

Meeting on Homosexual Rights - July 15, 1975

Present: Terry Dellmuth, Governor's Office - (717) 787-4472
Barry Kohn, Community Advocate Unit - (215) 238-7351
Bob Rains, Department of Justice - (717) 787-5022
Earl Greenberg, Department of Justice - (717) 787-4424
Walter Lear, Pa. Department of Health - (215) 631-2435
Kathy Rabena, Pa. Department of Health - (717) 783-8772
Louise Oncley, Pa. Human Relations Commission - (717) 787-8265
Dolly Shuster, Pa. Human Relations Commission - (717) 783-8276
Marie Keeney, Women's Commission - (717) 787-8728
Linda Lichtman, Department of Insurance - (717) 787-9069
Salvador L. Rodriguez, Pa. State Police - (717) 787-2541
Francis R. Filipi, Bureau of Correction - (717) 787-1147
William Rugg, Bureau of Correction - (717) 787-1147
Pam McFarland, Department of Education - (717) 787-7575
Jerry Brennan, Harrisburg - (717) 232-2027
Gary Flickinger, Gay Switchboard - (717) 234-0328 or 238-6695
Douglas Heckert, Gay Switchboard - (717) 652-1502
Chuck McKee, Gay Switchboard - (717) 234-9588
Debbie Boyle, Persad Center, Inc. - (412) 681-5330
Randal G. Forrester, Persad Center, Inc. - (412) 681-5330
Barry Lace, Mechanicsburg - (717) 697-4847
Tony Silvestre, Homophiles of Penn State - (814) 237-0211
Janice Irvine, Homophiles of Penn State - (814) 238-4644
Jerry Weller, Homophiles of Penn State - (814) 234-1468
Stephen Rebman, State College - (814) 237-0211
Thomas Wilson, Philadelphia - (215) KI5-5110
Harry Langhorn, Gay Activist Alliance - (215) 349-8977
Mark Segal, Gay Activist Alliance - (215) 248-2228 or 242-2657
Bob Considine, Philadelphia - (215) VI8-3848
Janet Cooper, Philadelphia - (215) VI9-1346
Joan DeForeest, Eromin Center, Inc. - (215) 732-3212
✓ Arthur Warner, Natl. Committee For Sexual Civil Liberties -
(609) 924-1950
Ted Aldrich, New York State Condition of Gay Org.
Gary Sanborn, Harrisburg Patriot - (717) 787-3493
Paul Critchlow, Phila. Inquirer - (717) 787-2782

1. Reports from state agencies and gay groups

a. State Police

Entrapment - Jerry Brennan summarized his memo about a meeting held in June with Captain Everely and members of the Justice Department about the issue of entrapment. As a result of the discussion it was decided that 1) Jerry would have some people file actual complaints

of entrapment with the State Police, and 2) the Justice Department would ask Col. Barger for the complaints received, arrests and convictions for Troop H and S.

Barry reported that this information was asked by memo. Jerry stated that two people he had lined up for a July 6 meeting cancelled at the very last minute. Anyone interested should contact Jerry.

Jerry also stated that Lenny Sharon, a Pittsburgh attorney, is considering bringing a law suit to challenge the entrapment.

Bob Rains stated that he had done some research and questioned whether challenging entrapment will be legally successful. He said that it is a difficult defense. He suggested that an administrative remedy may be better. Bob was asked whether the Attorney General could do anything to stop such prosecutions through an Attorney General's opinion. He said he would look into it.

Marie Keeney asked whether we could check the Duty Rosters of troopers from Troop S to see whether people are routinely stationed to such posts.

Employment - Mark Segal stated that he had statements from Washington, D. C., Boston, Los Angeles, San Francisco, and Minnesota about their police forces employing gays. Mark asked whether the Justice Department can write an opinion prohibiting State Police from discrimination on the basis of sexual preference. Bob said he would look into it. Also, Captain Rodriguez will try to get permission to set up a meeting with the State Police, Mark, and Jerry to talk about gay persons and the State Police.

Mark Segal said that Representative Wilt told him that he has received encouragement from Col. Barger to introduce anti-gay bills.

b. Affirmative Action Council (AAC)

Dolly Shuster reported for Jean Becker that no action had been taken by Council because of continued administrative problems. Marie Keeney questioned whether the AAC was the agency to deal with employment problems of gays or whether personnel offices couldn't do a better job. Dolly agreed to convene a subcommittee to discuss the issue of employment discrimination by the state against gays. Other participants should be Janet Cooper, Tony Silvestre, Jerry Brennan, Leonard Black, and Jean.

C. Health

V.D. meeting - Jerry Brennan had a good meeting with Willaim Whittington, V.D. Project Coordinator, on June 6, 1975. He said that they did not appear to know much about gay people's concerns but were ready to explore the problem. He will meet their staff July 22. Jerry wanted other people from Philadelphia and Pittsburgh to get involved in this project. Tom Wilson will speak to people from Gays in Health and Randy Forrester will try to get someone from Pittsburgh. Walter Lear reported that the state people were very pleased with this meeting. Changes will include the rewriting of a manual and additional staff training.

Hospital Regulations - Walter said that there will probably be public review of regulations in September.

In service training - Training for the southeast region on sexism (including homosexuality) will be held in the fall. Contract has been given to CHOICE and gays are being included in the planning.

American Medical Association - adopted resolution to decriminalize crimes involving sexual activities between consenting adults. In answer to a question, Walter said this would not affect licensing.

d. Insurance

Linden Lichtman said anti-discrimination regulations will be ready for the next meeting. She still needs examples of discrimination of gays.

e. Education

Janet Cooper reported for Sally Lied. (It was also announced at this time that Janet had been appointed by the Governor to the Commission on Women as an open lesbian.)

Janet stated that the Task Force in Education had met and was developing 1) legal precedents to protect sexual minorities and 2) a strategy to change things in the program and practices of the Department. They have placed a March deadline. Janet expressed good feelings about initial communications.

f. PHRC

Dolly will have information on the number of complaints from the Philadelphia and Harrisburg regional offices of PHRC at the next meeting.

We reopened the discussion on the question of the Commission interpreting sex to include sexual preference. Dolly said without some action by the Commission the old policy of prohibiting the taking of complaints from gays would continue. After some discussion it was recommended that the Commission rescind its former policy but remain neutral as to whether sex can include sexual preference.

g. Bureau of Corrections

Francis Filipi and William Rugg from the Department of Corrections answered the questions asked at the April 23 and June 4 meetings. There was quite a bit of discussion after their first answer, and therefore, in order to expedite this section, it was decided to set up a subcommittee to meet with Mr. Filipi and Mr. Rugg about follow-up questions and suggestions. The committee is composed of Debbie Boyle, Janet Cooper, Mark Segal, and Arthur Warner. Barry also suggested that Mr. Filipi ask Andy Smyser from Justice to attend. Debbie will be convener for the meetings.

The questions and answers were as follows:

- 1) Why is gay literature not allowed in prisons when sexual literature involving heterosexuals is allowed?

Answer: There is a review committee in each state prison which reviews each book on a one by one basis. The criteria for banning the book is based on 1) security and 2) obscenity. The committee is selected by the Superintendent of each institution and does not include inmates or lawyers. There is an appeal procedure available to the Commissioners office. Mr. Filipi stated that there was not a uniform standard across all state prisons. Also that there was a dual standard applied favoring heterosexual literature. He stated that some gay literature had been allowed but was not able to give any specifics. He also stated that some penology specialists believed that homosexual literature heightened the need for homosexual activity.

Earl Greenberg from Justice suggested that the test used should be the same as applied by the courts and that a central screening procedure should be established. Mr. Warner stated that the case of Juan v. U.S. was controlling and should be reviewed. Questions were raised about what literature had been allowed and what had been refused. Mr. Filipi agreed to come to the September meeting with specific titles of literature that had been allowed. He will also bring copies of Administrative Directive 803 which has standards used.

- 2) Is homosexuality a reason for not granting someone parole or determining whether a person has not reformed himself?

Answer: With regard to parole, the question would have to be addressed to the Board of Probation and Parole. The Bureau though does make recommendations about parole. It would depend on the crime as to whether homosexuality would be a factor. If the person were in prison for Deviate Sexual Intercourse, and was actively involved in homosexual activity, he may not be considered rehabilitated. The person's misconduct record also is taken into account. Active sexual intercourse is considered misconduct. If not active sexual act, then it is not misconduct.

- 3) Can gay groups have access to prison officials and prisoners to provide education with regard to gay rights?

Answer: Gay groups can have access to prison officials. With regard to prisoners, it is up to the Superintendent of each prison to decide who can speak to prisoners. Mr. Filipi felt that the Superintendents would not permit such speakers.

- 4) Could a person be granted a temporary home furlough to see his or her long term "lover" similar to a person being released on temporary home furlough to see one's wife? Could this be considered to be a stable relationship by prison officials?

Answer: Administrative Directive 805 requires family or friends as a stable relationship. There is no specific investigation as to sexual preference. The decision is a subjective one made by an inmate's counselor and staff. It, therefore, could occur. There may be problems if an inmate's crime involves a specific sexual act.

- 5) What training do guards receive regarding sexuality?

Answer: No specific training involving sexuality. Robert Presscott (787-3404) is in charge of training.

- 6) What educational programs do they have regarding sexuality?

Answer: There is only a violent sexual offender program. Then each inmate has a counselor.

h. Justice

Bob Rains reported that Preliminary Objections have been filed in a law suit challenging Shapp's Executive Directive

i. Welfare

Aversive therapy - Jay Snyder stated that Jim Harris did talk to the Superintendents of State mental institutions and that no aversive therapy is going on on homosexuality. Mark Segal stated that he still believes it is going on because he saw Dr. Joseph Volpe on WCAU-TV who talked about his work at EPPI. It was decided that the DPW Task Force should look into this problem before the next meeting. Walter Lear suggested that a gay psychiatrist go over the records at EPPI to determine if such experimentation is going on.

Jay reported that both the guidelines and statement are awaiting the Secretary's approval.

j. Liquor Control Board

Earl Greenberg from Justice, Tony Silvestre, Mark Segal, Debbie Boyle and Diane Whittney will meet with representatives of the LCB before the next meeting to clarify their memo.

2. Legislation

Mark reported that Bill 147 was being considered by the House today and probably by the Senate next week. Mark will keep people informed about any actions necessary.

On the amendments to the Human Relations Commission Act, a favorable comment has been issued by Justice. Dolly will bring the bill up at the next Commission meeting for approval.

Mark said that letters should be sent to their representatives apposing anti-gay bills.

3. Permanent Structure

The group approved the draft of the structure as is, conditional upon comments during the next two weeks. Comments will be sent out for approval and then final will be sent to Terry for Governor's approval.

4. Religion

Janet Cooper talked about the importance of opening dialogue with organized religion. Dennis, Tony and Janet are meeting to develop strategies in this area.

5. Next Meetings

The next meeting is scheduled for Thursday, September 11, 1975, 1 p.m. in the Conference Room 238. The following meeting will be on Friday, October 17th at 1 p.m.