

Anchorage debates gay rights ordinance

Following the Anchorage Assembly's approval of a gay rights ordinance, voters were to be presented with an initiative to overturn the action during April municipal elections; the ballot question was nullified by the courts. The new assembly seated earlier this month is expected to rescind the ordinance as one of its first orders of business.

Ross' response

Dear LAD: (LAD??? Intentional, on your part? Or merely a Freudian slip?)

I received your letter of 23 February 1993 regarding the Anchorage homosexual rights ordinance. While I am not surprised to see some of the names on your letterhead, I am most disappointed in other names thereon. I had more respect for some of you than I do now.

I am in favor of repeal of the measure. I see nothing involving civil rights in this matter. We all, heterosexual or homosexual, have certain rights. This bill seems to give extra rights to a group whose lifestyle was a crime only a few years ago, and whose beliefs are certainly immoral in the eyes of anyone with some semblance of intelligence and moral character.

It is a shame that you folks don't have some causes you could become involved in that are of benefit to society in general. Instead, you support degenerates. No wonder the legal profession is treated with less respect than we wish.

If, as you apparently believe, morality is not based on long-standing God-given and God-instilled principles, but is something that changes from time to time based on public perception of right and wrong, then that is even more reason for you to allow this referendum to go to a vote of the people. After all, isn't it your position that public morality is based upon whatever the public decides?

None of you has done anything publicly (to my knowledge) to attempt to protect the millions of lives of innocent children killed each year through abortion, yet you collectively contribute \$5,000 to the cause of sexual perversion. It is quite disheartening to me to see my fellow members of our honorable

Lawyers form rights group

A steering committee has formed an ad hoc group called "Lawyers Against Discrimination" in response to the petition to overturn Anchorage's recently passed homosexual rights ordinance. We hope that you will join us in opposing repeal of that measure.

The ordinance is very limited in scope. It simply says that our municipal government, and its major contractors, cannot discriminate based on sexual preference. It of course does not preclude disciplinary action based on inappropriate or offensive behavior. What it does forbid is discrimination based on status.

Repeal of this ordinance would inevitably imply that the city can refuse to hire, or can terminate employees, based on status alone. Repeal would not only be mean spirited, but contrary to principles of equal protection and civil liberty we all learned in law school.

One historical role of lawyers has been to stand up for minority groups that are reviled, ridiculed, or ill treated by self satisfied majorities. The gay community faces that kind of threat, and shouldn't have to face it alone.

profession display such a lack of proper priorities.

Wayne Anthony Ross

Feldman replies to Ross

Thank you for sending me a copy of your letter of March 19, 1993, sharing your thoughts on the efforts of Lawyers Against Discrimination to promote civil rights and fight discrimination in our community. I regret if my support for this effort has caused you to lose respect for me, as I have always enjoyed our personal and professional association.

Your comments suggest that you may not fully understand the ordinance in question. Contrary to the perception of some, the ordinance does not give "extra rights" to any group. It does not guarantee anybody a job, a house, or any other benefit. Rather, it only has the effect of prohibiting discrimina-

tion on the basis of sexual preference in connection with a very narrow range of sexual activity: employment by the municipality and by municipal contractors. While it is true, as you say, that "we all, heterosexual or homosexual, have certain rights," it is not true that those rights are equally respected or protected for all of us. Some citizens have been the victims of insidious discrimination and legislative efforts have been required to ferret out the discrimination and redress it. These laws do not give anyone any "extra rights;" they do provide protection and, in this instance, that protection is sorely needed.

Who could quarrel with the notion that a person who happens to be homosexual is still entitled to have a job. What is the alternative? Putting all the homosexuals on welfare? Letting them starve in the

street? Condition their employment only on their promise to change their sexual preference? Or conceal or lie about it? The fact that certain sexual practices used to be criminalized does not tell me very much.

There were lots of laws, in years past, that rendered all sorts of conduct criminal that we hardly would be willing to punish today. It used to be a crime in Alaska for unmarried adults to cohabit. It used to be a crime to speak ill of the crown. In some parts of the world, it is still a crime for a woman to barely speak at all. So what?

I respect your view, Wayne, but your *ad hominem* attack on the individuals who allowed their names to be used in connection with the effort by Lawyers Against Discrimination is unwarranted. I do not believe that it advances the quality of the debate on this issue to call into question either their intelligence, their moral character, or their willingness to involve themselves in other causes that you might deem to be "of benefit to society in general." If I were not well familiar with your penchant for eccentric and hyperbolic use of rhetoric, I probably would have taken offense, myself, at the characterization.

As much as anything else, at its core, your view is un-Alaskan. Traditionally, Alaskans have shown a high regard for individual freedom and a tolerance for others. Lord knows that the fabric of Alaskan life has been woven by a wide range of colorful, but admittedly odd, individuals who were not able or willing to march to the drummer of life Outside. If there is such a thing as an "Alaskan ethic," it is the willingness to accept people for what they are and who they are, not for where they came from, how much money they have, what school they went to, who their parents were, where they live, or, in this instance, who they sleep with.

I would not expect this letter to persuade you of this view. But I wanted to share my thoughts with you, at least so that you would know that my support for Lawyers Against Discrimination was triggered by careful thought and consideration on my part, not simply by my lack of a "semblance of intelligence and moral character."

Jeffrey M. Feldman

Bar group collects law history