nonetheless strongly committed to human rights and equal protection under the law.³ Read the statements of different religious leaders for biblical arguments in favour of the anti-discrimination law.

¹ „Nuns in the Gallery“, Interview with David Clarenbach, New York Native 3/15-28/82.

² Governor's statement upon signing the anti-discrimination bill

³ The Human Rights/Civil Rights argument can be found in all statements. equal protection under the law is mentioned by Vernon E. Anderson of the American Lutheran Church, Northern Wisconsin District.

ARCHDIOCESE OF MILWAUKEE

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OFFICE OF THE ARCHBISHOP

March 2, 1981

The Reverend John Murtaugh
Office for Human Concerns
731 West Washington Street
Milwaukee, Wisconsin 53204

Dear Jack,

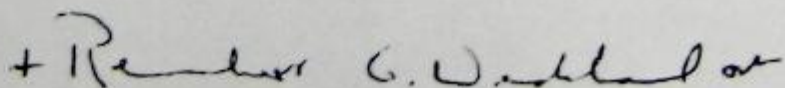
It has recently been called to my attention that your office has been seeking my opinion concerning Assembly Bill #70 that is now being studied in the State Legislature.

I feel that your commission can in good conscience support this legislation insofar as it bans discrimination because of sexual orientation in the areas of employment, housing, and public accommodations.

You will recall that the National Conference of Catholic Bishops spoke to this issue in 1976. There has been no change in the Catholic position concerning homosexual activity, which has always been considered as morally wrong; on the other hand, it has also been consistent with Catholic teaching that homosexuals should not be deprived of their basic human rights. For this reason I feel that support of this Bill would be indeed proper and consistent with previous positions that the Church has taken.

Many thanks for your constant concern for so many delicate issues.

Sincerely yours in the Lord,



Most Reverend Rembert G. Weakland, O.S.B.
Archbishop of Milwaukee

The American Lutheran Church
Southern Wisconsin District



2705 Packers Avenue
Madison, Wisconsin 53704
608-244-5440

April 13, 1981

Mr. Leon Rouse
2935 N. Prospect
Milwaukee, WI 53211

Dear Leon,

Thank you for your concern re: AB #70.

Since I am not able to be there, and it is hard for anyone to represent me, you may use the following which is the statement which Wisconsin Conference of Churches asked jurisdictions which care to support the Bill to so authorize. Our District Council concurs and asked me to indicate such support:

"Our District Council has authroized me to indicate support for Assembly Bill #70."

"If deemed necessary i would be willing to appear and speak at any hearing on this Bill 70." (3/23/81 correspondence to WCC)

I am sending a copy of this letter to John Fischer, executive director of WCC, so that he can represent me at the hearing.

This should be adequate, shouldn't it?

Kindest regards.

Sincerely,

A. C. Schumacher (wb)

A. C. Schumacher, president
Southern Wisconsin District, ALC

ACS/wb

cc/ John Fischer
Thomas Loftus

THE UNITED METHODIST CHURCH

WISCONSIN AREA



MARJORIE S. MATTHEWS
Bishop

ARLENE M. RADLOFF
Administrative Secretary

325 Emerald Terrace
Sun Prairie, Wisconsin 53590
(608) 837-8526

April 3, 1981

To: Members of the Wisconsin State Legislature

Dear Friends:

At a recent meeting of the Board of Directors of the Wisconsin Conference of Churches a number of the church leadership of various churches in Wisconsin signed a statement in support of LRB-0124/1, a bill prohibiting discrimination based upon sexual orientation of individuals in the areas of employment, housing, and public accommodations.

In the Social Principles of the United Methodist Church, adopted by the 1980 General Conference, the United Methodist Church reaffirmed its position with regard to the worth of all persons regardless of sexual orientation. Following is a quotation from the statement on human sexuality.

"Homosexual persons no less than heterosexual persons are individuals of sacred worth, who need the ministry and guidance of the church in their struggles for human fulfillment, as well as the spiritual and emotional care of a fellowship which enables reconciling relationships with God, with others, and with self. Further we insist that all persons are entitled to have their human and civil rights ensured, though we do not condone the practice of homosexuality and consider this practice incompatible with Christian teaching."

The only body that can speak for the entire United Methodist Church is the General Conference which meets quadrennially. However, as an elected Bishop assigned to the Wisconsin Conference of the United Methodist Church, I personally support the proposed legislation, and urge its consideration by the members of the Wisconsin State Legislature.

Sincerely,

Marjorie S. Matthews

MSM:amr
cc



THE PRESBYTERY OF MILWAUKEE

The United Presbyterian Church in the U.S.A.

1933 W WISCONSIN AVENUE

MILWAUKEE, WISCONSIN 53233

PHONE 414-931-7336

THE REV. CARL R. SIMON, D.D.
Executive Presbyter

March 20, 1981

To Members of the Wisconsin State Legislature

My Dear Friends:

At the recent meeting of the Board of Directors of the Wisconsin Conference of Churches a number of the bishops, presidents and leaders of the various churches in Wisconsin signed a collective statement in support of LRB-0124/1, a bill prohibiting discrimination based upon sexual orientation of individuals in the areas of employment, housing and public accommodations. Our corporate action is similar to that which the religious leaders of eight member judicatories of the Greater Milwaukee area took in support of a Milwaukee City Ordinance banning discrimination in employment based on sexual orientation. At that time we said:

"We support equal protection of the law for all people, including full civil rights for persons of homosexual orientation. We support the recently passed Milwaukee ordinance banning discrimination in employment based on sexual orientation because it is consistent with such full legal protection and full civil rights for all people. As pastoral leaders in the community we ask for our constituencies to join us in this support."

I want to add to these joint statements a quotation which indicates that the United Presbyterian Church in the U.S.A., in its national General Assembly, is in full support of such actions which would prevent discrimination on the basis of sexual orientation. May I quote the text of a resolution adopted by our General Assembly meeting in San Diego, California in 1978:

"The Christian community can neither condone nor participate in the widespread contempt for homosexual persons that prevails in our general culture. Indeed, beyond this, it must do everything in its power to prevent society from continuing to hate, harass, and oppress them.

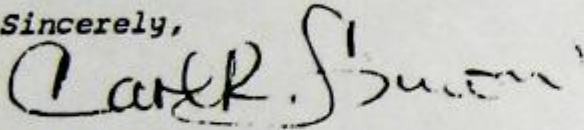
There is no legal, social, or moral justification for denying homosexual persons access to the basic requirements of human social existence. Society does have a legitimate role in regulating some sexual conduct, for criminal law properly functions to preserve public order and decency and to protect citizens from public offense, personal injury, and exploitation. Thus, criminal law properly prohibits homosexual and heterosexual acts that involve rape, coercion, corruption of minors, mercenary exploitation, or public display. However, homosexual and heterosexual acts in private between consenting adults

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involve none of these legitimate interests of society. Sexual conduct in private between consenting adults is a matter of private morality to be instructed by religious precept or ethical example and persuasion, rather than by legal coercion.

Vigilance must be exercised to oppose federal, state, and local legislation that discriminates against persons on the basis of sexual orientation and to initiate and support federal, state, or local legislation that prohibits discrimination against persons on the basis of sexual orientation in employment, housing, and public accommodations."

Sincerely,

A handwritten signature in cursive script, appearing to read "Carl R. Simon".

Carl R. Simon
Executive Presbyter

CRS/es



WISCONSIN BAPTIST STATE CONVENTION

15330 WEST WATERTOWN PLANK ROAD • ELM GROVE, WISCONSIN 53122 • 414/782-3140

April 10, 1981

DR. WILLIAM L. WELLS
Executive Minister

TO: MEMBERS OF THE WISCONSIN STATE LEGISLATURE

Dear Friends:

At a recent meeting of the Board of Directors of the Wisconsin Conference of Churches a number of leaders of various churches in Wisconsin signed a statement in support of Assembly Bill #70 which would ban discrimination because of sexual orientation in the areas of employment, housing and public accommodations.

While the American Baptist Churches in the USA has not officially spoken on this issue, the Board of National Ministries made a statement in 1974 relative to American Baptist ministry with gay persons. That statement reiterates that God loves every person and that we are, therefore, not free to reject any person regardless of our personal opinions. Further, it is incumbent on us to defend the civil rights of all.

I, therefore, lend my personal support to Assembly Bill #70 insofar as it bans discrimination because of sexual orientation in the above named categories.

Sincerely,

William L. Wells
Executive Minister

WLW/dls

February 16, 1982

A MEMO TO THE MEMBERS OF THE WISCONSIN STATE SENATE

FROM: Rev. Richard E. Pritchard, Madison, Wis.

Sen. Chilsen

Re: Senate Bill that would make equal the homosexual and the heterosexual lifestyles
(Because I just learned of the vote scheduled for today, last night, I don't have the number or details immediately available)

Just last evening I learned that the Senate may act today on a Bill that would require all employers - including Churches - to hire those that are actively practicing homosexuals. An impressive array of Church officials have supported this.

I would respectfully ask that you vote against this Bill for the following reasons:

- 1) It has been demonstrated many times that Church officials are not where the rank and file of their members are, often. I believe the majority of your constituency would be strongly opposed to this Bill.
- 2) The Kinsey Institute book, Homosexualities, says at the outset that its authors support the homosexual lifestyle and want it to be accepted. Yet, as you read its descriptions of the homosexual community in the San Francisco Bay area - where its research was conducted because there are practically no restraints there - it is enough to make you sick. For example: its description of the gay bath "orgy" rooms; its report that 79% of the white male homosexuals interviewed by the authors' staff admitted that over half of the males with whom these homosexuals had "sexual activities" were complete strangers when "recruited".
- 3) Two ministers, at least, have been quietly fired in Madison for active homosexual recruiting - one the director of a boy's choir, the other a staff youth leader.
- 4) In Minneapolis, where a comparable Bill was adopted, the gay community publicly advertised for homosexuals to join the Big Brother organization. There are lesbians in leadership roles in the Girl Scouts.
- 5) A conservative Church in California fired its organist for being an active homosexual; another Church in California refused to hire an admitted gay activist as youth director. The Church doctrines of both Churches opposed the homosexual lifestyle. Yet the gay community has sued them in court. What protection would the churches have in Wisconsin. Would I have to go to jail - and I would - for wanting to protect the young people committed to my care from being influenced by a lifestyle which I believe to be anti-scriptural?
- 6) Last night, wanting to be as fair as possible, I went to see the movie: "Making Love". It was promoted as giving a sensitive insight into the meaningful and beautiful nature of homosexual love. What it showed was a man tempted - and then persuaded that "nothing could be done about his feelings". The alcoholic, the kleptomaniac, the one who lusts also rationalize in this way. The gay to whom Dr. "Zac" first went said: "So it's a different guy each night. I like the challenge, the adventure." He hooked Dr. "Zac" and then dropped him - and left a sad trail of traumatic experiences.
- 7) Much is made of the phrase: "consenting adults". This is neither a safe nor an adequate criterion. Would it make a murder-suicide pact acceptable? Sexual sadists and masochists are consenting adults. A suicide is a consenting adult. The "Pigeon Drop" is between two or more greedy consenting adults.
- 8) Dr. "Zac", in Making Love, clearly showed - as the great majority of studies in the field show also - that he was attracted by a male couple he saw on a motorcycle. He dwelt on it. Yielded to the temptation. And was hooked. This is a common pattern. All of us are subject to a variety of temptations along the way. We keep ourselves under a disciplined control because we have an idea of who we were meant to be. Do we want our impressionable youth and children to be tempted by this kind of a lifestyle?
- 9) The Bible strongly and clearly condemns the homosexual lifestyle while insisting that we love the person. This would mean we can not allow his lifestyle to be a factor in sensitive areas of employment, while ministering to him in love.

Transcript of the debate on AB 70

On October 23, 1981, the Assembly debated – and then passed – AB 70, the bill prohibiting discrimination against gay men and lesbians.¹ The transcript of the debate shows what arguments Representative Clarenbach, the main sponsor of the bill, and Representative Shabaz, who was opposed to it, brought forward.

¹ Bulletin of the Proceedings of the Wisconsin Legislature 1981 Session. Assembly, 1981-82 Session. Prepared under the direction of David Kedrowski, Chief Clerk of the Assembly, page 112.

DEBATE ON AB 70, Friday, October 23, 1981

Question: Indefinite Postponement

Mr. Speaker and members. Needless to say, I urge a red vote on this question.

OC Mr. Speaker and members, there's been a good deal of talk around here the last few days that we're going to be debating homosexuality today, and I think that that's a serious misinterpretation of the issue before us. The question that Assembly Bill 70 raises is "Why should any person be denied a job, a home, or access to public accommodations because of his or her sexual orientation.

All over the country, states and municipalities are extending anti-discrimination legislation to include homosexuals. We live in a land of liberty and justice for all. That's what we say every morning in this House -- liberty and justice for all. And that statement of fact does not read "except gays, any more than it reads "except Jews" or "except Blacks" or "except Republicans" or Democrats or any other minority group.

I think we should talk frankly about what the issues are today. Those who would deny homosexuals equal protection under the law promote a lot of fears. They say that homosexuals may try to convert the young in our classrooms. They say homosexuals molest other citizens. They disrupt the peace and stability of neighborhood or office, or even threaten the foundations of American family life. These fears are irrational. They are fears, and they are based on bigotry. We all know that there are, after all, laws and regulations and rules that cover misconduct of all persons, heterosexual or homosexual. Sanctions that deal with molesters, with teachers who preach sexual views when they should be teaching. With tenants who are noisy and

disruptive. With employees who let their private lifestyles interfere with their work. And, for a society that regards marriage and family as a corner stone, there is no evidence whatsoever that homosexuality is contagious.

The right of private sexuality among adults should be considered inherent. And as long as someone does not impose sexual preference on others, he or she should be guaranteed the basic right to live without harassment or discrimination.

The effects of discrimination based on sexual orientation are just as damaging as those based on race, color, sex, creed, national origin. Those categories of minority groups which we have affirmed our responsibility to protect from all forms of discrimination, the same discriminations we are extending today to another minority group. The state of Wisconsin needs to grant homosexuals, as we have granted all other minority groups, protection to realize basic human rights and live life with dignity.

All of you have received a listing of those individuals and groups in Wisconsin who support this bill specifically. And I think I could not have said it better than the Archbishop of Milwaukee, the Most Reverend Weakland, for he states absolutely that homosexuals should not be deprived of their basic human rights. You can see similar statements from the Bishop of the United Methodist Church in the Wisconsin area, the Bishop of the Lutheran Church in America in Wisconsin and Upper Michigan, the Episcopal Bishop of Milwaukee, the President of the Wisconsin Conference of the United Church of Christ. The religious leaders of this state affirm the right to human rights for all minority groups, and oppose discrimination of any sort. I even have

a letter of support from the Governor's office, the Governor's Advisory Council for Women and Family Initiatives, which is decidedly a pro-family council, with but one dissenting vote, recommended enactment of Assembly Bill 70 and this kind of protection specifically.

Members of the Assembly, Assembly Bill 70 is not a question of morality. It's a question of civil rights. The question before us today is not whether homosexuality is admirable. It's a question of whether discrimination is tolerable.

I ask members of this House to look inward, to ask whether they would tolerate discrimination against any group or against any individual. That's the question we have before us today.

It is not a moral issue. It is not a religious issue. It's a matter of bigotry. And any more than we deny religious minorities or racial minorities a right to live in this state and to be protected against discrimination, we ought not allow under any circumstances discrimination based on sexual orientation.

I urge a red vote on the question.

SHABAZ:

Mr. Speaker, I realize that, because of the fact that the gentleman from the 78th makes the comments on the proposal and he is one the more respected members of this body, that, in many instances, perhaps we feel that, without examining the arguments in opposition to the proposal, we ought to provide the vote that is being sought and blindly accept the arguemtns which have been made. I see that we've done this on several other porposals which have been introduced along these lines, and it seems to me that, for those who are willing to listen to reason, for those who are willing to at least address themselves to the issue, without voting blindly in favor of it because you received a letter from your local minister or bishop, I think that something should be said in opposition to the proposal. And I would point out to the members that, you can pick any section you want, but I'd suggest that we look at page 9, begining at line 18, in which it states that, in the interpretation and application of this subchapter and otherwise, it is declared to be the public policy of the state to encourage and foster to the fullest extent practicable the employment of all properly qualified persons regardless of..."

For those of you who are having difficulty in hearing me this morning, I'll reread that -- "It is declared to be the public policy of the state to encourage and foster to the fullest extent practicable the employment of all properly qualified persons ..." and that's the way it should be, regardless of their age. There's something about age - we get older; not much we can do about it, we get older. Race, for which we were born. Creed, our color, our handicap. And our sex, our national origin, our ancestry. No, not political affiliation, not our political affiliation because that's a determination, a self-determination that can be made by one or the other.

And that's the difference. And that's the reason you don't then put in political affiliation, sexual orientation, whatever that might be, and I do see it's defined in the bill, in that same page 9 -- discussing the preference. The preference of a party, preference of a sexual orientation, preference of whether or not I shall become engaged in the commission of a felony.

Now it's been made, and made very well, that there should in fact not be discrimination for those items which we have previously discussed, because it is wrong, because that's the way we were born. That's the way in which we have an ancestry. That's the sex. That's the handicap. But I think that we're going much further than was ever intended when those with the wisdom that prevailed years ago inserted in the Constitution and the Statutes that we should, in fact, foster to the fullest extent practicable all properly qualified persons regardless of..." and then the recitation.

And I realize that there are members who are going to vote blindly on both sides of the issue. Not because this bill makes any sense, but just because of the fact that it's something nice to do. Well I think it is wrong to look at issues in that concept, no matter who introduced, no matter why they are introduced, no matter what it going to be said over you in church, at church on Sunday, as a result of the vote you might cast on this.

But I would hope the members would vote aye on indefinite postponement.

SPEAKER: Question is indefinite postponement. Gentleman from the 78th.

CLARENBACH:

CLARENBACH:

Madame Speaker and Members. The gentleman from the 83rd asks all of us to avoid voting blindly on this issue, and I would at least join him in that. I hope that we would look at the facts, because, in this case, I believe the gentleman from the 83rd has not reviewed the evidence of medical science.

This bill does not grant homosexuals any special rights or privileges or, for that matter, assure affirmative action as he suggests. He cites the existing statutes in this state that we have declared it a public policy to encourage and foster to the fullest extent practicable the employment of all properly qualified persons. That's the current law. And we are adding sexual orientation to the list of classes on which discrimination will be prohibited.

Homosexuality is not a lifestyle. And, members of the Assembly, it's important to recognize this, because it responds to the central theme of the argument that the gentleman from the 83rd has suggested. He's saying that all these other classes on which we prohibit discrimination are beyond the control of the individual. That's the way we were born. And I agree.

But the Kinsey Institute of Indiana & Purdue University, last month, released a report that was ten years in the making, entitled Sexual Preference. Kinsey has been compiling that data; this report is the most authoritative and detailed study ever done. And it's worth looking at the results of that survey. The conclusion of the Kinsey report is that homosexuality is definitely not caused by socialization. Homosexuals are not the products of environment. It is not a matter of choice. It's the way a person is born. A person's preference for homosexuality, as it is for heterosexuality, is not a preference but is innate.

So based on the very arguments of the Gentleman from the 83rd, we ought to vote red on this question, because that is the way people are born. Whether the progression in age, or their sex, or their race, or yes, their sexual orientation.

The nation's first law prohibiting discrimination on the basis of sexual orientation, Ch. 112, 1981 Wis. Sess. Laws

Ch. 112, 1981 Wis. Sess. Laws was the nation's first law that forbid discrimination on the basis of sexual discrimination. Not before 1991 did other states follow Wisconsin's example.¹ The bill passed the State Assembly in 1981, the State Senate on February 18, 1982, and was signed by Governor Lee Sherman Dreyfus (R) on February 25, 1982.² The act outlawed discrimination in housing, employment, and public accommodation. The bill's main sponsor, Assemblyman David Clarenbach (D) who represented the 78th Assembly District, evaded the "morality" terminology of the religious right and stressed that discriminating against homosexuals violated basic human rights. The leaders of all mainstream religious congregations, including the Archbishop of Milwaukee, could agree with this viewpoint and supported the bill. The anti-discrimination bill became law at a time when extramarital sex was still outlawed in Wisconsin. Only in 1983 did the legislature pass a consenting adults bill (1983 Wisconsin Act 17), also sponsored by Clarenbach, which decriminalized sexual activity between consenting adults of either sex.³

Text online at <http://www.legis.state.wi.us/acts89-93/81Act112.pdf>

¹ William B. Turner, "The Gay Rights State," *Wisconsin Women's Law Journal*, 2007, p. 93.

² Turner, p. 91.

³ 1983 Wisconsin Act 17, David Clarenbach Papers, Box 3, Folder 9, WHS archives.

1981 Assembly Bill 70

Date published: March 2, 1982

CHAPTER 112 , Laws of 1981

AN ACT to amend 15.04 (1) (g), 16.765 (1) and (2) (a), 21.35, 66.39 (13), 66.395 (2m), 66.40 (2m), 66.405 (2m), 66.43 (2m), 66.431 (3) (c) 2, 66.432 (1) and (2), 66.433 (3) (a) and (c) 1. b and (9), 101.22 (1), (1m) (b), (2m) and (4n), 101.221 (1), 111.31 (1) to (3), 111.32 (5) (a), 111.70 (2), 111.81 (9) (b), 111.85 (1), 227.033 (1), 230.01 (2), 230.18, 234.29 and 942.04 (1) (a) to (c) and (3); and to create 111.32 (4s) and (5) (i) of the statutes, relating to prohibiting discrimination based upon sexual orientation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 15.04 (1) (g) of the statutes is amended to read:

15.04 (1) (g) *Discrimination review.* In order to determine whether there is any arbitrary discrimination on the basis of race, religion, national origin, sex or marital status or sexual orientation as defined in s. 111.32 (4s), examine and assess the statutes under which the head has powers or regulatory responsibilities, the procedures by which those statutes are administered and the rules promulgated under those statutes. If the department or agency head finds any such discrimination, he or she shall take remedial action,

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including making recommendations to the appropriate executive, legislative or administrative authority.

SECTION 2. 16.765 (1) and (2) (a) of the statutes are amended to read:

16.765 (1) Contracting agencies of the state shall include in all contracts executed by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s. 51.01 (5), sexual orientation as defined in s. 111.32 (4s) or national origin, and, except with respect to sexual orientation, obligating the contractor to take affirmative action to ensure equal employment opportunities.

(2) (a) In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s. 51.01 (5), sexual orientation or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Except with respect to sexual orientation, the contractor further agrees to take affirmative action to ensure equal employment opportunities. The contractor agrees to post in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.

SECTION 3. 21.35 of the statutes is amended to read:

21.35 Federal laws and regulations; no discrimination. The organization, armament, equipment and discipline of the Wisconsin national guard shall be that prescribed by federal laws or regulations; and the governor may by order perfect such organization, armament, equipment and discipline, at any time, so as to comply with such laws and regulations insofar as they are consistent with the Wisconsin code of military justice. Notwithstanding any rule or regulation prescribed by the federal government or any officer or department thereof, no person, otherwise qualified, ~~shall~~ may be denied membership in the Wisconsin national guard because of sex, color, race ~~or~~ or ~~creed or sexual orientation~~ and no member of the Wisconsin national guard shall may be segregated within the Wisconsin national guard on the basis of sex, color, race or, creed or sexual orientation. Nothing in this section ~~shall prohibit~~ prohibits separate facilities for persons of different sexes with regard to dormitory accommodations, public toilets, showers, saunas and dressing rooms.

SECTION 4. 66.39 (13) of the statutes is amended to read:

66.39 (13) TENANT SELECTION, DISCRIMINATION. All tenants selected for veterans' housing projects shall be honorably discharged veterans of wars of the United States of America. Selection between veterans shall be made in accordance with rules and regulations promulgated and adopted by the department of veterans affairs which regulation said department is authorized to make and from time to time change as it deems proper. Such rules and regulations, however, shall give veterans of World War II preference over veterans of all other wars. Notwithstanding such rules and regulations or any law to the contrary a veteran shall not be entitled to or be granted any benefits under ss. 66.39 to 66.404 from a housing authority unless such veteran was at the time of induction into military service a resident of the state. Veterans otherwise entitled to any right, benefit, facility or privilege under this section shall not, with reference thereto, be denied them in any manner for any purpose nor be discriminated against because of sex, race, color, creed, sexual orientation or national origin.

SECTION 5. 66.395 (2m) of the statutes is amended to read:

66.395 (2m) DISCRIMINATION. Persons otherwise entitled to any right, benefit, facility or privilege under this section shall not, with reference thereto, be denied them in any manner for any purpose nor be discriminated against because of sex, race, color, creed, sexual orientation or national origin.

SECTION 6. 66.40 (2m) of the statutes is amended to read:

66.40 (2m) DISCRIMINATION. Persons otherwise entitled to any right, benefit, facility or privilege under ss. 66.40 to 66.404 shall not, with reference thereto, be denied them in any manner for any purpose nor be discriminated against because of sex, race, color, creed, sexual orientation or national origin.

SECTION 7. 66.405 (2m) of the statutes is amended to read:

66.405 (2m) DISCRIMINATION. Persons otherwise entitled to any right, benefit, facility or privilege under ss. 66.405 to 66.425 shall not, with reference thereto, be denied them in any manner for any purpose nor be discriminated against because of sex, race, color, creed, sexual orientation or national origin.

SECTION 8. 66.43 (2m) of the statutes is amended to read:

66.43 (2m) DISCRIMINATION. Persons otherwise entitled to any right, benefit, facility or privilege under this section shall not, with reference thereto, be denied them in any manner for any purpose nor be discriminated against because of sex, race, color, creed, sexual orientation or national origin.

SECTION 9. 66.431 (3) (e) 2 of the statutes is amended to read:

66.431 (3) (e) 2. Persons otherwise entitled to any right, benefit, facility or privilege under this section shall not, with reference thereto, be denied such right, benefit, facility or privilege in any manner for any purpose nor be discriminated against because of sex, race, color, creed, sexual orientation or national origin.

SECTION 10. 66.432 (1) and (2) of the statutes are amended to read:

66.432 (1) DECLARATION OF POLICY. The right of all persons to have equal opportunities for housing regardless of their sex, race, color, physical condition, developmental disability as defined in s. 51.01 (5), sexual orientation as defined in s. 111.32 (4s), religion, national origin or ancestry is a matter both of statewide concern under s. 101.22 and also of local interest under this section and s. 66.433. The enactment of s. 101.22 by the legislature shall not preempt the subject matter of equal opportunities in housing from consideration by local governments, and shall not exempt cities, villages, towns and counties from their duty, nor deprive them of their right, to enact ordinances which prohibit discrimination in any type of housing solely on the basis of sex, race, color, physical condition, developmental disability as defined in s. 51.01 (5), sexual orientation, religion, national origin or ancestry.

(2) ANTIDISCRIMINATION HOUSING ORDINANCES. Cities, villages and towns may enact ordinances prohibiting discrimination in the sale or rental of any type of housing within their respective boundaries solely on the basis of sex, race, color, physical condition, developmental disability as defined in s. 51.01 (5), sexual orientation, religion, national origin or ancestry. Such an ordinance may be similar to s. 101.22 or may be more inclusive in its terms or in respect to the different types of housing subject to its provisions, but any such ordinance establishing a forfeiture as a penalty for violation shall not be less than the statutory forfeitures under s. 101.22. Counties may enact such ordinances under ss. 59.07 (11) and 66.433.

SECTION 11. 66.433 (3) (a) and (c) 1. b and (9) of the statutes are amended to read:

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66.433 (3) (a) The purpose of the commission is to study, analyze and recommend solutions for the major social, economic and cultural problems which affect people residing or working within the municipality including, without restriction because of enumeration, problems of the family, youth, education, the aging, juvenile delinquency, health and zoning standards, and discrimination in housing, employment and public accommodations and facilities on the basis of sex, class, race, religion, sexual orientation or ethnic or minority status.

(c) 1. b. To ensure to all municipal residents, regardless of sex, race, sexual orientation or color, the rights to possess equal housing accommodations and to enjoy equal employment opportunities.

(9) INTENT. It is the intent of this section to promote fair and friendly relations among all the people in this state, and to that end race, creed, sexual orientation or color ought not to be made tests in the matter of the right of any person to sell, lease, occupy or use real estate or to earn ~~his~~ a livelihood or to enjoy the equal use of public accommodations and facilities.

SECTION 12. 101.22 (1), (1m) (b), (2m) and (4n) of the statutes, are amended to read:

101.22 (1) INTENT. It is the intent of this section to render unlawful discrimination in housing. It is the declared policy of this state that all persons shall have an equal opportunity for housing regardless of sex, race, color, sexual orientation as defined in s. 111.32 (4s), handicap, religion, national origin, sex or marital status of the person maintaining the household, lawful source of income, age or ancestry and it is the duty of the local units of government to assist in the orderly prevention or removal of all discrimination in housing through the powers granted under s. 66.433. The legislature hereby extends the state law governing equal housing opportunities to cover single-family residences which are owner-occupied. The legislature finds that the sale and rental of single-family residences constitute a significant portion of the housing business in this state and should be regulated. This section shall be deemed an exercise of the police powers of the state for the protection of the welfare, health, peace, dignity and human rights of the people of this state.

(1m) (b) "Discriminate" and "discrimination" mean to segregate, separate, exclude or treat any person or class of persons unequally because of sex, race, color, handicap, sexual orientation as defined in s. 111.32 (4s), religion, national origin, sex or marital status of the person maintaining a household, lawful source of income, age or ancestry. It is intended that the factors set forth herein shall be the sole bases for prohibiting discrimination.

(2m) REPRESENTATIONS DESIGNED TO INDUCE PANIC SALES. ~~It is unlawful to~~ No person may induce or attempt to induce any person to sell, rent or lease any dwelling by representations regarding the present or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, sexual orientation or economic status, or by representations to the effect that such present or prospective entry will or may result in: a) the lowering of real estate values in the area concerned; b) a deterioration in the character of the area concerned; c) an increase in criminal or antisocial behavior in the area concerned; or d) a decline in the quality of the schools or other public facilities serving the area.

(4n) REQUIRING REFERENCES. Nothing in this section ~~shall be deemed to prohibit~~ prohibits an owner, or agent, from requiring that any person who seeks to buy, rent or lease housing supply information concerning family, marital, financial and business status but not concerning race, color, physical condition, developmental disability as defined in s. 51.01 (5), sexual orientation or creed.

SECTION 13. 101.221 (1) of the statutes is amended to read:

101.221 (1) The equal rights council shall disseminate information and attempt by means of discussion as well as other proper means to educate the people of the state to a greater understanding, appreciation and practice of human rights for all people, of whatever race, creed, color, sexual orientation or national origin, to the end that ~~Wisconsin~~ this state will be a better place in which to live.

SECTION 14. 111.31 (1) to (3) of the statutes are amended to read:

111.31 (1) The practice of denying employment and other opportunities to, and discriminating against, properly qualified persons by reason of their age, race, creed, color, handicap, sex, national origin, ancestry, sexual orientation, arrest record or conviction record, is likely to foment domestic strife and unrest, and substantially and adversely affect the general welfare of a state by depriving it of the fullest utilization of its capacities for production. The denial by some employers, licensing agencies and labor unions of employment opportunities to such persons solely because of their age, race, creed, color, handicap, sex, national origin, ancestry, sexual orientation, arrest record or conviction record, and discrimination against them in employment, tends to deprive the victims of the earnings which are necessary to maintain a just and decent standard of living, thereby committing grave injury to them.

(2) It is believed by many students of the problem that protection by law of the rights of all people to obtain gainful employment, and other privileges free from discrimination because of age, race, creed, color, handicap, sex, national origin ~~or~~, ancestry or sexual orientation, would remove certain recognized sources of strife and unrest, and encourage the full utilization of the productive resources of the state to the benefit of the state, the family and to all the people of the state.

(3) In the interpretation and application of this subchapter, and otherwise, it is declared to be the public policy of the state to encourage and foster to the fullest extent practicable the employment of all properly qualified persons regardless of their age, race, creed, color, handicap, sex, national origin ~~or~~, ancestry or sexual orientation. Nothing in this subsection requires an affirmative action program to correct an imbalance in the work force. This subchapter shall be liberally construed for the accomplishment of this purpose.

SECTION 15. 111.32 (4s) of the statutes is created to read:

111.32 (4s) "Sexual orientation" means having a preference for heterosexuality, homosexuality, bisexuality, having a history of such a preference or being identified with such a preference.

SECTION 16. 111.32 (5) (a) of the statutes is amended to read:

111.32 (5) (a) "Discrimination" means discrimination because of age, race, color, handicap, sex, creed, national origin, ancestry, sexual orientation, arrest record or conviction record, by an employer or licensing agency individually or in concert with others, against any employee or any applicant for employment or licensing, in regard to hire, tenure or term, condition or privilege of employment or licensing and by any labor organization against any member or applicant for membership, and also includes discrimination on any of said grounds in the fields of housing, recreation, education, health and social welfare as related to a condition or privilege of employment.

SECTION 17. 111.32 (5) (i) of the statutes is created to read:

111.32 (5) (i) It is discrimination because of sexual orientation:

1. For any employer, labor organization, licensing agency or employment agency or other person to refuse to hire, employ, admit or license, or to bar or terminate from employment, membership or licensure any individual, or to discriminate against an individual in promotion, compensation or in terms, conditions or privileges of employment because of the individual's sexual orientation; or

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2. For any employer, labor organization, licensing agency or employment agency or other person to discharge or otherwise discriminate against any person because he or she has opposed any discriminatory practices under this paragraph or because he or she has made a complaint, testified or assisted in any proceeding under this paragraph.

SECTION 18. 111.70 (2) of the statutes is amended to read:

111.70 (2) RIGHTS OF MUNICIPAL EMPLOYEES. Municipal employees shall have the right of self-organization, and the right to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection, and such employees shall have the right to refrain from any and all such activities except that employees may be required to pay dues in the manner provided in a fair-share agreement. Such fair-share agreement shall be subject to the right of the municipal employer or a labor organization to petition the commission to conduct a referendum. Such petition must be supported by proof that at least 30% of the employees in the collective bargaining unit desire that the fair-share agreement be terminated. Upon so finding, the commission shall conduct a referendum. If the continuation of the agreement is not supported by at least the majority of the eligible employees, it shall be deemed terminated. The commission shall declare any fair-share agreement suspended upon such conditions and for such time as the commission decides whenever it finds that the labor organization involved has refused on the basis of race, color, sexual orientation, creed or sex to receive as a member any employee of the municipal employer in the bargaining unit involved, and such agreement shall be made subject to this duty of the commission. Any of the parties to such agreement or any municipal employee covered thereby may come before the commission, as provided in s. 111.07, and ask the performance of this duty.

SECTION 19. 111.81 (9) (b) of the statutes is amended to read:

111.81 (9) (b) Which discriminates with regard to the terms or conditions of membership because of race, color, creed, sex, age, sexual orientation or national origin.

SECTION 20. 111.85 (1) of the statutes is amended to read:

111.85 (1) No fair-share agreement shall become effective unless authorized by referendum. The authorization of such fair-share agreement shall continue thereafter subject to the right of the employer or labor organization concerned to petition the commission to conduct a new referendum on the subject. Such petition must be supported by proof that at least 30% of the employees in the collective bargaining unit desire that the fair-share agreement be discontinued. Upon so finding, the commission shall conduct a new referendum. If the continuance of the agreement is approved by the referendum by at least the number of employees required for its initial authorization, it shall be continued in effect, subject to the right of the employer or labor organization to later initiate a further vote following the above procedure. If the continuation of the agreement is not supported in any referendum, it shall be deemed terminated at the termination of the collective bargaining agreement, or one year from the date of the certification of the result of the referendum, whichever is earlier. The commission shall declare any fair-share agreement suspended upon such conditions and for such time as the commission decides whenever it finds that the labor organization involved has refused on the basis of race, color, sexual orientation or creed to receive as a member any employee in the bargaining unit involved, and such agreement shall be made subject to the findings and orders of the commission. Any of the parties to such agreement or any employee covered thereby, may come before the commission, as provided in s. 111.07, and allege a violation of this provision.

SECTION 21. 227.033 (1) of the statutes is amended to read:

227.033 (1) No rule, either in its terms or in its application, ~~shall~~ may discriminate for or against any person by reason of sex, race, creed, color, sexual orientation, national origin or ancestry. A rule which discriminates for or against any person by reason of physical condition or developmental disability as defined in s. 51.01 (5) shall be permit-

ted only if that rule is strictly necessary to a function of the agency and is supported by data demonstrating that necessity. Every person affected by a rule shall be entitled to the same benefits and subject to the same obligations as any other person under the same or similar circumstances.

SECTION 22. 230.01 (2) of the statutes is amended to read:

230.01 (2) It is the policy of the state and the responsibility of the secretary and the administrator to maintain a system of personnel management which fills positions in the classified service through methods which apply the merit principle, with adequate civil service safeguards. It is the policy of this state to provide for equal employment opportunity by ensuring that all personnel actions including hire, tenure or term, and condition or privilege of employment be based on the ability to perform the duties and responsibilities assigned to the particular position without regard to age, race, creed or religion, color, handicap, sex, national origin, ancestry, sexual orientation or political affiliation. If there are substantial disparities between the proportions of members of racial, ethnic, gender, or handicap groups in a classified civil service classification in an agency and the proportions of such groups in this state, it is the policy of this state to take affirmative action which is not in conflict with other provisions of this subchapter to correct the imbalances and to eliminate the present effects of past discrimination. Gender group does not include any group discriminated against because of sexual orientation. It is the policy of the state to ensure its employees opportunities for satisfying careers and fair treatment based on the value of each employee's services.

SECTION 23. 230.18 of the statutes is amended to read:

230.18 Political or religious affiliations; no discrimination. No question in any form of application or in any examination may be so framed as to elicit information concerning the partisan political or religious opinions or affiliations of any applicant nor may any inquiry be made concerning such opinions or affiliations and all disclosures thereof shall be discountenanced except that the administrator may evaluate the competence and impartiality of applicants for positions such as clinical chaplain in a state institutional program. No discriminations may be exercised in the recruitment, application, examination or hiring process against or in favor of any person because of the person's political or religious opinions or affiliations or because of age, sex, handicap, race, color, sexual orientation, national origin or ancestry except as otherwise provided.

SECTION 24. 234.29 of the statutes is amended to read:

234.29 Equality of occupancy and employment. The authority shall require that occupancy of housing projects assisted under this chapter be open to all regardless of sex, race, religion, sexual orientation or creed, and that contractors and subcontractors engaged in the construction of housing projects, shall provide an equal opportunity for employment, without discrimination as to sex, race, religion, sexual orientation or creed.

SECTION 25. 942.04 (1) (a) to (c) and (3) of the statutes are amended to read:

942.04 (1) (a) Denies to another or charges another a higher price than the regular rate for the full and equal enjoyment of any public place of accommodation or amusement because of sex, race, color, creed, physical condition, developmental disability as defined in s. 51.01 (5), sexual orientation as defined in s. 111.32 (4s), national origin or ancestry;
or

(b) Gives preferential treatment to some classes of persons in providing services or facilities in any public place of accommodation or amusement because of sex, race, color, creed, sexual orientation, national origin or ancestry; or

(c) Directly or indirectly publishes, circulates, displays or mails any written communication which the communicator knows is to the effect that any of the facilities of any public place of accommodation or amusement will be denied to any person by reason of sex, race, color, creed, physical condition, developmental disability as defined in s. 51.01

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(5), sexual orientation, national origin or ancestry or that the patronage of a person is unwelcome, objectionable or unacceptable for any of those reasons; or

(3) No person, club or organization may refuse to rent, charge a higher price than the regular rate or give preferential treatment, because of sex, race, color, creed, sexual orientation, national origin or ancestry, regarding the use of any private facilities commonly rented to the public. Violators of this subsection are subject to the penalties imposed by sub. (1).

Governor Dreyfus' Statement upon signing the anti-discrimination bill Chapter 112

After signing Chapter 112 on February 25, 1982, Republican Governor Dreyfus issued this statement in which he explained his reasons for making the bill law.¹ His office had been bombarded with telephone calls after the Senate passed the bill on February 18, 1982.² Two fundamentalist Christian radio stations started a campaign against it, asking its listeners to call the Governor's office and ask Dreyfus not to sign it. This effort was countered by Madison's liberal WORT radio station, whose listeners encouraged the Governor to put his signature under the bill.³ In this statement, Dreyfus cites the broad support of religious figures for Chapter 112. His main argument, however, is "the fundamental Republican principle that government should have a very restricted involvement in people's private and personal lives."⁴

¹ William B. Turner, "The Gay Rights State: Wisconsin's Pioneering Legislation to Prohibit Discrimination Based on Sexual Orientation", *Wisconsin Women's Law Journal*, 2007, p. 91.

² *Ibid.*

³ "Gay Rights Bill Triggers Phone Deluge", *Wisconsin State Journal* Feb 24, 1982.

⁴ Governor Lee Sherman Dreyfus' Statement upon signing the anti-discrimination bill Chapter 112, on file in David Clarenbach Papers, Box 5, Folder 16, WHS archives.



STATE OF WISCONSIN
OFFICE OF THE GOVERNOR
STATE CAPITOL
MADISON, 53702

Mailing Address:
P.O. Box 7863
Madison, WI 53707

LEE SHERMAN DREYFUS

Telephone Number
(608) 266-1212

ASSEMBLY BILL 70 -- Rep. Clarenbach

AB 70 prohibits discrimination in employment, housing and public accommodations based on sexual orientation. This bill has a controversial history and my office has been under heavy pressure to veto it. It also, however, has the support of a wide ranging group of religious leadership, including leadership of the Roman Catholic Church, several Lutheran synods and the Jewish community.

I have decided to sign this bill for one basic reason, to protect one's right to privacy. As one who believes in the fundamental Republican principle that government should have a very restricted involvement in people's private and personal lives, I feel strongly about governmentally sanctioned inquiry into an individual's thoughts, beliefs and feelings.

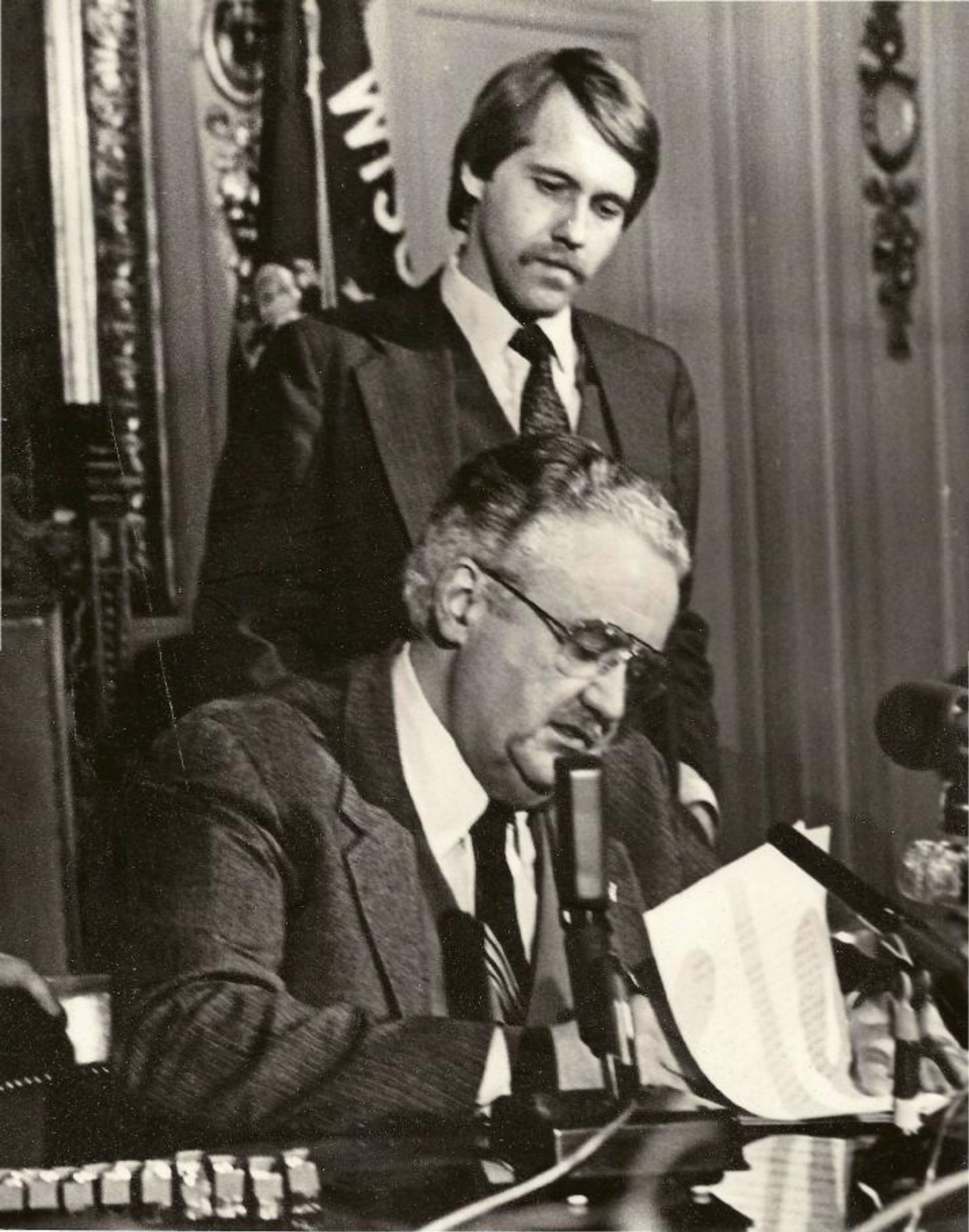
Discrimination on sexual preference, if allowed, clearly must allow inquiries into one's private life that go beyond reasonable inquiry and in fact invade one's privacy.

No one ought to have the right and no one ought to be :
placed in the position of having to reveal such personal
information when it is not directly related to an overriding
public purpose.

Be certain to understand that the clear and stated intent
expressed by the Legislature is that this policy will not
require affirmative action or quotas. That was vital to my
decision to sign this bill. I was also influenced by the fact
that Madison, Dane County and the City of Milwaukee have
ordinances similar to this legislation. The problems associated
with them, which many predicted, just have not arisen.

Let me firmly state that this restriction on discriminatory
actions or decisions does not imply approval or encouragement
any more than the restriction on discrimination because of a
religion or creed implies approval or encouragement of
certain religions or creeds.

As to the relationship of this subject to the process of
education, I feel very strongly that one's sexual preferences,
either homosexual or heterosexual, have absolutely no place
for expression in our classrooms generally, and should not be
tolerated.



Contemporary Press Coverage from Wisconsin newspapers

These clippings from 1982 Wisconsin newspapers include a report on the 1978 effort to repeal Madison's local gay rights ordinance, a letter to the editor from the rector of a Milwaukee Episcopal Church, an article on the "phone deluge" that flooded the Governor's office to influence his signing of the anti-discrimination law, as well as diverse commentaries after it had been passed. "A human rights victory," proclaimed the Madison Capital Times upon the passing of Chapter 112.¹ The Milwaukee Journal offered a similar interpretation, stating that the law was "sadly necessary."² However, there was also a dissenting voice. The Oshkosh Weekend Northwestern, in a commentary that carefully avoided using the word "homosexuals," instead referring to "them," expressed fears that the law would result in the flaunting of homosexuality and that it would be impossible to fire gays "for otherwise valid reasons."³

¹ „A Human Rights Victory," Capital Times Feb 26, 1982.

² „On, Wisconsin – New 'gay rights' law was sadly necessary," Milwaukee Journal Feb 26, 1982.

³ „Legislating 'em moral," Oshkosh Weekend Northwestern, Feb 27-28, 1982, A8.

The Northwestern

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Samuel W. Heaney, A. Thomas Schwalm
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Russ Sprung
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Mary Martin
Executive
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James I. Metz
Editorial Page
Editor

Legislating 'em moral

Feb 27/28/82

The governor knew he had a hot potato. That's why he took the time, for the first time ever, to send the state's news media the carefully-worded text of a message he read on the signing of a bill.

He can't be faulted on his motive: "to protect one's right of privacy," but it may very well be argued that "privacy" is not really at issue.

The issue, and the desire of a segment of society for such a bill as AB70, prohibiting discrimination in employment, housing and public accommodations based on sexual orientation, is to be relieved of the burden of keeping that aspect of their lives private.

It is one thing for one to be oriented that way and to apply, say,

to rent a house. And it is quite another for an odd couple to come up hand-in-hand and make that application.

The incentive now becomes one of displaying one's sexual orientation. It assures one of a preferential treatment. No, it doesn't require quotas. But it certainly makes it more difficult to fire them, to evict them or deny them service for otherwise valid reasons, because they will make their orientation an issue.

Privacy, indeed, is not the issue. It is the public display of that particular orientation which has been furthered.

It is just another example of the way the "you-can't-legislate-morality" people are moving to legislate them moral.

Letters to the editor

Bill protects basic rights of all people

To the Editor:

I commend Gov. Dreyfus for signing AB 70 which prohibits discrimination based on sexual orientation. The fact that the Assembly and the Senate approved this bill on a bipartisan vote and that the governor signed it is not, as some would have it, a sign of civilization's imminent collapse. Rather, it is the result of a grouping recognition that people's private sexual behavior has no bearing on their right to jobs and housing.

What is at issue is not whether homosexuality is admirable, but rather whether discrimination is tolerable. For that very reason, AB 70 was overwhelmingly sup-

ported by Wisconsin's mainstream religious community — the Archdiocese of Milwaukee, the American Lutheran Church, the Lutheran Church in America, the

United Methodist Church, the United Church of Christ, the American Baptist Church and others.

Assembly Bill 70 was not an attempt to legislate morality as you suggest, but a successful attempt to further justice for all the citizens of this state and to protect the basic human rights of all individuals.

David Clarenbach
State Representative

Oshkosh Weekend NW 3/6-7/82

On, Wisconsin

An Editorial

New 'gay rights' law sadly necessary

Should homosexuals have legal protection against discrimination? Gov. Dreyfus and the State Legislature deserve praise for courageously confronting that socially explosive question and answering "yes." Dreyfus has signed into law a bill that prohibits discrimination against homosexuals in employment, housing and public accommodations.

The law is likely to provoke controversy, as the governor noted. People who would not countenance discrimination on the grounds of race, sex, religion, age or national origin often cannot find tolerance for homosexuals. Many people feel that to outlaw bias against homosexuals is, in some way, to condone or promote the gay lifestyle.

However, the issue is not homosexuality. The issue is an unpardonable form of discrimination.

As Dreyfus put it, the new law offers protection of the right to privacy in one's sexual preference, and helps keep government involvement in private lives "very restricted." By banning job and housing discrimination, the law places an "additional limitation on one more area of governmentally sanctioned inquiry into an individual's thoughts, beliefs and feelings," Dreyfus said.

Yet, the law does not injure the protections that rightly are provided against criminal or assaultive sexual conduct. Moreover, the new law does not establish "gay quotas" for employers. It does not sanction expression of sexual preferences in classrooms.

Dreyfus and the lawmakers can be proud that Wisconsin now forbids sexual-preference discrimination, as it has forbidden other forms of bias. What is regrettable is that intolerance made the law necessary.

MJ 2/26/82

Support and Protest letters from citizens

Democratic Representative David Clarenbach, the main sponsor of the bill that made discrimination on the basis of sexual orientation illegal, received many letters from citizens from Wisconsin and from across the United States. Some congratulated him, some wanted to know how the law got passed in Wisconsin and adopt his strategy, and some expressed their concern about a bill that they considered unnecessary or simply wrong. While some of the letters tell very personal stories about being gay in rural America, others ask Clarenbach to "stop spinning your wheels with a Sex bill" and start solving Wisconsin's real problems by implementing Ronald Reagan's economic policies.¹

¹ Letter Nick Griffin, Feb 26, 1982, letter from „Very Concerned Citizen, Madison, Wis.“, May 7, 1981. David Clarenbach Files, box 5/10 and box 6/8, WHS archives.

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The Hon. David Clarenbach (Dem. Madison)
State Senator
Wisconsin Legislature
Madison, Wisconsin

Dear Senator Clarenbach:

I thought you would like to have the enclosed for your scrapbook. It took a lot of guts on your part to introduce the bill, and I wanted to let you know that even someone here in California admires your strength of character.

In my books, the issue has always been "human rights", not just rights for blacks, Hispanics, women or other segments. As a private employer, I can not discriminate, yet I note ---with some degree of concern-- that government often does discriminate. In other words: there are two sets of laws: one that says that private enterprise can not discriminate by denying employment to minorities; and another set of laws which allows government to deny opportunities to persons of particular orientation in the military and government jobs. I happen to be a Republican, a Conservative, and the father of a boy and two grandchildren. If my son had turned out to be gay, I would not love him less, and I would not have expected politicians to make hay out of persecuting him. And that is why I want you to know how much I respect you as a fine Gentleman. I hope that you travel far in politics. You are certainly not the "usual" politician. You have courage and statesmanship. The latter is something often lacking in candidates these days.

I felt that you would appreciate getting a letter from an old crusty SOB like myself. My background is fully described in Who's Who in the West. Maybe you will be encouraged to keep up the good work.

My deepest respects

[Redacted signature]

February 26, 1982

Rep. David Clarenbach, D- Assembly
State of Wisconsin Capitol Bldg.
Madison, WI 53701

MAR 2 1982

Dear David:

Today is indeed a very happy day for me. I have before me an article from this morning's San Francisco Chronicle, reporting on the recent victory of your civil rights bill. I can't express my joy on your behalf, and on the behalf of all persons...be they gay or straight, your bill is a step in the right direction for personal freedom for all.

I suspect that you shall be receiving a great deal of mail, so I will attempt to keep this letter as short as possible.

I am a former resident of Wisconsin...a native son from a farm in Tomah, (Monroe County), who lived in Madison for years. As a matter of fact, though you certainly won't remember me, I used to know you back in the early days of Going My Way. I believe we were introduced by a former High School friend of mine, .

I moved from Wisconsin to San Francisco several years ago so as to live in an environment as openly as possible...and of course fell in love and ended up moving to a small town on the Central California Coast, to be with my lover. After having lived in Madison, and San Francisco, I am painfully aware of the trials experienced by our brothers and sisters living in small conservative areas such as where I now live. It is unfortunate that Ken (my lover) and I have been forced to return to our closet (an overused phrase now) so as to live as peacefully as is possible. The happy thought is that your legislation will hopefully ease the way for people like us...those who don't care to flaunt our lifestyle, but don't wish to have to hide it either. Hopefully many brothers and sisters will live a happier life, now that your bill has passed, and need not fear recriminations from those fringe factions who would like to see persons like ourselves eradicated.

Again a hearty thank you from both of us, and we remain cordially,
yours,

[Handwritten signature]

An Interview with David Clarenbach in the New York Native magazine

In this March 1982 interview with the gay magazine New York Native, David Clarenbach explains how he garnered support for the 1982 anti-discrimination law from a broad coalition that included all mainstream religious leaders in Wisconsin. He stresses the importance of addressing gay rights in a non-confrontational manner that asks for tolerance, but not for approval of homosexuality.

5/22

New York Native 3/15-28/82

NUNS IN THE GALLERY

The Church, David Clarenbach, and Wisconsin's Gay Rights Bill

by Carol Stroebel

Wisconsin has become the first state in the union to enact a gay civil rights law. The state Senate passed Assembly Bill 70 on a voice vote February 17. (See "Rights Bill Passes Wisconsin Senate; Will Go to Governor for Signature," Native 32.) As expected, Republican Gov. Lee Sherman Dreyfus signed AB 70 February 25.

The driving force behind the bill in the state legislature was its author, state Rep. David Clarenbach (D-Madison). Clarenbach, who was 18 when first elected to public office, is now 28 and has represented downtown Madison in the Assembly for eight years. He has introduced legislation for gay civil rights each year he has been in the statehouse. The Native interviewed him in his legislative offices.

Carol Stroebel: Wisconsin is the first state to pass such a bill, correct?

Rep. David Clarenbach: Yes, I don't think it's any fluke or mistake that it occurred in Wisconsin first. One would think that New York or California, with their large and highly politically active gay communities in sensitive environments, would be the place for that first step to be taken. But Wisconsin has a tradition of progressive and innovative legislation.

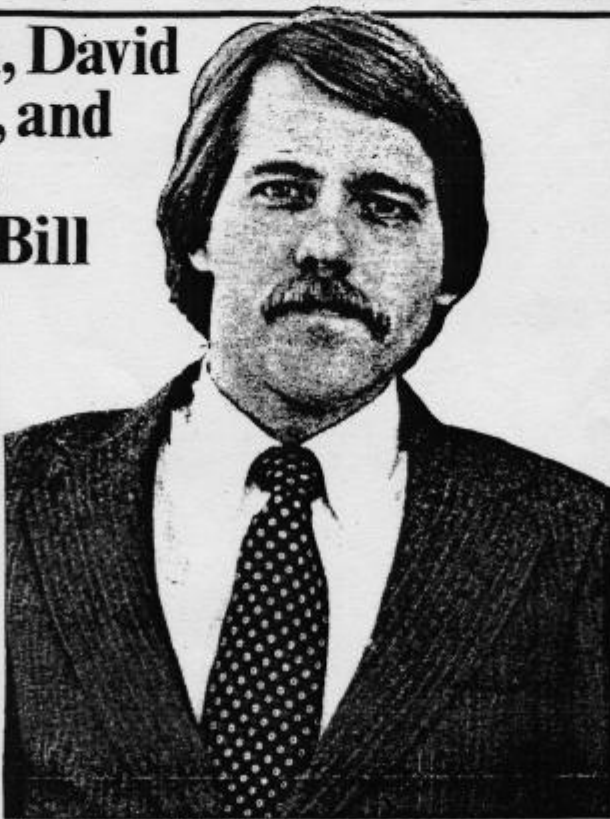
Is that the only reason?

No, a lot of groundwork was laid here that perhaps other states have not laid. We succeeded in creating an environment of political security by confronting the Moral Majority and their issues. We confronted them and played their game.

Naturally, politicians are afraid to offend even a very narrow minority if they are single-issue and very vocal. Thus the alleged strength of the Moral Majority. In Wisconsin, our assessment was that if the members of the legislature were allowed to have a secret vote on the gay rights issue—which, of course, they can't—they would vote for it.

Our quest was to create some political security and an environment where we could match the Moral Majority and the ultra-right-wing religious constituency with some equal strength of our own on religious issues. That, more than anything else, was the key to our success.

We generated almost unanimous—literally across-the-board—endorsements of the bill from the leaders and constituencies of the mainstream religions in the state. We got the Archbishop of Milwaukee to endorse the bill. To have the Archbishop writing letters, to have nuns carted in from all over the state to lobby tenacious and representatives, that counts for a lot. We created a situation so that any legislator who voted for a gay rights bill could run for reelection in the fall or could respond to a reactionary



Wisconsin state representative David Clarenbach.

minister raising trouble in his district by dragging out a dozen letters from the bishops of Catholic, Methodist, Lutheran, and other denominations from around

the state.

The issue was not whether homosexuality was admirable or good, because clearly, according to many of the

religions, homosexuality is not acceptable conduct. The question was not homosexuality; it was whether discrimination and bigotry were tolerable. The response by mainstream religious leaders was clearly: "We cannot condone discrimination and bigotry against any minority group."

You have been trying to get this bill passed for years. Why did it pass now, when the strength of the regressives appears to be growing?

We confronted the alleged strength of the Moral Majority and found that it was alleged at best. The Moral Majority really represents only a very narrow segment of the population.

Since the state Senate concurred on the bill, the Moral Majority tried to generate an avalanche of phone calls through a Christian radio network that broadcasts "emergency alerts." That network across the state could only generate a little over 1,000 phone calls, which is a pittance. It is a demonstration of their small numbers. Yet they've been able to strike fear in the hearts of politicians all across the country. I think politicians, policy makers, and the public are recognizing that they are no more than fanatics who do not by any means represent the majority sentiment.

No amendments were offered on the bill—not the old exempt-the-school-teachers amendment, not the old exempt-the-National-Guard issue because you don't want a bunkmate who's a pervert. There are a thousand ways to kill a bill. All sorts of issues could have been raised but weren't.

How difficult was it to get together this coalition?

It was a very long task. In many instances it started at the grassroots level with individuals initiating action in meetings of their denominations.

It led to an interesting contradiction. It was the first session this bill was brought up for a vote and it passed. Yet, the other issue of sex law reform, the consenting adult bill—which would have legalized sex acts that are allowed by law in the majority of states now—has been brought to a vote on numerous occasions and has lost each time. It's illegal to perform homosexual sex acts in Wisconsin yet you are protected by law against discrimination if you are a homosexual.

The Catholic church did not support the consenting adults bill because, in their view, that entered into the moral question of the sex act itself. But the issue is very different when we talk about discrimination, when we talk about denying someone a job or a home. The support we got from the Catholic church was especially instrumental.

Do you see other states following suit? I think the historic significance is that if Wisconsin—a Midwestern, middle-sized, rural, quasi-conservative state which has nothing particular to offer in terms of a gay rights constituency—if we can do it, any state can do it. Alabama can do it, much less a New York or a California.

While one cannot take the blueprint from the Wisconsin experience and simply transpose it to any state in the union, there are some valuable lessons. If nothing else, the lesson of encouragement and momentum ought to be brought to every state. With the proper groundwork, and the proper understanding that the issue ought not to be articulated as homosexuality good or bad, but as discrimination and bigotry, it can

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Why the Governor Signed the Bill

Following is a statement issued by Wisconsin Gov. Lee Sherman Dreyfus, a moderate Republican, explaining his decision to sign Assembly Bill 70, the state's gay civil rights bill, into law. Dreyfus signed the measure Thursday, February 25, and it went into effect the following day.

AB 70 prohibits discrimination in employment, housing, and public accommodations based on sexual orientation. This bill has a controversial history, and my office has been under heavy pressure to veto it. It also, however, has the support of a wide-ranging group of religious leadership, including leadership of the Roman Catholic Church, several Lutheran synods, and the Jewish community.

I have decided to sign this bill for one basic reason: to protect one's right to privacy. As one who believes in the fundamental Republican principle that government should have a very restricted involvement in people's private and personal lives, I feel strongly about governmentally sanctioned inquiry into an individual's thoughts, beliefs, and feelings.

Discrimination on sexual preference, if allowed, clearly must allow inquiries into one's private life that go beyond reasonable inquiry and in fact invade

one's privacy. No one ought to have the right and no one ought to be placed in the position of having to reveal such personal information when it is not directly related to an overriding public purpose.

Be certain to understand that the clear and stated intent expressed by the legislature is that this policy will not require affirmative action or quotas. That was vital to my decision to sign this bill. I was also influenced by the fact that Madison, Dane County, and the City of Milwaukee have ordinances similar to this legislation. The problems associated with them which many predicted just have not arisen.

Let me firmly state that this restriction on discriminatory actions or decisions does not imply approval or encouragement any more than the restriction on discrimination because of a religion or creed implies approval or encouragement of certain religious or creeds.

As to the relationship of this subject to the process of education, I feel very strongly that one's sexual preferences, either homosexual or heterosexual, have absolutely no place for expression in our classrooms generally, and should not be tolerated.

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succeed in any state.

But it's not something that can be accomplished overnight. I cringe when I see votes such as last year in the Illinois House of Representatives on their gay rights bill, where it lost 100-and-something to 33. They obviously felt it more important to go for a vote and lose big than to spend those several years necessary to organize a major state.

We had to create an incentive to vote for the bill. A politician had to think twice when he looked up in the gallery on the day of the vote and saw a nun from his district who had badgered the hell out of him in letters and personal visits the preceding two weeks, and who was sitting up there staring at him with the message: "You should vote for this bill because it is right." In the other states, it's been quite the opposite. It's been the right-wing religious fanatics who have been perched in the gallery, who have been haunting the hell out of these people to the point where they have been politically afraid to vote for a gay rights bill.

What about the consenting adults bill?

The consenting adults bill will fall in place, and we have seen this trend over the last few sessions. It's just a matter of time before Wisconsin will enter the 20th century.

You've been working for years, patiently pursuing passage of the gay rights bill. Do you see counterparts in

other legislatures?

There are committed, politically active legislators in each state who are involved in issues such as this. It's a matter of having the commitment to make this a priority. It is important, essential, to have someone on the inside who is willing to play the game and manipulate the process from that end of things as well. The legislature here and in every state is very much a network of friends, and if there is someone who is difficult to work with as a colleague, they are less likely to get the marginal votes. I'm now in my eighth year in the legislature and have generated the credibility I needed to have that *entree* into a colleague's office, to explain how this would not hurt him politically.

What is it like being a gay rights activist in the Midwest?

It's not any more difficult advocating the issue of rights for lesbians and gay men in Madison, Wisconsin, than it is anywhere else. One does not encounter ill will, outside of extremely redneck constituencies that I tend to stay away from. To shy away from a very central involvement in gay rights in the 1980s is like ignoring civil rights and the Vietnam war in the 1960s.

It did concern me at the public hearing at the Senate in late January when some of the activists from Milwaukee showed up with their stack of newspapers and magazines to distribute to the committee for their general information and edifi-

cation, outlining the advantages of boy love and S&M worship and chains. They thought this would be a marvelous educational experience for the committee. My heart stopped. I offered to distribute the magazines at a more appropriate time. I thank my lucky stars that no senators who were opposed to the bill got their hands on that, because that would have been enough to kill the bill. One senator, waving one of these magazines around, saying, "This is what you're condoning with this bill," would have put AB 70 in the toilet. There is a sector of the gay lifestyle which would be rather unacceptable to mainstream Wisconsinites. Yet, even in those small Midwestern towns that you think of in Norman Rockwell paintings, there is an overriding commitment to the principle of live and let live, love and let love. I don't think it's a conscious commitment to gay rights as such. I think most people in this country still can't relate to, can't conceive of a homosexual—I might be very wrong, because obviously the media have educated and sensitized the public on the existence of homosexuals. But I think there's a real commitment to the principle that individuals have a right to sexual privacy. If that were not the case, this bill would have gone down in thunderous defeat.

Those unfortunate defeats, when they

occur in other states, demonstrate a failing on the part of those organizing the effort, that they didn't lay the ground work well enough, or they pushed the vote too soon. Or perhaps they relied on the activism and commitment of the gay community, which we certainly did not do here. There is still a tendency on the part of the gay community to be non-political and uninvolved.

What do you see next on the gay civil rights agenda?

Very few additions to legislative programs for gays can be realistically accomplished at this time. The struggle for social acceptance, to sensitize the public about gay people, is one that will have to be carried on through enforcement of the existing anti-discrimination protections and through other means of public education.

In much the same way that there are bigots and people who believe in racial hatred, it will take generations for lesbians and gay men to be accepted in our society. That struggle ought to continue on every front. But the law has to come first. The laws are not an end in themselves, and we must be vigilant to see that those laws are carried out to the extent of their intent. There will be continued struggles here. I'm sure. It's not all over.

A Pamphlet from "Wisconsin Citizens Against Public Gay Perversion"

This pamphlet from the organization "Wisconsin Citizens Against Public Gay Perversion" asks citizens to contact legislators and the governor and pressure them to repeal the anti-discrimination law that was passed in 1982. Democratic State Representative Lary Swoboda made an effort to repeal the law in 1983, but was unsuccessful.¹ The pamphlet lists ten reasons for repeal, all based on the assumption that the issue is a moral one, not a civil rights issue. The bill's proponents had succeeded in keeping the morality question completely out of the debate. This strategy, asking "not whether homosexuality was admirable," but if "discrimination and bigotry were tolerable," (Rep. David Clarenbach, the bill's main sponsor), had resulted in broad religious support for Chapter 112.²

¹ William B. Turner, "The Gay Rights State: Wisconsin's Pioneering Legislation to Prohibit Discrimination Based on Sexual Orientation," *Wisconsin Women's Law Journal*, 2007, p. 117.

² „Nuns in the Gallery," Interview with David Clarenbach, *New York Native* 3/15-28/82.

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CONTACTING LEGISLATORS REGARDING REPEAL OF GAY RIGHTS, THE WISCONSIN SEXUAL ORIENTATION LAW, CHAPTER 112, LAWS OF 1981:

We need to put friendly pressure on our State Representatives to the Assembly and on our State Senators. Ask them to please co-sponsor and work for Rep. Lary Swoboda's bill to repeal Chapter 112, Laws of 1981. Governor should be contacted, as well. Use your own words, no form letters. Phone calls not as effective, but OK. Toll-Free Legislative Hotline number is: 1-800-362-9696.

Your assemblyman is _____

Your senator is _____

Governor Anthony Earl's address is P.O. Box 7863 - Madison, WI 53707

Suggested reasons for repeal; use any or all, or use your own:

1. Our government should not pass laws which seek to restrict or punish the majority of the population, while giving special consideration to those whose behavior runs contrary to natural law. Government should respect the moral values of the majority.
2. Law is unnecessary. Freedom for all is guaranteed by the Constitution of the U.S. This law gives homosexuals special minority status and special privileges. Homosexuals should not be guaranteed a job or apartment simply because they are homosexuals. They should have to compete in the job and housing markets like anyone else.
3. This is a MORAL issue, not a civil rights issue! There is NO scientific evidence to support the "constitutionally gay" theory; homosexuals are NOT BORN THAT WAY! Homosexuality is a behavior and should not be classified with legitimate minorities such as race, sex.
4. We should be free to choose our associations in moral areas.
5. Homosexual rights will be detrimental to the health, safety, and general welfare of our state. It will bring in more homosexuals, who in turn will bring in more homosexuals. It will bring about a tremendous rise in the state VD rate. (Governor Earl has promised to fund VD clinics for homosexuals, paid for with our tax money. By the way California, which has a vast homosexual population, around 20%, has a VD rate that is 22 times that of the national average. California taxpayers last year paid \$20,000,000 for treatment of homosexual VD. We cannot afford this!)
6. Homosexual rights can be used to insure the retention of known homosexuals as teachers, even if they talk openly about their lifestyle. Homosexuality is now being taught as a normal variant and as an acceptable lifestyle.
7. Landlords, under Chapter 112, must equally consider homosexuals as tenants, even in single-family dwellings which are owner-occupied and even if the landlord has children. Homosexuals, who comprise only 4-5% of our nation's population are responsible for 38% of reported child molestation. That's a high rate for only 5% of the population. If you still think that homosexuals pose no threat to children, consider the fact that the National Coalition of Gay Organizations (among others) has called for repeal of all "age of consent" laws, so that they can legally have sex with minor children.
8. Firemen would be required by law to share sleeping and shower facilities with homosexuals.
9. Businessmen would possibly be forced to hire homosexuals, regardless of the public image he wishes his company to promote.
10. Homosexuals and their sympathizers have gone to great lengths to convince the general public that those of us who are opposed to the homosexual lifestyle are afflicted with an illness called "homophobia" or fear of homosexuals. Remember, there is nothing wrong with US, but there is something wrong with THEM! Government should honor this.

Let your state legislators know how you feel about this. Encourage your friends to do the same. It will take an avalanche of letters, but it's time our elected officials listened to the views of the straight 95% majority!!!

For more information write: WISCONSIN CITIZENS AGAINST PUBLIC GAY PERVERSION
Route 2 New Franken, WI 54229

An evaluation of the Wisconsin law three years later in The Advocate

This article from the national gay magazine The Advocate considers the impact of Wisconsin's 1982 anti-discrimination law three years after its passage. The author evaluates both the symbolic and the practical impact of the legislation. He looks at individual discrimination complaints filed with Wisconsin's Equal Rights Division and finds that lacking knowledge about the law as well as fear of homophobia have resulted in relatively few complaints. The article also covers gay-positive policies implemented by Democratic Governor Tony Earl, who succeeded Republican Lee Dreyfus in 1983.



by PETER FREIBERG

In March 1982 a milestone in the gay rights movement occurred in Wisconsin as then-Gov. Lee Sherman Dreyfus, a Republican, signed into law the first statewide gay rights legislation in the United States. Since that time, gay rights groups, and their supporters in more than a dozen states, have sought passage of similar bills—but despite some near successes, Wisconsin still stands alone as a "free state," in the words of state Rep. David Clarenbach (D-Madison), the law's chief sponsor.

How has Wisconsin's law worked in the almost 3½ years since it was signed? Has it affected the daily lives of lesbians and gay men in the state, making it easier—and safer—to come out? Was the law worth the priority Wisconsin activists gave it, just as groups in other states continue to do?

In interviews with *The Advocate*, Clarenbach, Wisconsin activists and supporters of gay rights within the state administration generally agreed that the bill's impact has been positive and even profound. On a symbolic level, they said, the legislation bolstered the morale of lesbians and gay men; on a practical level, it gave them recourse by making antigay discrimination illegal in private and public employment, housing and public accommodations.

"I feel lucky to live in Wisconsin," says Sandra Lipke, who heads the Wisconsin Lesbian and Gay Network. "The law has granted us credibility as a minority."

Moreover, current Gov. Anthony Earl, a Democrat, whose responsibility it has been to implement the gay rights law, has shown extraordinary sensitivity to gay concerns, according to activists. Earl set up an advisory Council on Les-

Peter Freiberg is *The Advocate's* Eastern regional news editor.

bian and Gay Issues to help in implementation of the legislation and to make recommendations on other gay-related issues. Recently Earl won funding for a half-time staff member for the council despite legislative opposition. Without the law, it is extremely doubtful such a council would have been created.

On the other side of the ledger, the number of people filing discrimination complaints with the state's Equal Rights Division (ERD) has been relatively small—only about 100 to date. And activists in the rural areas of Wisconsin say that most straight people—even many gays—are unaware of the law's existence. It seems clear that most gays in Wisconsin, like gays in the 49 other



states, still fear coming out, making it impossible for them to take advantage of the law when discrimination does occur.

Nevertheless, the very existence of the law makes it likely that more and more gays will use it as time goes on. Merry Fran Tryon, ERD's administrator, says that this has been the experience with other minority groups that win rights legislation. And the long-term benefit, Clarenbach maintains, will be to provide a basis for gays to assert their rights on

Wisconsin: Gay Rights

a variety of issues "in every nook and cranny" of Wisconsin. "The battle will be waged in the village squares," he says.

Some activists outside Wisconsin, who remember the state as the home of Sen. Joseph McCarthy, whose now-infamous House Un-American Activities Committee included "lag hunts" along with its publicized "red hunts," feel the state was an odd locale for passage of the nation's first state gay rights legislation. But Wisconsin, which nurtured the progressive movement earlier in the century, passed much legislation that was subsequently emulated in other cities and states—and the populist tradition has never entirely died out there.

The state gay rights bill was approved about eight years after it was first introduced, according to Clarenbach. A key element in its passage was support obtained from mainstream religious groups and leaders, especially the Roman Catholic Archdiocese of Milwaukee. This backing helped offset last-minute organizing by right-wing Moral Majority-type groups who sought to convince Gov. Dreyfus to veto the measure.

Ironically, it was not until the year after approval of the gay rights bill that the Wisconsin legislature repealed the state's sodomy law, decriminalizing gay sex.

Since passage of the gay rights law, says Clarenbach, there have been some attempts to repeal it, but none recently—and he does not believe any future effort

mistreatment."

Following passage, gay groups cooperated with the ERD in publishing a brochure about the law, "The Rights of Gay People." A respected former Republican governor of Wisconsin, Warren Knowles, made a television public service announcement in which he enumerated the protections of the state's equal rights legislation, including sexual orientation. Media coverage of the law has continued to surface on occasion.

This publicity has probably helped to make many lesbians and gay men in the cities aware of the law's existence, but, ERD's Tryon says, "I'm not sure the word is really out as much as we'd like it to be." In the rural areas of the state, ignorance of the law is widespread among both gays and straights, according to some activists.

"The people here don't know it passed," says Bob Jansen, who owns the Main Club, a gay bar in Superior, a northern Wisconsin city of about 20,000. One reason for the lack of awareness, according to Jansen, is the absence of contact between gay activists in areas like Milwaukee and Madison and those up north. "I don't think people in the lower part of the state realize there's a gay community up here," Jansen says.

Duane Graves, 20, who organized a gay student group in Superior, was forced to leave his job in a restaurant after he was interviewed on television protesting an antigay sign placed on a marquee by a fundamentalist minister.

"I thought of filing a complaint under the legislation," says Graves, "but I didn't know where to turn. I didn't know any lawyers to turn to. Then I decided for the amount of money I would get, it would have cost three times as much [to file the complaint]."

In fact, it doesn't require a lawyer to file a complaint with the ERD. Tryon, who heads the agency, says a bigger barrier to gays' filing complaints is the fear of retaliation if their gayness becomes known.

"I think that's the big reason," says Tryon, in explaining why so few people have filed charges since the law was enacted. "I think they [gays] don't want to... call attention to themselves. Better to remain quiet or leave or suffer indignities. I've had potential complainants call me and say, 'This is what happened,' and I say, 'Are you willing to file charges?' There's very little you can do unless a person comes forward."

Tryon is convinced there's a great deal more antigay discrimination in Wisconsin than is reflected by the number of complaints filed to date. But even when complaints are not filed, the existence of the law sometimes gives ERD an oppor-

"The message is clear that Wisconsin is a 'free state,' and lesbians and gay men are to be accepted in our state on an equal legal footing."

—Rep. David Clarenbach

will succeed. He also believes that the law "has had a profound impact on the lives of lesbians and gay men, both from a legal and symbolic standpoint."

"The message is clear that Wisconsin is a 'free state,' and lesbians and gay men are to be accepted in our state on an equal legal footing," claims Clarenbach. "The message is equally directed at the straight community, that we are a diverse society... and we have to protect subgroups in our society from

Evaluating the First State Law Three Years Later

tunity to exercise influence.

Tryon recalls a case in which a gay male university professor was hired by a state school. The professor and his lover began looking for a house. A real-estate agent who realized they were gay called the university, after which the dean requested the gay man's resignation.

According to Tryon, the professor did not want to file a complaint, fearing it would jeopardize any future employment. But Tryon wrote a letter to the dean, saying that while the agency could not take any formal action, she did want to inform the school of the state's gay rights legislation.

"They retained him, they rescinded the request for the resignation," she says.

While the number of complaints has increased since the first year, Tryon warns that employers are "sophisticated in their ways," and that proving antigay discrimination is harder than demonstrating bias against other groups of people.

"It's not like gender or race, where you can see this person is black or Asian or a woman. Someone will say, 'I had no idea they were gay.' You have to have evidence that really stands out."

Issues. She says that after ERD found "probable cause" in a case involving discrimination by a bar owner who refused to let two gay men dance together, the case was referred back to the district attorney—who has filed no charges.



The majority of complaints filed thus far are in public accommodations and employment. About 30%, Tryon estimates, have had a "definite positive outcome," with the case settled either before the agency completed its investigation or after it found "probable cause" for hearings on the complaints.

The other cases include those that were withdrawn by the complainant, were found by the agency to have "no probable cause" of discrimination or did

Gay Issues and appointed an openly gay man, Ron McCrea, as his press secretary. Sandra Lipke, who heads the Wisconsin Lesbian and Gay Network, which is seeking to organize gay people throughout the state, sums up the view of many activists when she says: "We've been very fortunate to have a governor who has shown as much courage and guts as he has. His appointment of the council, of his own press person, those are moves he politically didn't have to make."

Earl's commitment was demonstrated again this year. He signed into law—despite requests from his own agencies for a veto—legislation guaranteeing confidentiality for people taking the AIDS antibody test. He secured nearly \$200,000 in AIDS funding and overcame a 9-1 legislative committee vote against his request for money to enable the council to hire a staff person.

The council, says Cochair Kathleen Nichols, has worked with state agencies to make sure that they enforce the law. The 14-member council, according to Nichols, initially spent time familiarizing itself with state government. "Then we used leverage to make certain changes," she says.

When gay prisoners complained that they were being harassed by guards Nichols says, the council stepped in: The prison system has since agreed to include gay rights material in its training curriculum for guards. The council recently asked Earl to direct the state Law Enforcement Standards Board to include gay rights material in the training curriculum for local police agencies—and Earl, she says, agreed to make that request.

Nichols, an openly lesbian elected member of the Dane County Board of Supervisors (which includes Madison and surrounding areas), says many police agencies are staffed by "decent-hearted people" who need to be told how to adapt their programs to meet the needs of lesbians and gay men.

On the other hand, the state superintendent of public instruction has not yet agreed to requests from the council to discuss educational policies, notes Cindy Lampman, a Racine resident who is also on the Governor's Council. And the number of openly gay police officers in localities remains tiny—reflecting the discrimination that undoubtedly still exists.

"The challenge," says Marc Haupt, president of the Cream City Business Association, a Milwaukee gay organization, "is to get the legislation infused in the whole bureaucratic structure."

There have also been unexpected ef-

fects from the law. Sue Burke, editor of *Out!*, a Wisconsin gay monthly newspaper, and a former member of the Governor's Council, believes it was largely because of the gay rights legislation that she and others were able to meet with the top editors of the *Milwaukee Journal* and do some "consciousness raising" with them. The law, of course, did not mandate any such meeting, but Burke is convinced the credibility it gave to gays helped in obtaining the meeting.

Some activists say the law has



Cindy Lampman

spurred gay groups in Madison to propose alternative family legislation, which would bar discrimination against unmarried couples—gay and straight—by local government and businesses; many issues, such as child custody, are not covered by the gay rights law. Activists are working for such legislation.

"I don't think anyone's taking it easy yet," says Lampman. "There's still a lot of work to be done."

Among that work is political organizing. Press Secretary McCrea says that if the gay rights law was proposed today, it would be extremely difficult to pass, given the conservative trends in the nation and in the state. "It doesn't seem to me," says McCrea, "that the gay political vote counts for anything in Wisconsin. There's no really strong [statewide] gay organization."

Unless a homophobic governor is elected, however, there seems little likelihood that the law will be overturned. And that, says McCrea, means "the whole nature of discussions about gay rights has changed. . . . The law confers a kind of legitimacy on a sexual minority that it never had before. The burden is not on the individual to justify his or her sexuality. The burden is on the discriminators."



Gov. Anthony Earl (left), CCBA Sect'y Sue Mortensen and CCBA Pres. Marc Haupt (right)

Moreover, the public accommodations section in Wisconsin's equal rights law is weak, because prosecution is left up to the local district attorney—something gay activists and others are trying to change. An example of the "weak link" in this system is given by Kathleen Nichols, cochair of the Governor's Council on Gay and Lesbian

not come within the agency's jurisdiction. A handful of cases are still going through the hearing process, with no final decision yet rendered.

Just as important as the formal process of implementing the law has been the support shown by Gov. Earl. Shortly after he took office in 1983, Earl created the Governor's Council on Lesbian and