

# PRIMA FACIE

## DOCUMENTED CASES OF SEXUAL ORIENTATION BIAS IN ALASKA

MELISSA S. GREEN

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*Summary.* This paper documents 84 actual incidents of sexual orientation bias in Alaska, 68 from personal testimony and 16 from documentary sources. Incidents range from simple bias and employment, housing, public accommodations, and other types of discrimination to verbal abuse, harassment, threats, assault, sexual assault, and murder. For these cases: 1) the victims of sexual orientation bias were predominantly gay or lesbian, but heterosexuals who were wrongly assumed to be homosexual also experienced problems; 2) respondents generally experienced sanctions specifically because of an agent of bias' knowledge or assumptions about a respondent's sexual orientation, or because of the respondent's relationship with a lesbian/gay-related organization, activity, or issue, rather than for any other reason; 3) agents of bias were sometimes reluctant to name sexual orientation as their reason for acting against respondents; 4) discrimination was most likely to come from agencies, institutions, businesses, etc., while harassment and violence was most likely to come from individuals acting alone or in concert with other individuals. Discrimination cases from personal testimony were reviewed by a former intake investigator with the State of Alaska Human Rights Commission; results of this review are discussed. Documentation of AIDS-related discrimination was not a goal of this study; however, the implications of AIDS hysteria upon sexual orientation bias are briefly discussed.

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*pri•ma fa•ci•e* [L., at first sight] adequate to establish a fact unless refuted: said of evidence

— Webster's New World Dictionary of the American Language

### INTRODUCTION

Typically, individuals who believe they have been illegally discriminated against may seek recourse through a human or equal rights commission. In order to establish *prima facie* evidence of discrimination, a complainant must show three things:

1. That harm occurred.
2. That the harm was discriminatory in nature.
3. That the complainant is a member of a class against which discrimination is prohibited.

A complainant will initially talk with an intake investigator, who will determine whether or not the complaint falls within the commission's jurisdiction (i.e., whether the alleged discrimination is, in fact, illegal by the ordinance or statute governing the commission). If the complaint is jurisdictional, the complainant files a formal written complaint (which may be withdrawn at any time), and an impartial fact-finding investigation, involving all parties involved in the complaint, is conducted. If the investigation finds substantial evidence that illegal discrimination has indeed occurred, the commission attempts to resolve the issue between the parties through conciliation. If conciliation fails, the matter may be heard by the commission. The commission's ruling in the matter is legal and binding, although either party may make an appeal to a court of law.

Sexual orientation discrimination is not illegal in Alaska. Because complaints of such discrimination are not "jurisdictional" for any of Alaska's human rights or equal rights commissions, the commissions are not empowered to accept complaints of such discrimination or to make investigations into these complaints.

Their inability to take down even basic information on such cases means that it is next to impossible to know how prevalent sexual orientation discrimination—or, for that matter, antigay harassment and violence—is in Alaska. The net effect has been the belief on the part of Alaskans, both gay and nongay, that problems associated with sexual orientation bias are insignificant, even nonexistent, in the state.

Identity's 1985 survey *One in Ten*, which found that 71% of the lesbian, gay, or bisexual respondents had experienced some form of sexual orientation bias (Identity, 1986: pp. 16, 42), was a first step in correcting this misapprehension. *Prima Facie* is the second step. Its intent is to "put a face" on the realities of sexual orientation bias in Alaska by presenting actual case histories of sexual orientation bias.

*Prima Facie* actually began with *One in Ten*, when respondents who had experienced discrimination because of their sexual orientation were asked to participate in a discrimination documentation project. *One in Ten's* survey instrument included a tear-out sheet so prospective participants in the discrimination project could send in contact information (Identity, 1986: p.71).

In *Prima Facie* itself, we have widened the scope of discrimination documentation by seeking not only cases of discrimination, but also of violence, harassment, and simple bias encountered by Alaskans because of their sexual orientation. We were also open to including cases, if they existed, of nongay individuals who suffered from sexual orientation bias because of false assumptions that they were gay, lesbian, or bisexual; we found, in fact, that such cases do exist.

Together with the other reports in this volume, as well as *One in Ten*, *Prima Facie* represents the first concentrated effort to gather information on sexual orientation bias in Alaska's history.

### METHODOLOGY

#### Collection of Cases

We based our early expectations on case collection on *One in Ten's* finding that about 71% of gay, lesbian, or bisexual Alaskans reported suffering from discrimination, violence, or harassment (including verbal abuse)

because of sexual orientation while in Alaska. This large figure encouraged us to believe that we could fairly easily reach our target of 50 cases.

We prepared two questionnaires, one for cases of discrimination and one for cases of violence and harassment, and distributed approximately 200 copies of each at lesbian/gay social events in Anchorage and at Out North Arts and Humanities' presentations of the play "Niagara Falls" as it toured throughout the state. Ironically, *Prima Facie* itself encountered problems of sexual orientation bias when local presenters of "Niagara Falls" in both Skagway and Sitka declined to make the questionnaires available to playgoers for fear that otherwise they would be accused of catering to gay and lesbian audiences or of promoting homosexuality.

The questionnaires were also published as a paid advertisement in the May 31, 1987 edition of the *Anchorage Daily News*, but we received no returned questionnaires from this source. Nor were returns on the other questionnaires as successful as we had hoped. Our assumption that we could easily reach our case goal based on the high level of sexual orientation bias reported in the *One in Ten* survey was altogether incorrect; we concluded that we had neglected to take into account the different formats of the *One in Ten* and *Prima Facie* questionnaires. Though it covered over 100 questions, the *One in Ten* questionnaire was fairly simple to complete: it required merely that respondents check one of several alternative answers to each question.

The *Prima Facie* questionnaire, however, required respondents to write out an organized narrative of each incident they had experienced—a requirement which could be intimidating to many people. In addition, our distribution method lacked one of the key elements which made *One in Ten* so successful—a "personal" approach which resulted in a high level of trust in the survey from individuals who frequently had good reason to be fearful. In all, we generated 19 cases from nine respondents through the questionnaire approach.

In early June 1987 we mailed out over 1000 cards to individuals on the mailing lists of Identity, Out North Arts and Humanities, and the Alaska Women's Bookstore. Like the response forms in the *One in Ten* questionnaire, the cards sought contact information from victims of sexual orientation bias. Other respondents were found through word-of-mouth, i.e., we would hear of an incident through someone who would put us in touch with the individual who actually experienced it. In fact, one respondent contacted us over four months after we originally left a message with that respondent's friend.

Respondents found through these methods were interviewed in person or over the phone; the interviews were, with one exception, taped. (The exception was an individual who did not consent to being taped; in this case the interviewer took notes and read them back to the respondent to ensure accuracy.) In all, we gathered approximately 20 hours of taped interview material, with 42 useable cases, by these methods. Several other cases we were unable to document due to time constraints or insufficient contact information.

In addition to the cases derived from questionnaires or interviews (including seven cases from interviews conducted in 1985 with respondents identified via the *One in Ten* tear-out sheet mentioned above), we have gathered 16 cases from documentary sources such as court records, radio and newspaper accounts, and other written or recorded sources. A breakdown of case sources is included in Table 1A in the Findings.

## Preparation of Incident Summaries

### Cases from personal testimony

Incident summaries were written based upon the information respondents provided us. In writing, we had three concerns in mind: 1) that each incident summary be accurate and complete; 2) that no incident summary violate an individual respondent's comfortable level of confidentiality; 3) that each case meet the essential requirement of showing *prima facie* ("at first glance") evidence that discrimination, violence, harassment, or bias directed specifically at an individual or organization because of sexual orientation had occurred.

Confidentiality and respondent anonymity was perhaps the most difficult concern to address because of the fear on the part of many respondents that they might experience further problems if they were recognized from the information contained in the published report. We believe it probable that many potential respondents failed to contact us for precisely this reason. To be certain we were following the confidentiality guidelines set forth by each respondent, and also to ensure accuracy, drafts of the incident summaries were sent to respondents to check over. We asked respondents to correct the drafts and make any necessary changes, particularly in reference to information they might feel would endanger their anonymity. We received corrections on 22 cases; of these, only one involved anonymity issues. All others were corrections or clarifications about the facts of each case.

The seven cases derived from the interviews conducted in 1985 were treated in a different manner, because in most cases the respondents were no longer available (due to address changes, etc.). In these cases, we depended upon the respondents' answers, as taped, to confidentiality questions posed by their interviewer.

We decided for most cases not to include names of respondents even in those few cases where the respondent

was willing to permit it. The only exceptions to this rule were in some cases presented by or on behalf of Identity or Out North Arts and Humanities or other organizations. Also in many cases we did not specify the city or town where an incident occurred, nor the sexual orientation of the respondent(s) reporting the incident (including the four cases in which respondents were heterosexuals).

In a few cases, there is the possibility that respondents might still be identified by some parties due to the unique circumstances or particular notoriety of their cases. In these cases, we received specific permission from respondents to write the cases as we did.

Eleven cases were excluded because of problems related to the concerns mentioned above: nine cases did not adequately show that a problem occurred specifically because of sexual orientation bias (for example, one involved antigay statements, but there was no evidence that the statements were directed specifically at the respondent; another involved sexual harassment rather than sexual orientation bias); one case was omitted due to concerns about anonymity; and the eleventh case, involving the beating of a gay man on a downtown Anchorage street, was excluded because it was reported, not by the victim himself, but by another individual who heard his story after the beating occurred.

#### Cases from documentary sources

Like the other cases, the cases based upon documentary sources were included only if they met the criteria of showing evidence of sexual orientation bias. Sources for each of these cases are indicated in the pertinent case summaries.

Because most of these cases are a matter of public record, confidentiality has not been an issue. Nonetheless, in some cases, we have chosen not to identify some parties by name out of respect for their privacy. This is especially true for suspects of crimes where we did not know the final dispositions of the cases. Individuals who were found guilty of crimes we have named.

#### Veracity of the cases

Unlike the various human and equal rights commissions in Alaska, *Prima Facie* researchers do not have the power to investigate complaints. Hence, the majority of our incident summaries are most closely equivalent to the "written complaint" stage of an illegal discrimination case. While we have made an effort to include only cases for which strong evidence of discrimination, violence, or harassment exist (though we include cases of simple "bias," these cases do not necessarily constitute discrimination), it must be remembered that no fact-finding investigation involving *all* parties has been made. (The exceptions are those cases—three murder trials, one civil trial involving constitutional rights, one civil trial involving child custody, with appeal to the Alaska Supreme Court—in which law courts made actual decisions.)

Discrimination cases from personal testimony cases were reviewed by Jeanne Fortier, who for three years was an investigator with the State of Alaska Human Rights Commission. Basing her review on the fictional premise that Alaska Statute 18.80, the state human rights law, had been expanded so as to prohibit sexual orientation discrimination, Fortier read the cases to assess if the Commission would have intake jurisdiction.

In her professional opinion, 32 of the 42 cases of employment, housing, public accommodations, and business practices discrimination which we derived from personal testimony would definitely be jurisdictional under an expanded AS 18.80. That is, these cases demonstrate *prima facie* evidence of discrimination and would, under an expanded law, be investigated if written complaints were filed. Another six cases would possibly or probably be jurisdictional. (Case #48 would clearly be jurisdictional under the existing law's prohibition of parental status discrimination; however, Fortier felt that more information would be needed to determine if sexual orientation discrimination had in fact occurred.)

Four of these cases would not be jurisdictional, two because they involved employment discrimination in the U.S. armed forces, which is not subject to Alaska statute; one because it involved housing discrimination in owner-occupied housing, where discrimination is permissible; and one which involved discrimination by a religious body, which is also permitted by law if the discrimination serves a legitimate religious purpose.

In addition to the housing, public accommodations, and business practices discrimination cases from personal testimony, Fortier believed that two violence/harassment cases would be jurisdictional under the hostile environment clause of AS 18.80 if the law were expanded; another case involving censorship might be jurisdictional.

Fortier did not review the cases from documentary sources, since AS 18.80 would be irrelevant to most cases of simple bias where discrimination did not clearly occur, or to cases of violence or harassment which would fall under the purview of other laws.

Statistical accuracy

In *Prima Facie* we have made no attempt, as did *One in Ten*, to randomly survey Alaska’s lesbian/gay population (an effort which in any case presents some problems; see Identity, 1986: p.2). Hence, no inference can or should be made that the numbers and figures we mention here are statistically accurate for Alaska as a whole. For example, it would be inappropriate to assume, based upon information here, that 25% of all discriminatory actions against lesbians/gays (or lesbian/gay organizations) are made by government agencies, public schools or universities, or the courts. Figures reported here should be understood to apply *literally* only to the incidents described here; they serve only as rough indicators of what is happening in Alaska as a whole.

Nonetheless, it is important to note that such discrimination, violence, and harassment does occur throughout the state. As mentioned previously, we were unable to follow up on all the cases we were aware of due to time constraints and other factors, such as insufficient contact data.

But other cases do exist. Because we were based in Anchorage, and hence relied chiefly on Anchorage resources, most of the incidents we are reporting quite naturally took place in Anchorage. There is no reason, however, to suppose that similar incidents do not occur in other parts of the state, particularly in light of *One in Ten*’s findings on discrimination.

## FINDINGS

**Usage**

Although the 16 cases derived from documentary sources were not literally reported by “respondents,” for the sake of simplicity they will be referred to as such when discussing them together with personal testimony respondents. Similarly, incidents will frequently be referred to as “complaints,” although the documentary cases were not actually received as complaints.

**Demographics**

The vast majority of cases—50—took place within the Municipality of Anchorage. Four took place in the City and Borough of Juneau, five in the Fairbanks North Star Borough, and nine in other locations in the state, including Kenai, Seward, Skagway, Soldotna, and Sitka.

The 84 cases were presented by 30 men, 23 women, and ten organizations. One case involved systemic discrimination against all gays and lesbians (a dating agency which advertised that its services were for heterosexuals only). Of the 53 individual respondents or victims of bias, 41 were lesbian or gay, ten were heterosexual, and two may or may not have been heterosexual. The ages of individuals at the time the incidents occurred ranged from 17 to 59 (excluding those individuals for whom ages were unavailable). A breakdown of case sources and basic demographic information is included in Table 1.

**Table 1. Case Sources and Demographic Information**

<p><i>A. Sources of Cases</i></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding-left: 20px;">Cases from personal testimony</td> <td style="text-align: right;">68</td> <td style="text-align: right;">cases</td> </tr> <tr> <td style="padding-left: 40px;">Taped interviews, 1985</td> <td style="text-align: right;">7</td> <td style="text-align: right;">cases</td> </tr> <tr> <td style="padding-left: 40px;">Taped interviews 1987-88*</td> <td style="text-align: right;">42</td> <td style="text-align: right;">cases</td> </tr> <tr> <td style="padding-left: 40px;">Questionnaires, 1987</td> <td style="text-align: right;">19</td> <td style="text-align: right;">cases</td> </tr> <tr> <td style="border-top: 1px solid black; padding-top: 5px;">Cases from documentary sources</td> <td style="text-align: right; border-top: 1px solid black;">16</td> <td style="text-align: right; border-top: 1px solid black;">cases</td> </tr> </table> <p style="font-size: small; margin-top: 5px;">*One case is based upon interviews with two independent respondents. One respondent would not give consent for a taped interview; instead the interviewer took notes and read them back to the respondent for accuracy.</p>	Cases from personal testimony	68	cases	Taped interviews, 1985	7	cases	Taped interviews 1987-88*	42	cases	Questionnaires, 1987	19	cases	Cases from documentary sources	16	cases	<p><i>C. Respondents by sex or organization</i></p> <table style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: center; font-size: small;">Personal testimony</th> <th style="text-align: center; font-size: small;">Documentary sources</th> <th style="text-align: center; font-size: small;">Total</th> </tr> </thead> <tbody> <tr> <td>Male</td> <td style="text-align: center;">21</td> <td style="text-align: center;">9</td> <td style="text-align: center;">30</td> </tr> <tr> <td>Female</td> <td style="text-align: center;">18</td> <td style="text-align: center;">5</td> <td style="text-align: center;">23</td> </tr> <tr> <td>Organizations</td> <td style="text-align: center;">5</td> <td style="text-align: center;">6</td> <td style="text-align: center;">10*</td> </tr> <tr> <td>Systemic discrimination</td> <td style="text-align: center;">0</td> <td style="text-align: center;">1</td> <td style="text-align: center;">1**</td> </tr> <tr> <td style="border-top: 1px solid black; font-weight: bold;">Total</td> <td style="text-align: center; border-top: 1px solid black; font-weight: bold;">68</td> <td style="text-align: center; border-top: 1px solid black; font-weight: bold;">16</td> <td style="text-align: center; border-top: 1px solid black; font-weight: bold;">84</td> </tr> </tbody> </table> <p style="font-size: x-small; margin-top: 5px;">*The total for organizations is 10 rather than 11 because one organization is represented in both personal testimony and documentary sources cases. **This case represents systemic discrimination against all gay men and lesbians, rather than that directed against an individual respondent.</p>		Personal testimony	Documentary sources	Total	Male	21	9	30	Female	18	5	23	Organizations	5	6	10*	Systemic discrimination	0	1	1**	Total	68	16	84
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<p><i>B. Where cases took place</i></p> <table style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: center; font-size: small;">Personal testimony</th> <th style="text-align: center; font-size: small;">Documentary sources</th> <th style="text-align: center; font-size: small;">Total</th> </tr> </thead> <tbody> <tr> <td>Municipality of Anchorage</td> <td style="text-align: center;">52</td> <td style="text-align: center;">14</td> <td style="text-align: center;">64</td> </tr> <tr> <td>City and Borough of Juneau</td> <td style="text-align: center;">5</td> <td style="text-align: center;">0</td> <td style="text-align: center;">4</td> </tr> <tr> <td>Fairbanks North Star Borough</td> <td style="text-align: center;">5</td> <td style="text-align: center;">1</td> <td style="text-align: center;">6</td> </tr> <tr> <td>Elsewhere in Alaska*</td> <td style="text-align: center;">9</td> <td style="text-align: center;">1</td> <td style="text-align: center;">10</td> </tr> <tr> <td style="border-top: 1px solid black; font-weight: bold;">Total</td> <td style="text-align: center; border-top: 1px solid black; font-weight: bold;">68</td> <td style="text-align: center; border-top: 1px solid black; font-weight: bold;">16</td> <td style="text-align: center; border-top: 1px solid black; font-weight: bold;">84</td> </tr> </tbody> </table> <p style="font-size: x-small; margin-top: 5px;">*Other locations where incidents took place include 1 case in Kenai, Seward, Skagway and Soldotna, and 2 cases in Sitka.</p>		Personal testimony	Documentary sources	Total	Municipality of Anchorage	52	14	64	City and Borough of Juneau	5	0	4	Fairbanks North Star Borough	5	1	6	Elsewhere in Alaska*	9	1	10	Total	68	16	84	<p><i>D. Respondents by sexual orientation</i></p> <p style="font-size: x-small; margin-top: 10px;"><b>Personal testimony cases:</b> 39 individuals and 5 organizations presented 68 cases. The majority of individual respondents identified themselves as gay men or lesbians. However, 4 cases were presented by 4 heterosexual respondents.</p> <p style="font-size: x-small; margin-top: 5px;"><b>Documentary source cases:</b> 1 case involved 6 heterosexual individuals (case #d-13). The 2 women involved in cases #d-4 may or may not have been heterosexuals. All other cases involved gay/lesbian organizations or individual gay men or lesbians.</p>															
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## Presenting Problems

### Discrimination and Bias

The most frequent single type of sexual orientation bias experienced by our respondents was in the area of **employment**. Seventeen of the 31 employment-related cases involved termination of employment through outright firing, through nonrenewal of a contract or disallowing reenlistment in the armed forces, as a byproduct of an organizational change, or by way of an ultimatum delivered to a respondent which led to the respondent's resignation. In six instances respondents were not hired because of their actual or presumed sexual orientation. In five cases attempts were made to fire respondents, or their jobs were somehow threatened. In one case a potential employer was pressured by his superiors not to hire a respondent; although the respondent was still hired, he felt that continuing rumors about him had thwarted his chances for promotion. In two cases, while no attempt was made to fire the respondents, restrictions were placed upon them which led to their resignations.

In the area of **housing**, three respondents were evicted or forced to move and two respondents were disallowed from renting commercial real estate.

There were eleven instances of **public accommodations or business practices** discrimination. In two cases, respondents were not permitted to rent facilities for the presentation of arts events; in three other cases, their ability to rent facilities was threatened. There were two cases of discrimination in services, one in health care and one involving systemic discrimination against all lesbians and gays by a dating service which specifically advertised itself as being for heterosexuals exclusively. In two cases publications refused to accept advertisement from gay/lesbian organizations. In one case a gay teenager was forcibly removed from a youth club, and in another officers of a bank attempted to discriminate against a respondent seeking a loan.

Thirteen **other cases** have been categorized under this heading, including five in which "legally-defined" discrimination did not occur but in which sexual orientation bias was nonetheless present. In one case a lesbian/gay organization was denied public funding on the grounds of the sexual orientations of the people it served; in another, an attempt to deny funding to a lesbian/gay student organization failed, largely on a technicality. A respondent in one case complained of censorship by a radio station; in another, a radio station showed bias in its unequal broadcast treatment of gay/lesbian issues during a local controversy. Two cases of discriminatory harassment were reported, one by a respondent whose landlady's harassment led her to move to other housing and one in which the executive director of one nonprofit apparently tried to stir trouble for two female employees of two other nonprofits by making allegations they were having an affair. In one case the Alaska Supreme Court found that a city government had violated a lesbian/gay organization's constitutional rights to freedom of speech and association and equal protection under the law. The last of these miscellaneous cases also involved the Alaska Supreme Court, which ruled that a Superior Court judge had wrongfully based his award of child custody to the child's heterosexual father on the mother's lesbianism.

### Violence and Harassment

Twenty-five cases of **verbal abuse, harassment, or threats**—the second most common type of presenting problem—were reported. These included derogatory language aimed at respondents, indecent exposure, threats of violence, death threats, and a bomb threat.

There were ten cases of **violence**, including four assaults, three murders, two gang-rapes, and one attempted rape. Three cases of **property damage** were also reported, as well as one **smoke-bombing** and one **tear-gassing**.

A total of 40 instances of violence and harassment were presented. Table 2 shows the breakdown of cases by presenting problem. Because some cases presented more than one type of presenting problem, there is some overlap between the two sides of the table.

The table's accompanying chart shows that discrimination or bias accounted for approximately 60% of the presenting problems, with about 40% of the presenting problems being harassment or violence. By way of contrast, the 734 respondents to *One in Ten* (Identity, 1986) reported experiencing at least 1259 instances of discrimination and at least 1425 instances of harassment or violence, representing respectively about 47% and 53% of the presenting problems (out of a total of 2684 instances).<sup>1</sup>

**Table 2. Case by Type of Presenting Problems**

<p><i>Discrimination and Bias</i></p> <p>31 cases <b>Employment</b></p> <p>17 cases Termination of employment: 5, 6, 8, 9, 14, 16, 29, 31, 33, 36, 40, 48, 57, 62, 65, 67, d-4</p> <p>6 cases Not hired: 4, 15, 19, 35, 54, 58</p> <p>5 cases Attempt or threat to fire: 7, 34, 39, 50, 51</p> <p>3 cases Other: 24, 27, 30</p> <p>5 cases <b>Housing</b></p> <p>3 cases Evicted or forced to move: 1, 2, 13</p> <p>2 cases Not permitted to rent commercial real estate: 25, 46</p> <p>11 cases <b>Public accomodation, business practices</b></p> <p>3 cases Threat to ability to rent facility: 44, 63, 64</p> <p>2 cases Not permitted to rent facility: 38, 41</p> <p>2 cases Discrimination in services: 18, d-16</p> <p>2 cases Advertising practices: d-5, d-10</p> <p>1 case Forcibly removed from club: 68</p> <p>1 case Financial practices (bank loan): 12</p> <p>13 cases <b>Other</b></p> <p>5 cases Bias: 26, 42, 43, 45, 55</p> <p>2 cases Denial, attempted denial of funding: d-3, d-11</p> <p>2 cases Discriminatory harassment: 32, 47</p> <p>1 case Censorship: 21</p> <p>1 case Unequal broadcast treatment of sexual orientation issue: 60</p> <p>1 case Violation of constitutional rights: d-2</p> <p>1 case Child custody: d-9</p>	<p><i>Violence and Harassment</i></p> <p>25 cases <b>Verbal abuse, harassment, threats</b></p> <p>18 cases Verbal abuse or harassment: 1, 2, 6, 7, 8, 10, 20, 23, 32, 34, 36, 37, 43, 47, 49, 53, 56, 66</p> <p>7 cases Threats: 11, 17, 22, 52, 61, d-7, d-13</p> <p>10 cases <b>Violence</b></p> <p>4 cases Assault: 3, 17, 68, d-15</p> <p>3 cases Murder: d-1, d-12, d-14</p> <p>2 cases Sexual assault, multiple assailants: 20, d-8</p> <p>1 case Attempted sexual assault: 28</p> <p>3 cases <b>Property damage</b>: 36, 37, 61</p> <p>2 cases <b>Smoke-bombing, tear-gassing</b>: 59, d-6</p>														
<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td>■</td> <td>Employment 31%</td> </tr> <tr> <td>▨</td> <td>Housing 5%</td> </tr> <tr> <td>▩</td> <td>Business Practices 11%</td> </tr> <tr> <td>▧</td> <td>Other 13%</td> </tr> <tr> <td>□</td> <td>Harassment 25%</td> </tr> <tr> <td>▤</td> <td>Violence 10%</td> </tr> <tr> <td>▥</td> <td>Property Damage 5%</td> </tr> </table>		■	Employment 31%	▨	Housing 5%	▩	Business Practices 11%	▧	Other 13%	□	Harassment 25%	▤	Violence 10%	▥	Property Damage 5%
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Some cases presented more than one type of problem. Approximately 60% of the presenting problems were of discrimination, 40% of violence or harassment.

Thus, *One in Ten's* findings indicate that lesbian and gay Alaskans experience these two major types of sexual orientation bias in roughly equal numbers. That we show a significant difference between the two in *Prima Facie* is most likely due to the non-random nature of this survey.

Another possible reason for the difference is that we received a far lower proportion of reports of verbal abuse than did *One in Ten*, where verbal abuse—reported by 58% of *One in Ten's* respondents (Identity, 1986: pp. 15, 39)—was found to be by far the most prevalent form of sexual orientation bias encountered in Alaska. It is likely that victims of bias are far less likely to report verbal abuse in a survey of this nature than they are to report more substantial incidents which affect their lives more thoroughly. But it is interesting to note that in over half the cases of verbal abuse cited by *Prima Facie* respondents, the verbal abuse was accompanied by another, more serious form of bias, such as discrimination, threats, or violence. Seemingly a trivial complaint, verbal abuse in fact is frequently an indicator that an agent of bias is willing to go further with her or his prejudice.

**How Agents of Bias Learned of Respondents' Actual or Presumed Sexual Orientation**

As stated previously, establishing *prima facie* evidence that discrimination has occurred requires that three things be shown: 1) that harm has occurred; 2) that the harm was discriminatory in nature; 3) that the complainant is a member of a class against which discrimination is prohibited. This last requirement is irrelevant to the present study, since sexual orientation discrimination is not illegal in Alaska; nevertheless, because gay men and lesbians can "pass" as heterosexuals, to prove sexual orientation bias it is necessary to prove that the agent of bias was aware of the respondent's sexual orientation (or presumed sexual orientation) and that this knowledge led to the action of bias. Table 3 shows a breakdown of the methods by which victims' sexual orientation (or presumed orientation) became known to the agents of bias. Because we were unable to interview victims in the cases from documentary sources to obtain this information, Table 3 includes only those cases which were derived from personal testimony.

By far the most likely source of knowledge—representing 20 personal testimony cases—on the part of agents of bias about respondents' sexual orientation was **by way of rumors or assumptions about respondents from their appearance or behavior**. For example, in two cases (#s 12 and 24) the discriminating parties apparently assumed the respondents were gay because they were unmarried men sharing households with other unmarried men. One man (#19) was apparently assumed to be gay when he wore an earring during an interview. In one instance (#3) a male respondent told a male friend he was a "really good-looking guy," whereupon the friend became upset and assaulted the respondent. While at first glance it might seem the respondent's statement constituted a disclosure of his sexual orientation, in point of fact he simply made an observation which anyone, gay or nongay, could have made.

**Table 3.** How Agent of Bias Learned of Respondent's Actual or Presumed Sexual Orientation

20 cases	Rumors, assumptions from appearance or behavior, agent of bias "just knew" or "guessed": 3, 6, 8, 9, 10, 12, 14, 16, 19, 20, 23, 24, 40, 48, 54, 56, 61, 66, 67, 68	
13 cases	Lesbian/gay-related organization itself was victim of bias: 22, 25, 38, 41, 42, 43, 44, 45, 46, 59, 60, 63, 64	
11 cases	Respondent was involved in lesbian/gay-related organizations, activities or equal rights work: 2, 4, 5, 11, 21, 34, 47, 49, 50, 51, 62	
9 cases	Respondent came out to someone close to situation: 1, 13, 27, 29, 31, 33, 35, 39, 57	
6 cases	Someone outside of immediate situation informed the agent of bias about respondent: 7, 15, 26, 28, 30, 58	
4 cases	Respondent was at or in a lesbian/gay-related location, such as a gay bar: 36, 52, 53, 55	
5 cases	Unknown: 17, 18, 32, 37, 65	

This table includes only cases derived from personal testimony. Each case appears only once in the table.

In some cases it is rather ambiguous as to what exact clues led agents of bias to their conclusions; nevertheless, it can be seen that they had somehow made conclusions about sexual orientation from the appearance or behavior of respondents, and were willing to take discriminatory or abusive action without further information.

In eleven personal testimony cases, respondents became victims of bias because they were **involved in lesbian/gay-related organizations, activities, or equal rights work**. While in one case (#21) the respondent's activity consisted simply of playing a song, "Hopelessly Heterosexual," over the air at the radio station at which he worked, most of these cases were reported by respondents who were active in organizations or activities which were publicized; for example, one woman (#4) was refused a job interview because she was a member of the Alaska Gay Coalition and was due to testify in the widely-publicized Anchorage Blue Book court case (see also Case #d-2). Three cases—one verbal abuse and two attempted employment discrimination (#s 49, 50, and 51, respectively)—came out of the respondents' participation in a single event, the 1986 Freedom March for Lesbian and Gay Rights, in which only 69 marchers had taken part.

In thirteen cases from personal testimony, a **gay/lesbian-related organization or business itself** was the victim of bias. Organizations experienced such things as discrimination in rental of commercial real estate, one-time rental of facilities for recreational or arts events, a bomb threat, and a smoke-bombing. (And in cases from documentary sources, gay/lesbian-related organizations also experienced violation of constitutional rights, discrimination in public funding practices, discrimination in advertising practices, and a tear-gassing.)

In nine personal testimony cases **respondents disclosed their sexual orientation to someone who was close to the situation**. For example, a bookstore employee (#31) came out to a co-worker, who went to superiors with the information about the respondent's sexual orientation. The respondent was subsequently fired. In several instances, the persons to whom the respondents came out were themselves the agents of bias.

In six cases from personal testimony, **someone outside the respondents' immediate situation told the agent of bias about the respondent**. For example, in one case (#30) the respondent's employer heard allegations about the respondent from an Anchorage police officer, who in turn received his information from the Fairbanks police. In another case (#7), a conference organizer advertised a teacher's participation in a lesbian/feminist panel in a statewide newsletter—in violation of an explicit agreement between her and the teacher.

In four cases from personal testimony, the **respondent was at, or seen at, a lesbian/gay-related location**, namely a gay bar. Three of these cases were of harassment and/or verbal abuse; in a fourth (#36), the respondent, a serviceman, suffered several months of investigation as well as harassment, property damage, and discrimination as a result of being seen at a gay bar by another serviceman.

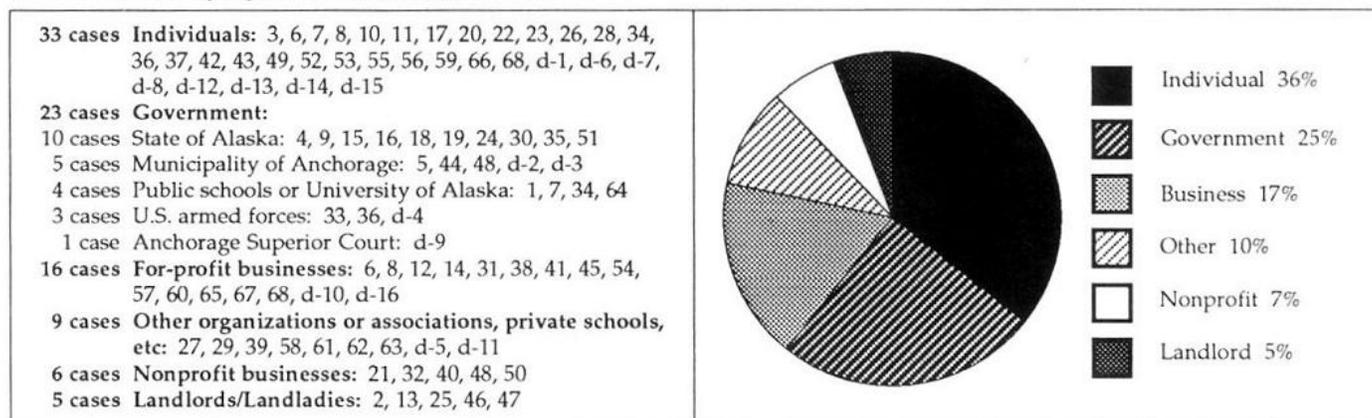
In five personal testimony cases the method whereby the agent of bias gained his or her knowledge about the respondent was **unknown**. These cases either were reported on questionnaires where the respondent did not provide full information, or the respondent's simply did not know about how their victimizers learned about them. These cases, however, clearly demonstrated actions based on the victimizers' knowledge of the respondents' sexual orientations.

### Agents of Sexual Orientation Bias

Table 4 shows the breakdown of cases by the agent or agents of sexual orientation bias. Some cases appear in more than one location in this table because they involve more than one type of agent of bias. For example, respondents frequently suffered from abuse, harassment, and/or violence at the hands of individual victimizers while at the

same time they experienced discrimination from an organization or business.

**Table 4.** Cases by Agent of Sexual Orientation Bias



In some cases more than one agent of bias was involved.

The largest category of agents of bias consisted of **individuals**. In each of these 33 cases, these individuals demonstrated their bias through verbal abuse, harassment, or violence, including bomb threats, rape threats, death threats, property damage, smoke-bombing, tear-gassing, assault, rape or attempted rape, and murder. Many cases involve individuals acting alone; in a few cases two or more individuals acted together as a team, for example, in the case (#11) in which a mother/daughter team for about a month harassed the three founders of an organization for friends and families of gays and lesbians, or in the two cases (#s 20 and d-8) in which groups of men cooperated in gang-raping gay male victims. In some cases, respondents experienced a rash, sometimes lasting several months, of harassment and abuse from many individuals who may have been acting on their own but who may have been loosely organized for the specific purpose of harassing lesbians and gays or those assumed to be.

The second largest category of agents of bias in the cases presented here included **government or government-sponsored institutions** such as public schools and universities. Agents in 10 of these 23 cases were officials or agencies in state government, followed by five involving the Municipality of Anchorage, four involving public schools or the University of Alaska, three involving the United States military, and one involving the Anchorage Superior Court. All these cases represent some form of discrimination; none of the institutions, as institutions, participated in violence or harassment. Occasionally an official acted unilaterally in discriminating, as when a supervisor with the Alaska State Troopers (#35) refused to hire a lesbian respondent unless she agreed to avoid gay bars. More often authorities or officials acted as a group to discriminate, such as when the Alaska Women's Commission (#15) decided to hire a respondent, adjourned the meeting, and then permitted a commissioner to change her vote because it had been learned, after adjournment, that the respondent was a lesbian.

Sixteen cases originated with **private for-profit businesses**. Eight of these cases involved employment discrimination—threatened firing, firing, or not hiring a respondent—while two consisted of actual or threatened discrimination in one-time facilities rental (one of these cases, #38, involved all three Anchorage roller-skating rinks), one of unequal broadcast coverage of gay/lesbian issues, one of public accommodations discrimination, one of discrimination in advertising practices, one of discrimination in services, one of threatened discrimination in loan practices, and one of bias.

**Other organizations or associations** accounted for nine cases. With one exception, these cases involved discrimination in employment (including unpaid, or volunteer, employment), one-time facilities rental, or the advertising or funding practices of organizations so widely varied as to include the campaign organization of a political candidate, a secretarial/business school, a non-traditional health care society, a youth club for girls, a Presbyterian-affiliated college, a welcome service, and a university student government association. The exception, the single organization included in this miscellany which intentionally practiced harassment (including threats and property damage), was a hate organization, the "Anti-Fag Society" at the University of Alaska, Fairbanks (#61).

**Nonprofit agencies** comprised the agents of bias in five cases. Employment discrimination was the complaint made against them in three cases, censorship and bias in one, and discriminatory harassment in another.

In five cases the agents of bias were **landlords and landladies**. In two of these cases the respondents were evicted, in another two a lesbian/gay organization was prevented from renting commercial real estate (although one of these cases, #25, was later resolved in the organization's favor). The last housing case (#47) involved a property manager's discriminatory harassment of a respondent and her female partner; the harassment ultimately led to the two women's move to another location.

The most striking thing shown by these facts about the agents of bias in our cases is the relationship between categories of agents of bias and the types of bias they engaged in. As was pointed out earlier, individuals acting either alone or in concert are the most frequent perpetrators of harassment and violence. The Anti-Fag Society at UAF can be interpreted as a "formalization" of group bias activity which occurred more "informally" elsewhere. On the other hand, government and the various forms of business, whether profit or non-profit, tend more towards discrimination when engaging in acts of bias.

## ANALYSIS

### Discrimination

In a 1983 interview with the lesbian/gay public affairs radio show *Lesbian and Gay News Review* (later *Out in the North*), Paul Connerty, Executive Director of the Anchorage Equal Rights Commission, was asked if the Equal Rights Commission received very many discrimination complaints from lesbians and gay men. Connerty replied:

We have had inquiries made, and of course we have to inform persons that the [equal rights] ordinance does not provide a protection, and that we cannot process complaints on that basis. Pretty much that is about the only alternative in terms of providing information that we can offer at this point. There is not legal protection for persons suffering discriminatory action because of a sexual preference. I think it's pretty well-known in the gay and lesbian community that Title V [the equal rights ordinance] does not address discrimination for those reasons...so I think that has an effect on the lack of number of calls. I would say there'd be a handful of inquiries in the year—five to ten from persons that simply are trying to assess whether or not the ordinance provides protection. That's in the form of inquiries only. (*Lesbian and Gay News Review*, 1983)

That calls from gay men and lesbians to the Anchorage Equal Rights Commission were in the form of "inquiries only" reflects the fact, previously mentioned, that human rights commissions in Alaska are constrained from accepting complaints of sexual orientation discrimination. If indeed widespread awareness of this fact within the lesbian/gay community leads its members to make fewer inquiries (see Note 2), sexual orientation discrimination is rendered ever more inconspicuous to the majority of Alaskans.

The relative invisibility of antigay discrimination is largely due to the invisibility of gay men and lesbians themselves. Unlike many other groups, such as Native Alaskans, blacks, Hispanics, or Asians, gays and lesbians have the ability to "pass," and frequently if not usually choose to do so in order to avoid discrimination.

As was stated previously, the most frequent method by which *Prima Facie* respondents' actual or presumed sexual preference became known was by way of rumors or assumptions about them. One respondent (#24) who became a target of discrimination in this manner raised an interesting point: though in his case the rumors of his gayness were true, he said, it was quite conceivable that a nongay person could be similarly victimized.

This possibility was addressed in a two-year study of sexual orientation discrimination complaints put forth by the City of New York Commission on Human Rights:

...During the two year period covered by the [study], the Commission received 24 complaints from heterosexuals who, because they were perceived to be gay, were subjected to the abusive treatment accorded lesbians and gay men. People tend to think of legislation outlawing discrimination based on sexual orientation as a "special interest" issue affecting only the 10% of the population who are gay. But because one's sexual orientation is not necessarily recognizable, anyone can be seen as gay. As one heterosexual woman who lost her job said: "It's very hard to prove you're not a lesbian." (City of New York Commission on Human Rights, 1983: p. 3)

One *Prima Facie* respondent (#61) told us that he was in fact aware of a nongay student at the University of Alaska, Fairbanks, who was subjected to the same antigay harassment many gay students were experiencing because members of an antigay hate organization had incorrectly identified him as gay. In one case from documentary sources (#d-13), six heterosexual high school students similarly suffered from a misapprehension about their sexual orientations. Of our personal testimony cases, four were presented by heterosexual respondents. Clearly, lesbians and gay men are not the only people at risk of suffering from antigay bias.

Silence about homosexuality goes both ways. Despite the lack of legislative prohibition of sexual orientation discrimination, many discriminators are surprisingly reluctant to admit their antigay bias to victims of discrimination. Two respondents (#s 14 and 40) claimed that supervisors had set them up to be fired. While the reason for the firings appeared to be antigay bias, these supervisors in effect took the "long way around" by seeking (and sometimes, according to our respondents, manufacturing) offenses for which they could write the respondents up. With enough write-ups, the employee could be fired. It is possible that prejudiced supervisors felt compelled to take this "long way around" because their own superiors did not consider sexual orientation an adequate reason to fire an employee.

Examples of a discriminator's reluctance to name the real reason for discriminating abound. When a lesbian carpenter (#57) asked if her lesbianism was the real cause for her dismissal, her employer made repeated denials and would only say he had to "protect the company." Other discriminators attempted to disguise their antigay bias through a variety of methods, sometimes resorting to outright lies.

Occasionally discriminators placed themselves on dangerous ground when they attempted to justify their actions by resorting to already-prohibited forms of discrimination. For example, one respondent, an instructor (#48), felt he had lost his job because his employer had somehow learned he was gay. Though it is still unclear if this was indeed the case, it is altogether possible that the reason she gave for dismissing him—that he had no children, and therefore could not relate well to children in his classes—was a pretext for her real reason in firing him. The problem, of course, is that discrimination based upon an individual's parental status is illegal.

In a similar case (#68), a teen dance club threw out a gay male teenager, ostensibly because he was dancing alone. The bouncer who threw him out freely admitted that girls at the club were permitted to dance by themselves—a statement which put the club at risk of a sex discrimination suit. In yet another case (#12), a bank loan officer told a gay loan applicant she could not give him a loan unless he were married with children. Though the applicant finally obtained the loan, if he had not he could have filed a complaint of marital status discrimination.

While attempts to disguise sexual orientation discrimination were frequent, in other cases discriminators made it very clear that they considered sexual orientation, in and of itself, a legitimate reason to discriminate. For example, one woman (#15) was hired for a position with a state commission—and was immediately "unhired" when commissioners discovered she was a lesbian. Two cases involving schoolteachers (#s 7, 34) were characterized by attempts not only to fire them solely on the grounds of their homosexuality, but also by heated condemnations of them by members of their communities. Despite frequent claims by antigay activists, lesbians and gays generally do not experience discrimination because they act inappropriately (by "coming on to" coworkers or customers, for example) in their jobs, rented homes, or other places where discrimination occurs—rather, they experience discrimination solely because of what they are: lesbians and gay men.

Respondents in many cases experienced discrimination or harassment because of their participation in lesbian/gay rights activities. One supervisor told a respondent (#50) who had just two days before participated in a gay rights march that her employers were concerned about the "political activity" she had engaged in over the weekend. While in this case it seems that "political activity" was used "euphemistically" to describe gay/lesbian equal rights work, in fact political activity is exactly what it was. Sanctions against individuals (gay or nongay) working to secure equal rights for gays and lesbians cuts to the heart of American beliefs about freedom of speech, assembly, association, and the right to petition for the redress of wrongs.

In a very few cases, discrimination issues were resolved to the benefit of respondents. For example, one respondent (#65) successfully continued as a distributor in a direct sales organization after the direct distributor above him had forced him out of the business because he was gay. Using the organization's suggested method for settling disputes, the respondent obtained another sponsor for whom his gayness presented no difficulty.

But while such cases provide hopeful examples, they come nowhere close to alleviating the continuing problem of sexual orientation discrimination.

## Harassment and Violence

There is a tendency when speaking of lesbians and gays and their legal rights to think exclusively in terms of discrimination — in employment, housing, business practices, etc.

But gays and lesbians face another problem of equal gravity—the problem of bias crimes. Commenting on the 1985 murder of Ray Barker (#d-14) a gay man, by Matthew Decker and Charles Cole, Anchorage Assistant District Attorney Gail Fraties told *Out in the North* radio:

...Given the fact that the gays...have some problems with certain segments of the community that will not grant them equal status and will not recognize that they are not the manifestation of sin of some sort, but rather people with a different sexual orientation..., I suppose the idea is that the gay individual would be too embarrassed or would have some difficulty in contacting the police over the fact that a young man he picked up had robbed him. And in that sense I think that gays are very vulnerable. Because whether or not that is true—and it's been my experience that gays are not only law-abiding but they're quick to turn to the authorities if they have problems—but as long as there are savages like these that believe that gay men are more susceptible to this sort of thing, [gay men are] going to have their problems with them. (*Out in the North*, 1985)

Awareness of bias crimes seems to be on the increase throughout the nation. The problem was defined in a 1987 study commissioned by the National Institute of Justice, an agency of the U.S. Department of Justice:

Bias crimes, or hate violence, are words or actions designed to intimidate an individual because of his or her race, religion,

national origin, or sexual preference. Bias crimes range from threatening phone calls to murder. These types of offenses are far more serious than comparable crimes that do not involve prejudice because they are intended to intimidate an entire group. The fear they generate can therefore victimize a whole class of people. Furthermore, our country is founded on principles of equality, freedom of association, and individual liberty; as such, bias crime tears at the very fabric of our society. (Finn and McNeil, 1987: p. 1)

The report went on to say:

The most frequent victims of hate violence today are blacks, Hispanics, Southeast Asians, Jews, and gays and lesbians. Homosexuals are probably the most frequent victims. Verbal intimidation, assault, and vandalism are the most commonly reported forms of hate violence.

For the most part, the criminal justice system—like the rest of society—has not recognized the seriousness of the hate violence problem. Police officers, prosecutors, and judges tend to regard most incidents as juvenile pranks, harmless vandalism, private matters between the involved parties, or acceptable behavior against disliked groups. (Finn and McNeil, 1987: p. 2)

Harassment and violence based on sexual orientation bias are not uncommon in Alaska. The cases presented here represent cases ranging in seriousness from verbal abuse to murder. Alaska's record of dealing with such cases is mixed at best. Respondents several times complained of law enforcement officials' seeming indifference to harassment and violence directed at them. One example can be found in the case (#37) of the lesbians (including the reporting respondent) who were continually harassed by a prejudiced neighbor. The respondent told us that Alaska State Troopers seemed to have little interest in pursuing complaints against the neighbor, even when they matched the paint on the neighbor's truck with paint residue left on her car's bumper after it had been rammed and pushed into a ditch. In the case of the gay teenager (#68) who attempted to press assault charges on the bouncer who threw him out of the teen club, authorities failed in their promise to contact him about the incident.

In all fairness, the criminal justice system in Alaska is sometimes quite vigorous in dealing with crimes against gays—most notably in the prosecution and stiff sentencing of the murderers of Oscar Jackson (#d-12) and Ray Barker (#d-14). Yet the killer of Peter DiSpirito (#d-1) was sentenced to only one year's imprisonment; it is reasonable to suppose that the judge in the case was sympathetic to the defending attorney's argument that DiSpirito was a "wolf" and that his killer had panicked when DiSpirito made sexual advances towards him.

Cases like DiSpirito's apparently occur in the United States with some frequency. According to the National Institute of Justice study:

Prosecutors...need to learn how to deal with the "homosexual panic" or "gay advance" defense (claiming self-defense or temporary insanity in response to a sexual advance) which has resulted in lenient sentences or acquittals for defendants charged with assaulting or murdering gay men. At the end of one trial in which this tactic was used, the judge was reported to have told the jury that "If this had not been a jury trial, my decision would have been different from yours....I would have found first-degree murder." In addition, defense attorneys have increasingly exploited fear about AIDS to help win acquittals in gay-bashing cases. (Finn and McNeil, 1987: pp. 34-35)

### **AIDS Hysteria and Sexual Orientation Bias**

The Commission on Human Rights of the City of New York found a 100% increase in sexual orientation discrimination in the second year of its study over the first year.<sup>2</sup> This included a dramatic increase in antigay violence, from 30 reported incidents in the first year (October 1983 to mid-November 1984) to 154 in the second (mid-November 1984 to October 1985). The Commission wrote:

...The Commission is certain that AIDS has provided the basis, the "permission" if you will, for increased discrimination against homosexuals. Fanning that fire, there was unprecedented publicity about AIDS in the past year. The media, prompted by the recognizable face which Rock Hudson's diagnosis and death placed on the spectre of AIDS, provided coverage on AIDS which at times displaced all other news. The effect this coverage had upon gay men and lesbians in New York City is verifiable by a glance at the increased statistics. (City of New York Commission on Human Rights, 1985: p. 3)

Somewhat surprisingly, only one case in our study was AIDS-related—that of a lesbian respondent (#26) whose co-worker asked if she intended to "give everyone AIDS" by donating blood at a local blood bank. This case is particularly remarkable because lesbians are widely recognized as the population group probably least at risk for contracting AIDS.<sup>3</sup>

But the potential for AIDS as an "excuse" for antigay bias in Alaska is quite real. As stated by former Anchorage Mayor Tony Knowles in an interview in 1986, "I think indeed the whole question of AIDS has probably made the

likelihood of unreasonable discrimination [against gays and lesbians] more realistic than ever before" (*Out in the North*, 1986). This analysis seems to be confirmed by popular opinion as expressed in several controversies that have recently taken place in Alaska where AIDS was used as a rationale in fighting against public funding for a community theater organization which produced lesbian/gay plays and against the possibility of prohibiting sexual orientation discrimination in Anchorage. Some respondents to *Closed Doors* (also in this volume) gave AIDS as a fundamental reason they would feel justified in discriminating against lesbians and gays.

AIDS as "permission" to discriminate seems to be based by many on a misapprehension that AIDS is "caused" by homosexuality rather than by the human immunodeficiency virus (HIV) that in reality causes it—a virus with which anyone, gay or nongay, can become infected (but which, if certain practices are refrained from, can also easily be avoided). One respondent to *Closed Doors* asserted that homosexuality was "the cause of the plague of the century. AIDS! 100% Mortality Rate Can't Be Wrong" (see Appendix C). An opponent of funding for Out North Theatre Ensemble claimed similarly that Out North represented "arts that encourage the lifestyle responsible for [the AIDS epidemic]" (Tigner, 1985).

Ironically, another opponent of state funding for the theater organization, state Senator Paul Fischer, also attacked a grant to Identity, Inc., "a non-profit organization whose main emphasis is the advancement of the gay and lesbian movement" (*Peninsula Clarion*, 1985). What Fischer neglected to mention was that the grant in question, \$40,000 in federal monies disbursed through the Alaska Department of Health and Human Services, was for the Alaska AIDS Project, an educational project aimed at reducing or eliminating the spread of AIDS among gay and bisexual men. Despite indications that the Project's programs were having some success, the Project died in the fall of 1986 for lack of further funding.<sup>4</sup>

## Conclusion

Although it has been widely documented that antigay violence, harassment, and discrimination have increased in recent years, at least partly because of "AIDS backlash"<sup>5</sup>, it is not known if Alaska is also subject to this trend, largely because the problem of sexual orientation bias has not been consistently studied in Alaska. While the Alaska State Commission on Human Rights has determined that existing law prohibits discrimination based upon a person's AIDS status, and will accept complaints of discrimination on those grounds, AIDS-related discrimination has also not been heavily studied in Alaska. Unfortunately it has not been within *Prima Facie's* scope to specifically study this question.

But whether sexual orientation bias is on the rise in Alaska, whether "AIDS backlash" is a significant factor in such bias, one fact stands clear: Alaska is not immune to such bias. Alaskans are losing jobs, are being forced to move, are experiencing difficulties in obtaining services, are being subjected to verbal abuse, threats, assault, and even murder simply and solely because they are—or are thought to be—gay or lesbian.

The question remains: What, if anything, will be done about it?

## Notes:

1. These figures are based upon the three tables, "Total experience of violence and harassment while in Alaska because of sexual orientation," "Total experience of job, housing, loan/credit discrimination while in Alaska because of sexual orientation," and "Total experience of discrimination from services and institutions while in Alaska because of sexual orientation" on page 41 of *One in Ten*.
2. During the second year of the study, nearly 33% of all complaints of discrimination received by the City of New York's Commission were complaints of sexual orientation discrimination. According to the Commission's report, "This means that sexual orientation discrimination is now the most common type of problem brought to the Commission by the public." "These figures become more impressive when one remembers that gay men and lesbians tend not to report discrimination. One obvious reason for this is that many gays and lesbians are aware that their civil rights are not protected. Therefore they do not even attempt to report discrimination. Moreover, in the absence of protective legislation, fear of revealing a non-heterosexual orientation acts as a strong deterrent [sic] to reporting — especially to a government agency and particularly when the complaint involves employment." (City of New York Commission on Human Rights, 1985: pp. 1-22; emphasis in original) At the time of the Commission's study, sexual orientation discrimination in New York City was not prohibited except in city agencies (1985: p. 4).
3. Lesbians are seldom mentioned in books and media stories about AIDS for this very reason.
4. This information came from a May 29, 1988 telephone conversation between Melissa S. Green and Jim Petersen, formerly Director of the Alaska AIDS Project, Identity, Inc.
5. See, for example, Werthemer (1988), National Gay Task Force (1984), and National Gay and Lesbian Task Force (1988).

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