

MODEL 1: Gay Civil Rights Bill

c Mary L. Stevens
Dec. 10, 1975
rev'd. Jan. 26, 1976

A BILL To prohibit discrimination ^{in employment} on the basis of affectional or sexual preference and for other purposes.

S. 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Rights Act of 1976".

S. 2. WHEREAS, The Congress finds that discrimination on the basis of affectional or sexual preference is invidious in that

- (a) it belies the tolerance which was the outstanding feature of American life at its founding and today, and
- (b) it harms the social fabric by turning citizen against citizen, and
- (c) it invaded the privacy of all citizens affected, whether they be the targets of the discrimination or not, and
- (d) it burdens and obstructs commerce, and
- (e) it abridges the free expression of ~~a~~ ^{an} ~~individual's~~ ^{an} ~~individual's~~ ^{individual's} personality trait and
- (f) to the extent that a person is vulnerable to discrimination if her/his affectional or sexual preference is revealed, that person labors in involuntary servitude.

THEREFORE, The Congress proposes that all those affected by this invidious classification be protected without being required to allege their affectional or sexual preference.

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§ 2(c)

the liberty of citizens ^{in the to} to seek ~~for~~ ^{is} at the heart of the home and family life

s. 3 DEFINITIONS. For the purposes of this Act

(a) The term "employer means

~~(a) The term "employer" means~~ a person engaged in an industry affecting commerce who has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but such term does not include (1) the United States, a corporation wholly owned by the Government of the United States, an Indian tribe, or any department or agency of the District of Columbia subject by statute to procedures of the competitive service (as defined in section 2102 of title 5 of the United States Code), or (2) a bona fide private membership club (other than a labor organization) which is exempt from taxation under section 501(c) of the Internal Revenue Code of 1954.

(b) The term "affectional or sexual preference" means having or manifesting an emotional or physical attachment to another consenting adult person or persons of either gender, or having or ~~manifesting~~ a preference for such attachment.

s.4. It shall be unlawful for any employer, directly or indirectly, to create or maintain a record of, or to communicate to third parties any information concerning the affectional or sexual preference of any individual, *w/o the ^{written} consent of that individual.*

s.5. It shall be unlawful for any employer to make any inquiry, directly or indirectly, of anyone with regard to the affectional or sexual preference of any individual.

s.6. It shall be unlawful for any employer to utilize, directly or indirectly, any information concerning the affectional or sexual preference of any individual :

(a) in determining whether to fail or refuse to hire or to discharge that individual, or

(b) in any other decision affecting her/his compensation, terms, conditions, or privileges of employment.

s. 7. The District Courts of the United States shall have jurisdiction over suits within the purview of this Act without regard to the amount in controversy and without regard to the citizenship of the parties in a proceeding at equity for the award of reinstatement or review of employment decision, attorney fees and such other equitable relief as the court deems fit, such relief to include, within the discretion of the Court, the award of backpay, except that

(a) A suit for general and punitive damages under ss. 4, 5 of this Act shall be had in an action at law.

s. 8. EXCEPTION. The prohibitions of this Act shall not apply to any information concerning a valid conviction for forcible sexual assault.

s. 9 VOLUNTARY COMPLIANCE. The Congress encourages affirmative actions by the employer such as: (1) the appearance in all advertisements for employment of its policy of non-discrimination as defined by the Act, (2) the support of a bona fide program of persuasion and education to promote harmony among employees and to defuse homophobic reactions, and (3) co-operation with established civil rights groups to the end of reducing that discrimination which is the target of the prohibitions of this Act.