

PRIMA FACIE

DOCUMENTED CASES OF SEXUAL ORIENTATION BIAS IN ALASKA

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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.

- d-12. M, 43: *Murder of Oscar Jackson by William M. Justice* 12/21/84
Justice is convicted on charges of first degree murder and related charges in the murder of Jackson, a gay man; Justice is sentenced to sixty years' imprisonment.
- d-13. Two F, four M, high school-aged: *Harassment, property damage, rape threat* 2/1/85
Six high school students are harassed and threatened by two young men yelling antigay remarks and obscenities.
- d-14. M, 55: *Murder of Raymond Barker by Charles Cole and Matthew Decker* 4/3/85
Cole and Decker are convicted of the murder of Barker, a gay man they befriended in an Anchorage gay bar.
- d-15. M, 20: *Assault* 11/12/85
A gay student is assaulted by another student wielding a machete and a baseball bat.
- d-16. Systemic: *Discrimination in services (dating agency)* 3/87
A dating agency advertises its services as being "exclusively for people interested in the opposite sex."

CASE SUMMARIES

Reading the cases. Cases from Personal Testimony are followed by Cases from Documentary Sources. Within these divisions, cases are arranged in chronological order by the date each case began, except for the five personal testimony cases from 1985 reported by Out North Theatre Ensemble, which are grouped together. For cases reported by individual respondents, each respondents age at the time the incident began (if available) and sex is given.

Information within quotation marks represent statements made by respondents, statements attributed by respondents to other individuals involved in their cases, or quotes from documentary materials. In some instances quotes include obscene or derogatory language; while objectionable, we have chosen not to delete such language if its occurrence was relevant to a case.

CASES FROM PERSONAL TESTIMONY

(Questionnaires and Interviews)

Male, 21

* 1 — VERBAL ABUSE, HOUSING DISCRIMINATION (STUDENT HOUSING) November 1975

Subject was a freshman at the University of Alaska, Fairbanks. Subject was in the coming-out process (i.e., had just become aware that he was gay) and had just become involved with a gay social organization on campus. He and his roommate had become friends, and Subject decided to tell his roommate he was gay. When he told his roommate, his roommate became irate; he "just screwed up his face in rage, turned red, and started shouting really ugly things" at Subject. The roommate said Subject could not share a room with him and told him to get out. Subject asked him why he didn't move, since he was the one wanting a change in roommates. The roommate insisted that Subject be the one to move. The roommate told many others in their dorm that Subject was gay.

Subject went to the campus housing authority and told them what had happened. They immediately offered him a single room. Subject thought this was unusual, as single rooms were not normally available to freshmen. He declined a single and eventually found a roommate in another dorm who had no problems with him being gay.

Subject notes that normally when there is a problem with roommates, the roommate with the complaint is the one expected to move. He was forced to move during the midterm examination period, which caused him difficulty with his studies.

** This case would be jurisdictional under an expanded AS 18.80.*

Female, 23

* 2 — VERBAL ABUSE, HOUSING DISCRIMINATION (APARTMENT) Late 1975 to February 1976

Subject lived in a basement apartment in Anchorage with two roommates, who were also lesbians, and the three-year-old son of one of the roommates. The upper level of the building was occupied by the female owner of the building, her child, and her boyfriend. Subject occasionally held support group meetings for lesbians in her apartment. She was also active in community organizing in the lesbian/gay community in Anchorage.

The female owner of the building frequently visited the Subject's apartment. She was especially friendly with Subject's roommate G, because both women had a child. The owner's boyfriend discovered that Subject and her roommates were lesbians. Over a period of about two months he became abusive to Subject and her roommates, and began frequently to call them "dykes" and other names. He forbade the owner from coming downstairs to visit with them. She still came down sometimes when he was gone; when he found out, Subject says, he "made a big fuss."

Subject became active in the early stages of the writing of a municipal human rights ordinance, which would prohibit discrimination on the basis of, among other things, sexual preference. One night the owner's boyfriend had evidently been drinking heavily. Subject was holding a meeting that night in her apartment. The boyfriend began

to stomp on the floor of the upstairs apartment which, Subject states, "literally made it impossible to carry on a conversation." Subject says he stomped so hard that the light over the kitchen sink in her apartment became dislodged, fell into the sink, and broke.

A few days later, on January 21, 1976, the Alaska Gay Coalition held a press conference announcing its formation. During the conference Subject "emphatically" stated, "I have no fear of losing my job or my housing," and that "there is strength in openness." The press conference was reported in local media.

Shortly afterwards the owner's boyfriend came down and told Subject that the rent on her apartment was being raised. Her roommate G asked how much the rent increase would be. He gave a figure of about \$125 to \$150 per month. G asked when the increase would take effect. He said, "Listen, I just want you guys out of here." When G asked why, he claimed that they were going to remodel the apartment. The owner herself would not speak with Subject or G.

Subject went back to her apartment and called the executive director of the Anchorage Human Relations Commission (now the Anchorage Equal Rights Commission). She told him she was being evicted and asked for his advice. He told her there was no legal recourse she could take to prevent the eviction. He said there was no law on the books to protect her. He suggested she call the newspapers.

Subject and another member of the Alaska Gay Coalition subsequently met with a newspaper reporter in a cafe. The reporter told Subject, "I just wish there was some way that I could make this into a story, but it's just so damned insidious." No story was written on the case.

Subject and her roommates were evicted.

** This case would be jurisdictional under an expanded AS 18.80.*

Male, 21

*** 3 — PHYSICAL ASSAULT Spring 1976**

Subject, a student at the University of Alaska, Fairbanks, was friends with another male student. The friend invited Subject to sleep over at his room during Spring Break, when the friend's roommate was gone. Subject thought that his friend might "like" him.

They went to the friend's room, which was on the second floor of his dormitory, to talk and to discuss the arrangements for Spring Break. During their talk Subject told his friend that he thought he was a "really good looking guy." The friend became upset. He began to hit Subject and shouted things like "I'm not like that." As he hit Subject, he began pushing him towards the window, which was open. Subject thought he was trying to push him out the window. He braced himself against the window frame, restrained his friend, and finally managed to calm him down. The friend told Subject that he had admired Subject but couldn't believe he was "one of those" and could not respect him anymore. Subject left the room.

Subject says his friend avoided him from then on, and says he no longer felt welcome in that dormitory because of the tension there every time he went, due to the fact that his friend had told many residents that Subject was gay.

** This case would be jurisdictional under an expanded AS 18.80 (hostile environment).*

Female, 23

*** 4 — EMPLOYMENT DISCRIMINATION (STATE OF ALASKA, ALASKA COURT SYSTEM)
August 1976**

In 1976 the Alaska Gay Coalition (AGC), in which Subject was active, had applied to be included in the Anchorage Blue Book, a public service guide to Anchorage-area public and private resource agencies published by the Municipality of Anchorage. In July when the Blue Book was published without the AGC listing, AGC filed suit against the Municipality, claiming its constitutional rights had been violated. The case was heard in Anchorage Superior Court in August 1976 [see "Cases from Documentary Sources," Case # d-2.]

Subject had applied for a job as a courier with the Alaska Court System. After she had been scheduled for a job interview, she learned that she had been scheduled to testify in court on the Blue Book case on the same day.

She called her potential employer and explained that she had just learned of another commitment and needed to reschedule her interview. The interviewer asked if she was certain her other commitment would take all day. Subject answered that she had been told to keep the entire day free for it. The interviewer asked what the other commitment was. Subject said she was to make a court appearance. The interviewer asked what the court appearance was in regards to. Subject replied that she had been asked to testify in the Blue Book case. The interviewer asked what her connection with the Blue Book case was. Subject replied that she was a member of the Alaska Gay Coalition. The interviewer then said, "Well, I think I'll just let this one go," and refused to schedule an interview.

** This case would be jurisdictional under an expanded AS 18.80.*

Male, 44

*** 5 — EMPLOYMENT DISCRIMINATION (MUNICIPALITY OF ANCHORAGE,
ANCHORAGE EQUAL RIGHTS COMMISSION) Early 1977**

From 1975 to 1976 Subject was Director of the Anchorage Human Relations Commission (now the Anchorage Equal Rights Commission).

During a controversy in early 1976 over a proposed human rights ordinance, which included prohibition of sexual preference discrimination, Subject represented the Commission to the Assembly, and was frequently mentioned in the media. In early 1977 a human rights ordinance was ultimately passed, without inclusion of sexual preference as a protected status.

At this time the terms for some of the Commissioners expired. In appointing replacements for them, the Mayor stated he didn't want anyone on the Commission who would "embarrass" him by bringing up the issue of sexual preference or orientation again.

Under the human rights ordinance that was in effect when Subject was hired as Director, he served at the pleasure of the City Manager; under the new ordinance he would be serving at the pleasure of the Commissioners. Due to the Mayor's appointments, however, the majority on the Commission had changed. The Commissioners told Subject he didn't work for them, and they wanted to hire their own Director. Subject says his job "disappeared" in the transition between the two ordinances. The Commission opened up the position and advertised it in the newspapers. Subject applied but came in as second choice for the position.

Subject believes he lost the position because the new Commissioners, following the Mayor's lead, did not want a Director who would be an "embarrassment" to the current administration. Subject felt he was considered a liability by the Mayor and new Commissioners because of his public support, on the Commission's behalf, of the inclusion of the sexual preference clause in the human rights ordinance.

** This case would be jurisdictional under an expanded AS 18.80.*

Male, 25

*** 6 — VERBAL ABUSE, EMPLOYMENT DISCRIMINATION (BAR) 1977**

Subject had excellent recommendations and was hired on the spot at a small neighborhood bar. Some of the regulars at the bar gave him a hard time, three of them in particular. On his sixth day there, one of them said something about "the faggot behind the bar." The next day when he came in to work he was fired.

** This case would be jurisdictional under an expanded AS 18.80.*

Female, 30

*** 7 — EMPLOYMENT DISCRIMINATION (ANCHORAGE SCHOOL DISTRICT),
HARASSMENT, VERBAL ABUSE September to January 1978**

Subject had been a school teacher with the Anchorage School District (ASD) for three years. She had been tenured for one-and-a-half years, and had consistently received above average ratings on her evaluations. She and her female partner were both active in the Anchorage lesbian/gay community. Both participated on a lesbian/gay speakers' bureau, which provided speakers to churches and community organizations on the subject of homosexuality. They decided to have a holy union ceremony through the Metropolitan Community Church (which has a strong lesbian/gay outreach) in the summer of 1977.

In the spring of 1977 an Anchorage feminist, L, invited them to be on a lesbian/feminist panel during an event to be held at a local church. L asked if they would be willing to have their names published in a flier for the event. Subject and her partner agreed, on the understanding that the fliers would be distributed only at the event itself.

Contrary to this agreement, L had their names published in the March issue of *Sourceline*, a feminist newsletter which was distributed statewide. Subject learned of this when she went to a teachers' inservice training on Title IX, which was attended by all the staff from her school and two other Anchorage schools. Subject's name and that of her partner were mentioned in a story about the panel, which appeared in the center of the newsletter. The story also said that Subject was an Anchorage teacher, and announced that she and her partner would be celebrating a holy union that summer.

Towards the end of the school year Subject was called to meet with her superintendent. Subject attended the meeting with her union representative. Also present were the assistant superintendent, principal, and personnel director. They pointed out to Subject that it was unwise to be so publicly a lesbian when she was also a teacher. She

agreed and told them it had never been her intention to have her name published statewide, and explained that statewide publication of the story was in violation of an explicit agreement between her and L. She told them it would never happen again.

During the summer there was a change in the higher level administration at Subject's school, including a new superintendent and assistant superintendent, both of whom were fundamentalist Christians.

That summer Subject and her partner were housesitting for a friend. By chance, Subject was at her apartment when her union representative called on August 18, about two weeks before the beginning of the new school year. He told her the school district was attempting to reach her, and advised her to make herself unavailable and not to talk with school district officials. When she asked why, he explained the school district wanted to fire her. He said they couldn't fire her, however, because the union, the Alaska Education Association (AEA) was affiliated with a national union (the National Education Association) which prohibited discrimination on the basis of sexual orientation.

ASD continued to try to reach her. Finally Subject went with the union representative on Thursday, August 25, to meet with the new superintendent. The superintendent served her with papers stating that she was being suspended with pay.

Subject and the union representative went to court the following day. Superior Court Judge Victor Carlson, in a case entitled "Jane Doe vs. the Anchorage School District," imposed a ten-day restraining order on ASD, preventing them from suspending Subject. Subject explains that the court's decision was not on the question of whether or not ASD could fire her for being a lesbian; that issue, in fact, was never brought up in court. The issue, rather, was that ASD had violated procedures contained in the AEA contract (i.e., violation of due process of law).

The press learned of the case through routine sifting of court documents, and tried to discover who "Jane Doe" was. The following Tuesday a radio reporter, David Schoup, called Subject and asked if she were willing to talk with him. Subject believes he obtained her name through a member of the Metropolitan Community Church. She asked him to refrain from disclosing her name, and he agreed.

By Thursday, September 1, the story, with her name attached, broke in all the Anchorage media—television, radio, and newspapers, which reported that she had been identified by two parents with children in Subject's class.

Meanwhile, says Subject, the school district had set up her classes so that they were underenrolled. She says they sent some of her students to other classes, leaving her with only eighteen students. Of those eighteen, one belonged in a higher grade and was in her class by mistake; three others would shortly be transferring out because their families were moving. Subject believes ASD was attempting to make it appear that she was an ineffective teacher who couldn't keep her classroom full.

On September 9 the school district fired her on the grounds, Subject says, that she couldn't keep a full enrollment in her classroom. Within three hours Subject obtained a new restraining order. The court's reasoning for granting the restraining order, once again, was that ASD had not afforded Subject due process of law. School district attorney Pete Partnow appealed the decision to the Alaska Supreme Court; on September 12, Justice Warren Matthey upheld the lower court's decision. A long series of negotiations began, involving Subject, the union representative, the School Board, the superintendent and assistant superintendent, and the principal. On September 18 Subject agreed to a temporary non-teaching position with the school district while negotiations continued.

Meanwhile members of the Calvary Baptist Church had begun to seek Subject's termination. On September 2, church members stood outside the school and handed leaflets out to children for them to pass on to their parents. The leaflets were headed, "Your child's teacher may be a homosexual," and advertised a meeting about Subject to be held in the area on the following day. Some of Subject's friends attended the meeting and testified on her behalf.

Subject began to receive hate mail and threatening phone calls. Some came from religious people who wanted to help her "change" or who denounced lesbianism on religious grounds. Others claimed that all she needed was "a good fuck" or a man to teach her "what good sex really is." Other calls and mail came from closeted gays who wanted her help, or from people who wanted to express their support. The preponderance of hate calls forced Subject and her partner to obtain an unlisted phone number.

Subject says newspaper articles and letters to the editor on her case appeared on a daily basis for two or three months. Subject says that fortunately the media never got a photograph of her; as it was, media coverage about her was so heavy that she began to carry cash when she went to stores, because clerks might recognize her name if she used a check or credit card. Her social life was upset by gay people who treated her like a celebrity and "swarmed" her.

The lesbian/gay community held fundraisers for her. She gave the money they raised to the union to help defray her legal costs (the union paid all her legal expenses throughout the events described here). Despite fears on the part of some AEA officials, only two people quit the union because of its support of her.

Meetings with ASD officials continued. The union representative and attorney pointed out to Subject that,

while the school district could not fire her, it had by the AEA contract an unquestionable right to take her out of the classroom and place her in an administrative position, whether she liked it or not. They advised she take a "fallback" position to prevent the possibility of being taken out of the classroom forever. Although she hated the idea of not being able to teach, she and the school district ultimately agreed by contract on January 5, 1978, that she would take an administrative position for three years, after which she could return to the classroom.

Subject worked administratively with state and federal programs for two years. She and her partner then decided to leave Alaska for a year so Subject could take a break from the extreme pressure and stress she had been under since the attempt to fire her. Subject never returned to reside in Anchorage.

The final settlement between Subject and ASD stipulated that 1) ASD would pay her a lump sum of money; 2) ASD would expunge all evidence of the conflict from her records; and 3) ASD would provide her with a letter of recommendation for teaching. Although ASD fulfilled some of its obligations towards her, Subject says she lost one teaching job which had been offered to her, and almost lost another job, because of ASD delays in sending her records to potential employers. Subject says ASD insisted she waive stipulation 2 of the settlement and informed her current employer that she was gay; this information is on file with her current employer's personnel department.

** This case would be jurisdictional under an expanded AS 18.80.*

Male, 25

*** 8 — EMPLOYMENT DISCRIMINATION (BAR), VERBAL ABUSE 1977**

The owner of a small neighborhood bar hired Subject as a bartender/manager. The patrons broke bottles on the bar, called Subject "faggot," and were otherwise belligerent towards him. After a 21-day trial period, Subject and the bar owner mutually agreed that Subject was not working out at the bar. Subject feels that he lost this job due to sexual orientation bias, but felt the discrimination came from the bar patrons, not necessarily the owner.

** This case would be jurisdictional under an expanded AS 18.80.*

Female, 24

**** 9 — EMPLOYMENT DISCRIMINATION (STATE OF ALASKA, EQUAL EMPLOYMENT OFFICE)
July 1979**

Subject was employed in a temporary position with the State of Alaska Equal Employment Office in 1979. Subject did not tell her supervisor that she was a lesbian, but never hid the fact.

When Subject's boss was on vacation, her supervisor was in charge of the office. Her supervisor had checked out a tape recorder from the Alaska State Film Library. Subject took a call from the Library saying that the tape recorder was overdue. Subject passed the message on to her supervisor, and told her that she was unable to return the tape recorder herself. The supervisor said that she would return it herself.

When Subject left for lunch, her supervisor was on the telephone. The supervisor picked up the tape recorder and held it out for Subject to take it. Subject shook her head and left for lunch. Nothing further was said about the tape recorder until 4.00 PM, when the supervisor called Subject into her office and gave her a letter stating that she was being terminated for "insubordination."

As a temporary employee, Subject had no recourse. Subject states that when her boss returned and wrote her job evaluation, he said that she had difficulty getting along with her co-workers. Subject protested; her boss backed down and told her all mention of the incident would be removed from her record.

Subject believes her supervisor felt she could terminate Subject without fear of recrimination because Subject was a lesbian.

Subject reported the incident to the State of Alaska Commission for Human Rights.

*** Further information required to determine if this case would be jurisdictional under an expanded AS 18.80.*

Male, 26 / Male, 29

10 — VERBAL ABUSE May 1980

One day around 3.00 PM Subjects were walking hand-in-hand on the bike trail near the intersection of Boniface and Northern Lights in Anchorage. The bike trail was close to the road. A passing car slowed down, and four or five young black men began shouting at them, calling them "faggots" and telling them to "get off our streets." One of them threw a beer can at them, but it missed.

Female, 32 / Female, 51

11 — HARASSMENT, DEATH THREATS Summer 1980

This incident was reported independently by two different respondents.

Subjects were two of the three founders of an organization which counseled and acted as a support group for families and friends of gay men and lesbians. A local newspaper ran a story about the organization and its purpose. The three founders consented to having their telephone numbers published in the article for the benefit of any readers who might want to know more about the organization.

All three began to receive harassing phone calls. One subject states that there were "literally hundreds of calls—day and night." Sometimes the callers would simply call and hang up. At other times the callers, both female, made explicit threats, including "I will throw acid in your face," "I will blow your head off," "I'll burn your house down," "I'll kill your children," etc.

Police put taps on the telephones of all three founders. It took about a month to find the callers, a mother and daughter. They were apprehended, brought to trial, and fined \$100.

One subject was asked by police to identify the callers' voices from tape recordings. The other subject says police did not inform her of the callers' apprehension at all. Neither subject was asked to testify in court. They had to contact the police themselves to find out what had happened.

Male, 41

*** 12 — THREATENED LOAN DISCRIMINATION (BANK) Late 1980**

Subject and his male partner wished to buy a condominium, so they applied for a bank loan. Subject says the loan officer seemed very concerned about his and his partner's marital status (neither was, or ever had been, married). Subject did not feel it was any of her concern, as long as they held good jobs and good credit ratings. He says the loan officer recited the loan policies to him and told him credit risks were higher for single males than for married males. She told him that if he had a wife and children she could give him the loan for the condominium. She told him she could only state this fact off the record. [NOTE: Title V, Anchorage's equal rights ordinance, prohibits discrimination, including in the extension of loans, on the basis of an individual's marital status.]

Subject and his partner persisted in seeking the loan. Subject says the bank's loan committee, which met once a week to consider loan applications, went for a month without taking any action on his loan application. Finally he called the president of another bank, who was a friend of his. He explained that he and his partner had good jobs with good pay and good credit ratings, but he felt the bank was stalling on him. His friend called the president of the bank Subject was attempting to borrow through. The following day the loan was approved.

Subject feels the bank was uncooperative through the entire process. He states that it took about four months to close on the loan, and that much of the last two months everything had been done that needed to be done (credit checks, etc.). He felt the delay was due to his and his partner's sexual orientation, and believes the bank guessed about their sexual orientation without having to be told because they were unmarried men living together.

** This case would be jurisdictional under an expanded AS 18.80.*

Female, 21

*** 13 — HOUSING DISCRIMINATION (ROOM IN SINGLE-FAMILY HOME) October 1980**

Subject was going to school at the Alaska Skill Center in Seward. In September 1980 she moved into a basement room in a single-family house. The upstairs was occupied by D, Subject's landlady, and her 10-year-old daughter. D was also taking classes at the Alaska Skill Center. Subject and D frequently talked, and sometimes they shared meals.

One day in October D brought up the subject of an Anchorage newspaper article about lesbian and gay teachers. D told Subject she thought homosexuals were "disgusting and gross" and that she couldn't understand why they could become teachers.

Subject asked D, "What if your children were around them?" D replied that that would never be permitted. Subject told D she was a lesbian. D became upset; they exchanged loud words, and D ran into her bedroom and slammed the door, leaving Subject with her daughter.

Subject left the house and stayed overnight at a friend's. When she returned to the house, D told her she would have to move out. Subject moved to her friend's house.

Subject occasionally saw D or D's brother (who, Subject says, was also gay) around the school, but they did not speak with each other. Several months later, just before Subject would graduate and leave Seward, she met D in a hallway. Subject says she turned away from D because she didn't want to get into an argument, but when D said,

"Hey, wait a minute," she turned back towards her. "Hey, you know what?" D asked her. "I was wrong in what I did." Subject says she felt touched by D's statement.

[†] *This case demonstrates prima facie evidence of discrimination; however, it would not be jurisdictional even under an expanded AS 18.80 because discrimination is permissible in owner-occupied housing.*

Male, 30

**** 14 — EMPLOYMENT DISCRIMINATION (BAR) Late 1980**

Subject worked at a large bar, which had three managers and one general manager. Subject felt that one of the managers, G, took an immediate dislike to him because, as one of the waitresses told him, G did not like homosexuals. Subject was not particularly worried because the bar manager, R, who was directly over him, acted as a buffer between G and Subject.

Subject worked there for a short time, then decided to take a job at another bar because he thought he would make more money there. He worked there about nine weeks, but discovered he didn't like it there. Meanwhile R was asking him to come back to the first bar, and Subject finally accepted.

Shortly after his return, R was promoted and moved to a different location. G was now Subject's manager.

During the Christmas season a friend of Subject's came in. She stayed for about an hour, during which time she drank three glasses of wine. G evidently believed that Subject was serving her free drinks, because he approached her and demanded that she show him the receipts for her drinks. Subject says that his friend had purchased the first glass of wine when she first entered the bar, and had long since thrown the receipt away; the other two glasses were purchased for her by other patrons, who therefore had the receipts. Subject says that G "jumped all over" his friend and told her to leave the bar. Both Subject and his friend were shocked a G's behavior, which Subject attributed to G's dislike of him.

During a Christmas party at the bar G called Subject, who was on his day off, and asked him to come and work because the bar was very busy. Subject agreed to work. He told G he would be there at 2.00, but was unable to get there till 2.04. G wrote him up for being late to work.

On another day Subject punched in late because he had not been given a time card. G wrote him up again.

One night soon after, after closing, Subject routinely cashed out his bank of \$300. When he returned two days later (after a day off) he found that his bank was exactly \$100 short. He was not accused of stealing, but of making a serious counting error. He says that if he had been working with a bank of \$3000, a mistake of that nature might be possible, but it was difficult to make such an error when dealing with only \$300. Subject says no other employee was supposed to use that bank, and the only other person with a key to the safe it was kept in was G. He was written up once again.

Because this was his third write-up, Subject was fired. Subject believes that G set him up to be fired because he disliked him because he was gay.

*** Further information required to determine if this case would be jurisdictional under an expanded AS 18.80.*

Female, 49

*** 15 — EMPLOYMENT DISCRIMINATION
(STATE OF ALASKA COMMISSION ON THE STATUS OF WOMEN) 1981**

Subject applied for a position with a Alaska State Commission on the Status of Women (now the Alaska Women's Commission). Eighty women applied for the position and six, including Subject, were interviewed. She states that it finally came down to a decision between her and another woman.

The Commission met and voted 4 to 3 in favor of Subject. The meeting was officially adjourned and the Commissioners began to put on their coats to leave. One of the Commissioners mentioned that Subject was a lesbian. Subject believes this Commissioner might have known this because a friend of hers had cleaned Subject's home.

That night one of the Commissioners called the Commission's chairperson at home to say that she had changed her vote to the other candidate. Subject says the Chair had left a message for her to call on her answering machine; had she called back immediately, the job would have been hers. As it happened, Subject did not return the call until after the Chair permitted the vote change. When she did call, the Chair told her the other candidate had been selected for the position. Subject later learned about the vote alteration through another Commissioner.

Subject went to an attorney, who advised her that she had a strong case and could potentially win both the job and money damages, due to the Commission's inappropriate handling of the matter after an official adjournment. Subject says, however, that she did not feel up to a court battle. Instead she asked for an apology and a policy statement that the Commission would never again discriminate on the basis of sexual orientation. The Commission agreed to this compromise.

** This case would be jurisdictional under an expanded AS 18.80.*

Female, 22

*** 16 — EMPLOYMENT DISCRIMINATION (STATE OF ALASKA, ALASKA MARINE HIGHWAY)
July 1981**

Subject was hired by the Alaska Marine Highway in May 1981 for a temporary position which would last until that September. The job required some heavy physical work, such as lifting. One Saturday in July, Subject participated in a softball tournament with her women's softball team. After their games, Subject went with other team members to a local (nongay) bar. They were dancing as a group in a circle when Subject noticed the secretary from her office sitting in the bar watching her. It seemed to Subject that the secretary was watching her wherever she went in the bar. She finally left the bar because she felt as though she had the secretary's "eyes on the back of my head."

When she reported to work the following Monday, Subject noticed that the secretary and their two male co-workers avoided any contact, including eye contact, with her, and they gathered around to laugh at jokes which Subject believes were about her. She says all morning they behaved "like I had leprosy or something."

At lunchtime Subject talked with a friend about the difficult morning she had had. When she returned from lunch, one of her male co-workers gave her written notification that she was being fired on the grounds that she was not strong enough for the job. Subject says that her co-workers had given her no previous indication that she was not "pulling her weight" or that her job performance was less than adequate. In fact, Subject says, she has performed much heavy physical work in subsequent jobs, and has never had any problems with it. Subject believes the real reason she was fired was because the secretary's observation of Subject dancing in a group with female friends led the secretary to believe Subject was a lesbian.

Subject spoke with her supervisor, who worked in another building (and who she had never before seen); he told her that, because she was a temporary employee, she could be fired at any time for any reason.

Subject contacted her union representative. She explained her situation and that she was a lesbian. The union representative sympathized, but told Subject that the union could provide her with no protection from discrimination on the basis of her sexual orientation. She told Subject that she could, however, make a complaint of sex discrimination. Because Subject felt her lesbianism would come up anyway if she took such a course, she decided not to take any further action.

** This case would be jurisdictional under an expanded AS 18.80.*

Female, 36

17 — THREATS, VIOLENCE September 1981

Subject's ex-boyfriend threatened Subject and her female partner with violence. He also threatened to expose Subject's sexuality publicly and to take Subject to court to obtain custody of her child. On one occasion he hit her.

Female, 20

*** 18 — DISCRIMINATION IN SERVICES (HEALTH CARE, STATE OF ALASKA)
December 1981 to April 1982**

Subject was a patient at Alaska Psychiatric Institute (API). When she was discharged, she was sent to a new halfway house that had been set up for former API patients. Subject claims the director of the halfway house, who was also a staff psychologist, disliked homosexuals. He told her that if she could "relive" the scenes of the incest she had experienced as a child, i.e., if she could recount them to him verbally, she could "once again love men."

When Subject refused to relive the incest, the director forcibly discharged her from the halfway house. He noted in her chart that he would commit her to API again if she caused any problems. On her discharge date a week later, she had no money or place to live.

A counselor called the director at home to ask for a weekend extension so Subject could find a place to stay. She told him there were several open beds at the halfway house and no incoming patients. The director refused to give an extension and told the counselor that Subject had to leave by midnight.

** This case would be jurisdictional under an expanded AS 18.80.*

Male, 49

*** 19 — EMPLOYMENT DISCRIMINATION
(NONPAID PUBLIC SERVICE, STATE OF ALASKA, BLUE RIBBON PERSONNEL COMMITTEE) 1981
or 1982**

Subject applied for a position with a Blue Ribbon personnel committee for the State of Alaska. At the time he wore an earring in one of his ears. He flew to Juneau to be interviewed by the committee, but was not selected for the position. One of the committee members later told him, "Well, the chair...said you really have excellent credentials, but he'd be damned if he'd have a man on the committee that wore an earring."

Subject feels the chairman may have assumed he was gay because he wore an earring.

** This case would be jurisdictional under an expanded AS 18.80.*

Male, 28

20 — VERBAL ABUSE, HARASSMENT, SEXUAL ASSAULT (MULTIPLE ASSAILANTS) 1981 to 1982

Subject was in the military. He was stationed in Alaska in 1981. At first he and the men in his unit got along well together and were friendly, but after awhile this changed and the other men refused to talk to him. They began to make jokes about his masculinity and called him names such as "faggot" and "queer." His roommate also abused him verbally.

Subject was good friends with another gay serviceman, and the men in his unit spread rumors and innuendos about their relationship. Subject was continually harassed and abused verbally.

One night around 7.30 or 8.00 Subject was in his room when someone knocked on his door and told him he was needed downstairs in the supply room. He thought it strange that he would be called down there at that hour. He nevertheless went down to the basement with the man who had knocked on his door.

About eight men from his unit were downstairs. One of them, his sergeant, came up from behind him, placed a gun in his mouth, and said, "Get in there." Someone kicked him in the chest, and another said, "We're going to get your ass." They pushed him into the supply room.

The other men had been drinking, and had brought some beer to the supply room with them. Some had knives or broken beer bottles, with which they threatened him. They also hit him. They laid one of the mattresses from the supply room out. Subject was raped anally by each of them in turn, and they cut his rectum with a broken beer bottle.

Subject passed out. He was found around 4.00 or 5.00 in the morning and was hospitalized. He had suffered black eyes and several other bruises and required stitches in his rectum. He was asked what had happened to him, but was afraid to tell anyone for fear of his life.

He was discharged from the hospital two days later and returned to his unit. The men from his unit were quiet and subdued around him, but all seemed to be aware of what had happened to him, whether they had taken part or not. Subject considered requesting a transfer to another unit.

A man in his unit came up to him and said, "You're going to die tonight." Subject panicked and went to his company commander, a captain. He told him that he was gay and wanted to get out of the service. He said that he was being harassed, but would not tell the captain who was harassing him. The captain asked him if this had something to do with his hospitalization. Subject answered yes and reiterated that he wanted out of the service. The captain agreed. Subject says the captain made no further attempt to find out what had happened. Subject was sent to a psychiatrist and to a military lawyer to begin processing for a discharge.

He continued to be harassed. When he sat down in the mess hall, all the men at his table rose at once to leave. He was called "faggot" and "queer." He states, however, that a few individuals were supportive and friendly towards him.

Subject received a general discharge in 1982. His discharge papers state that he is a homosexual.

Male, 21

**** 21 — BIAS, CENSORSHIP (PUBLIC RADIO STATION) 1982**

Subject was a disc jockey with a folk music shift at a small town's public radio station. He looked through the station's folk music library and found a song by Peter Alsop called "Hopelessly Heterosexual." The song was "a cute little upbeat song" about a man whose best friend (also male) makes a pass at him; the man declines the pass, saying that he's "hopelessly heterosexual."

A local Baptist minister heard the song when Subject played it on the air, and called the station to complain. The following Sunday he preached a sermon in which he claimed the local public radio station was "teaching our

teenagers how to be homosexual." The next day the station was deluged by phone calls from "ninety angry Baptists."

As a result, the song was censored from the radio station. Subject was reprimanded by station management, who claimed the Federal Communications Commission regulations on decency prohibited playing a song that violated community standards.

Subject comments that the lyrics of Alsop's song are cleaner by far than those of many commonly-aired songs about heterosexuals.

*** Further information required to determine if this case would be jurisdictional under an expanded AS 18.80.*

Alaska Gay and Lesbian Resource Center, Inc. (now Identity, Inc.)
22 — HARASSMENT (BOMB THREAT) December 20, 1982

This incident was reported by a 23-year-old female staff member ("Subject") of the Alaska Gay and Lesbian Resource Center.

Subject was a volunteer staff member at the Alaska Gay and Lesbian Resource Center (now Identity, Inc.) in Anchorage. As a staffer her duties included providing peer counseling to callers on the Gay/Lesbian Hotline and opening the agency's building for meetings.

One Monday night Subject arrived at the Center and began performing the routine opening-up procedures. Part of the routine was listening to the telephone answering machine and contacting callers who might have left messages on it. One of the messages that night said, "At exactly 9.00 AM tonight all you faggots are going to be blown sky-high. I hate faggots, you understand? All you faggots are going to die!"

Subject thought the message might be a simple harassment call, particularly since "9.00 AM" and "tonight" are contradictory terms. She notes that Hotline staffers received numerous harassment and hang-up calls regularly [see also "Cases from Documentary Sources," Case # d- 7]. She was nevertheless concerned and called the police emergency number, 911, at 7.11 PM.

About half an hour later an officer of the Anchorage Police Department arrived. The officer briefly inspected the premises and found no evidence that anyone had broken in or planted a bomb.

Subject still felt concerned. An Alcoholics Anonymous meeting, which had an average attendance of 10 to 15 people, was scheduled to be held that night. Subject put the telephone on call-forward to another staff member and, with the help of one of the AA members, closed the building at 8.30. They left a note on the door to tell other AA members that the meeting had been moved elsewhere.

No bomb went off.

Additional Source: Call log sheet for December 20, 1982 (provided by Identity, Inc.).

Female, 24
23 — VERBAL ABUSE July 1983

Subject was eating lunch at a restaurant in the Spenard area of Anchorage with four female friends. They occupied a booth in the front of the restaurant next to a big picture window. Subject says that a man, who looked as though he might have been drinking, paid his bill and left the restaurant. As he walked past the window where Subject was sitting with her friends, he suddenly began to yell abusively at them, using words like "dykes" and "lezzies." At the same time he pounded on the window so hard that Subject and her friends were afraid he would break it. One of the restaurant's employees went outside to get rid of him.

Male, age unavailable

*** 24 — THREATENED EMPLOYMENT DISCRIMINATION (STATE OF ALASKA) September 1983**

Subject had 21 years' experience in his profession. He applied for a position with a state agency, despite the fact that it would represent a downgrade in pay and position from his current position, because he felt the new position would provide him with additional valuable experience and a promising career path.

Subject was interviewed by F, who was very impressed with Subject and his credentials, and who wanted to hire him. However, F was receiving considerable pressure from his superiors not to "hire the fag;" Subject learned later that one of F's superiors made comments such as, "Does this mean I can't go in the men's room?" and "Does this mean I can't bend down to get a drink of water?" Another of F's superiors told F that he was surprised F would want to hire someone "like that."

Based upon Subject's strong background in the profession, F nevertheless offered Subject the position, and

Subject accepted. Subject was promoted within a month of being hired because of his demonstrated ability.

Rumors about Subject persisted. A lesbian (whose sexual orientation was unknown to anyone but Subject) told Subject about some of the comments co-workers were making about him, such as, "Look at that guy swish down the hall." Subject says he is not effeminate and does not "swish."

The remarks eventually died down because of Subject's professional conduct and expertise. He feels, however, that his prospects for further promotion have been damaged by the rumors about him. He says the rumors began after his male partner was hired by another state agency, and people at that agency learned that he and Subject lived together. But no one, including F, ever asked Subject whether or not he was gay; all the comments about him were based entirely upon rumor. Subject remarks that, while in his case, the rumors about gayness were true, it was easily conceivable that a nongay person could be victimized in the same way.

Subject did not attempt to fight the bias against him by, for example, approaching the union (the Alaska Public Employees Association, or APEA) because he felt many union representatives did not take confidentiality seriously. While in another state position, Subject says, he once discussed a work-related concern with a union representative; the content of their discussion reached Subject's supervisor, who then caused him difficulties on the job. Subject felt he would be retaliated against if he attempted any action to fight the bias against him.

Subject says he would not have been hired for the position if he had had less experience in his profession (other applicants, he says, had only two to four years' experience) due to the rumors about him. At the time of his interview in 1985, Subject said he felt the rumors had damaged his career path; consequently he was considering moving from Alaska to pursue his career.

** This case would be jurisdictional under an expanded AS 18.80.*

Identity, Inc.

*** 25 — HOUSING DISCRIMINATION
(COMMERCIAL SPACE RENTAL, NONPROFIT HUMAN SERVICE AGENCY)
January to February 1984**

This incident was reported by Jay Brause, who was Executive Director of Identity, Inc., at the time of its occurrence.

In November 1983 Brause approached S, the executive director of another social service agency, with a proposal that Identity rent 10 to 15 square feet of space. Identity sought the space to set up its information and referral phone service for the gay and lesbian community.

S asked Brause to submit a written proposal, which Brause did. On December 10, 1983, at S's request, Brause presented the proposal to S's Board of Directors.

In late February Identity received a letter from S saying that, although the proposal was a good one, the other agency had been forced to deny Identity's request for rental space because there was no space available.

Brause later learned from the other agency's staff that, prior to the the other agency's Board vote on the Identity proposal, S had actively lobbied the agency's volunteers and members against the proposal. Brause also learned that at a special membership meeting called by S, members took a vote against renting to Identity.

The other agency's Board fired S in July 1984. The succeeding executive director told Brause that the events surrounding the denial of rental space to Identity were a key event leading to S's termination. She told Brause that, contrary to what S's letter in February had said, her agency did have available space which Identity could rent, and invited Brause to resubmit a proposal on Identity's behalf.

Identity was able to rent 100 square feet, which gave Identity space for both the phone line and administrative office space. Brause reports that Identity and the other agency established an excellent working relationship.

** This case would be jurisdictional under an expanded AS 18.80.*

Female, 22

26 — BIAS, PERCEIVED AIDS Spring 1984

Subject frequently gave blood at the blood bank. She gave the blood bank her office number so they could call her when they needed her blood type.

One day when the blood bank called, Subject's co-worker answered and took a message. When she gave Subject the message she asked, "Are you going to go in?" Subject said yes. The co-worker asked, "Are you going to go in and give everyone AIDS?" "How ignorant!" Subject responded, "I can't believe you said that to me!" [NOTE: Lesbians are at extremely low risk for AIDS or other sexually-transmitted diseases.] Subject says she did not say more because she didn't want to get into an argument.

Subject says her co-worker learned of her sexual orientation through another co-worker.

Male, 27

**** 27 — BIAS (POLITICAL CAMPAIGN) Late March/Early April 1984**

Subject volunteered to be press secretary on the campaign of a candidate for public office who supported equal rights for lesbians and gay men. He was directly responsible to the candidate's campaign manager.

Subject and two other people were invited to speak before a social work class at the University of Alaska, Anchorage, on their personal experiences of being gay or lesbian and their thoughts on how social workers could attune themselves to the special needs of lesbians and gay men. Subject was looking forward to the talk.

During a meeting at the campaign manager's home, Subject mentioned the talk. The campaign manager expressed his personal support of Subject, but told him if the press or other candidates became aware that Subject was gay because of his appearance at the social workers' class, it would not be good for the campaign.

Subject felt angry, but saw no choice but to withdraw from his commitment to the class. Instead he wrote an anonymous letter, which the other speakers read to the class, in which he expressed his anger at being forced not to attend.

Feeling there was no point in remaining, Subject left the campaign shortly thereafter.

*** Further information required to determine if this case would be jurisdictional under an expanded AS 18.80.*

Male, 23

28 — ATTEMPTED SEXUAL ASSAULT Late Spring 1984

Subject lived in a three-bedroom house in a small town with his male partner and a heterosexual female housemate, who was aware of Subject's relationship with his partner. The female housemate occasionally invited a male guest to spend the night with her. One night in late May or early June, 1984, when Subject's partner was out of town on a job, she had as her guest a commercial fisherman, whom Subject briefly met. During the night the female housemate told the fisherman that her roommates were gay.

The following night Subject went to bed around 10.30 or 11.00 PM. He was awakened around midnight by a naked man who was attempting to have anal intercourse with him. The assailant turned out to be the fisherman, who had returned uninvited and had apparently entered the house in the darkness.

Subject struggled with his assailant. His shouts woke his female housemate, who came to help. During the struggle Subject's partner returned. The combined efforts of all three housemates finally succeeded in removing the assailant from the house. All three housemates suffered bruises as a result of the struggle.

Subject did not report the incident to police due to his fear of being ostracized in a small town.

Female, 32

*** 29 — EMPLOYMENT DISCRIMINATION (TRAINING, SECRETARIAL/BUSINESS SCHOOL)
Summer 1984**

Subject worked at a nonprofit community service organization. One of her duties was to provide trainings for other agencies.

She regularly did a three-hour training at a secretarial/business school. During one of her visits she was talking with the school's receptionist and mentioned that she was going through a divorce. The receptionist told a counselor at the school, who invited Subject into her office. The counselor offered to help Subject however she could, as she had once been through a divorce herself.

On a subsequent visit the counselor asked Subject how things were going with the divorce. Subject confided that it was difficult because it involved lesbian custody issues. She felt safe in telling the counselor this because of the friendship that had developed between them, and because it was a private, and presumably confidential, conversation. The counselor reacted badly, refused to speak any more with her, and avoided her.

One of her co-workers later talked with a school representative and reported to Subject that the school had said it liked the work Subject did, and liked having her come in, but was concerned because she was a lesbian (although, Subject stated, she had never brought up her sexual identity in a class, or with anyone at the school other than in private conversation with the counselor and receptionist). The school asked for someone other than Subject to come do trainings there.

Subject spoke with the receptionist, who asked her to come to the school and discuss "issues." The receptionist met alone with Subject and expressed concern about exposing students to information about Subject's sexual orientation. During the remaining time Subject provided trainings for other agencies she was not asked to return to the school.

** This case would be jurisdictional under an expanded AS 18.80.*

Male, 31

*** 30 — EMPLOYMENT DISCRIMINATION (STATE OF ALASKA,
DEPARTMENT OF HEALTH AND SOCIAL SERVICES) July 1984**

Subject had been a youth counselor in Fairbanks for the State of Alaska since early 1981. He moved to Anchorage in early 1984.

As part of the incentive program for youthful offenders, youths were sometimes permitted to go out to movies or to shop, etc., with a counselor who qualified as a "Pass Partner." Subject had two counselees who were doing well, and he wanted to take them out on pass. He applied to be a Pass Partner. When he got no response on his application, he repeatedly asked his superiors what the delay was. They told him his application was "in the works."

He asked his cottage director about the delay. The cottage director said, "Gosh, it's a real prob." When Subject asked why, the cottage director said, "I'm not at liberty to discuss it."

In a meeting with the facility director on July 16, 1988, Subject finally learned that his superiors considered him a risk as a Pass Partner because of allegations he had been the leader of a "militant homosexual group" in Fairbanks. The facility director would not divulge the source of this allegation except to mention the name of an Anchorage police officer, who had apparently been told about the allegation by Fairbanks police.

Subject believes the allegation stems from his involvement in Fairbanks as a discussion group leader for a sexual identity support group composed of young gays and lesbians.

The facility director told Subject there was no way he would be granted pass partner status because he was gay, although Subject neither admitted nor denied he was gay.

On July 23 Subject wrote a letter to the facility director asking about the source of the allegation, who had access to the information contained in the allegation, and the specific reasons he was being denied pass partner status.

Subject asked his union representative to investigate the matter. On July 25 the facility director told the representative that the Anchorage Police Department had information to the effect that Subject was reportedly seen in Fairbanks gay bars.

On July 27 Subject wrote a letter to the American Civil Liberties Union requesting help. The ACLU was unable to take the case.

Also on July 27 Subject wrote a letter to the Commissioner of the Department of Health and Social Services (DHSS) explaining his situation and questioning the right of law enforcement officials to "collect information on an individual's personal life" when the individual has committed no crime. He noted that the facility director had not responded to his question of "how it comes about that APD [the Anchorage Police Department] is supplying erroneous information on my personal life."

The Commissioner replied that he had found the allegations about Subject unwarranted, but that Subject should drop the matter or it would appear in his personnel file.

Subject ultimately resigned because the incident, and the denial of what he considered "an important treatment tool," had undermined his ability to do his job well.

Additional sources: Letter from Subject to the director of the facility, July 23, 1985; Letter from Subject to the American Civil Liberties Union, July 27, 1985; Letter from Subject to the Commissioner, Department of Health and Social Services, July 27, 1985.

* *This case would be jurisdictional under an expanded AS 18.80.*

Female, 25

*** 31 — EMPLOYMENT DISCRIMINATION (RETAIL BOOKSTORE) July 22, 1984**

Subject was a probationary employee at a chain bookstore located in a shopping mall in Anchorage. On her arrival at work on July 22, 1984, her manager informed her that the store was forced to fire her. Subject asked why and was told that two of her co-workers said she was difficult to work with, and that the personnel manager had received two customer complaints that she wasn't "helpful enough."

Subject was confused because she had not had any previous indication that there was any problem with her co-workers, other than the complaint to the store manager she had made about the overlong breaks which a co-worker, C, commonly took, thereby cutting into other employees' break times (Subject had explained her concern to C two or three times before, but C did not change her behavior). She also felt the allegation that she wasn't "helpful enough" did not fit, as she felt she was very helpful to customers and had been told by the manager two or three times that she was doing a good job. Nor did she believe a customer would complain to the personnel manager, who worked at a different location in another part of town. Subject felt that a customer who wished to complain about her would complain to the store manager, who was on the scene.

Subject felt that the reasons she had been given were not the real reasons why she was fired, and suspected she

was fired because she was a lesbian. However, the only individual she knew for certain was aware of her lesbianism was C, who she had come out to about 2-1/2 weeks before she was fired, but who had never seemed concerned about it.

Several days after she was fired Subject returned to the store to get her final paycheck. One of her former co-workers, M, told her that the day before Subject was fired, on Subject's day off, M had seen C talking with superiors, including the personnel manager, who had come to the store. M told Subject that C had also told the other employees on that day that Subject was gay. M said that after Subject was fired C had gone around the store singing, "[Subject] got fired, [Subject] got fired."

Subject believes that C purposely told superiors that Subject was a lesbian in order to get her in trouble. She believes it possible that C harbored resentment against her because of her complaint to the store manager about C's long breaks.

Subject says she did not pursue the matter because she was aware when she was fired that she had no legal recourse for filing a discrimination complaint, since discrimination on the basis of sexual orientation is not prohibited.

* *This case would be jurisdictional under an expanded AS 18.80.*

Female, 32

32 — DISCRIMINATORY HARASSMENT (NONPROFIT HUMAN SERVICES) 1984

Subject was employed at a nonprofit human service agency, and was friends with a woman, F, who worked at another nonprofit agency. The executive director of a third agency called a Board member at F's agency, alleging that a female staff member at Subject's agency was having an affair with a female staff member at F's agency. The staff members she referred to were Subject and F.

The Board member at F's agency told the executive director there, who passed the information on to Subject and her friend. Subject told her own executive director of the allegations herself, so that the rumor would not be received second-hand. Both agencies ignored the allegations, evidently deciding that the staff members' private lives were not their concern.

Male, 21

* 33 — EMPLOYMENT DISCRIMINATION (MILITARY) Late 1984

Subject was in the military and stationed in Alaska as a law enforcement officer. Subject had just recently come out (i.e., become aware of his sexual identity) and frequented a local gay bar and had several gay civilian friends. Subject says he had grown tired of being dishonest with his co-workers and military friends about his off-duty life. He told his first sergeant that he was gay, and together with the sergeant told his commander that he was gay.

Subject states that his commander immediately assumed he was bucking for a discharge, although Subject enjoyed his job and wanted to complete his enlistment period. He was investigated by the Office of Special Investigations (OSI).

Subject's gun and badge were taken away from him, and he was set to shoveling snow, a job which he performed for three months. He says his superiors' attitude was that it was "the only job I was fit for." Subject's male partner worked on a local newspaper; Subject told his superiors he would have a newspaper story published about his case if he was harassed.

Subject says that an individual who came forward voluntarily to admit homosexuality generally received an honorable discharge, but that individuals whose homosexuality was discovered through a "witchhunt" (a term Subject says the OSI actually used around him) generally received a less-than-honorable discharge. Although Subject had voluntarily admitted he was gay, his commander was pushing in his case for a less-than-honorable discharge. However, his defense lawyer pushed for, and eventually attained for him, an honorable discharge.

Subject says he had no difficulty during this time from other military men, even after it became known that he was gay.

* *This case demonstrates prima facie evidence of discrimination, but would not be jurisdictional even under an expanded AS 18.80 because the U.S. military is not subject to Alaska statute.*

Male, 37

* 34 — THREATENED EMPLOYMENT DISCRIMINATION (SITKA SCHOOL DISTRICT), VERBAL ABUSE Fall 1984

Subject had been a teacher for 15 years, and had tenure. He became involved with a local gay support group

which advertised its meetings in the local newspaper and was included in a community directory of social services. Two churches in the area, particularly the United Methodist church, were supportive of the group and offered to provide it with meeting space, if necessary.

In order to confirm that the gay support group was a legitimate, existing service, the publishers of the directory required the name of a contact person, whose name was to remain confidential. Subject agreed to be the contact person.

Subject believes (but is not certain) that a secretary, who was a member of the local Assembly of God church and who had access to the directory's confidential records, leaked his name and the fact of his affiliation with the support group to other people—a friend of his overheard a conversation among some secretaries where the subject of the gay support group came up, and "someone piped up and said, 'Oh, that's [Subject's] group.'"

Subject was approached by a friend, also an Assembly of God member, who said, "'Oh my God, [Subject], I've heard these rumors that you are a homosexual.'" Subject reports, "He very anxious and upset. 'Oh my God, I'll get you fired, you'll never touch my children. This is the worst thing, this is worse than murder.'" Subject believes his friend then went to his church and told people there of the rumors.

Rumors about Subject began to circulate, including a rumor "that I would stand out on the sidewalk passing out pamphlets on how to be gay to kids." Because Subject was a teacher, many people became alarmed, and he became a subject of public controversy. Subject was brought before his superintendent and principal, and one student was pulled from his classroom. His superiors advised him to be "inconspicuous" and not to enter the men's restroom when students were present, even to intervene if boys were fighting in the bathroom. The superintendent and principal received calls from the mayor, assembly members, and local ministers. At this time there was a school board election, and candidates were asked if they would be in favor of hiring a gay teacher.

Subject received mail via the school district which opposed both him as a person and his "lifestyle." In one letter, Subject says, the writer told him he should be dismissed immediately, with no question, that he would "damage" all the children he came in contact with, that he was trying to change them into "little queers," and that he wasn't allowed even to "touch" the children. Subject felt his job was on the line, and decided that he would not back down.

School district officials sought legal assistance. An attorney at the legal firm they consulted gave as his legal opinion that, given the facts of Subject's case, an Alaskan court would almost certainly strike down a dismissal or nonretention of Subject as a teacher. The attorney noted that neither the status of being a homosexual nor actual acts of consensual adult homosexuality are crimes under Alaska statute, and hence Subject could not be dismissed or nonretained solely on grounds of being "immoral" because he was a homosexual (something that Subject, in any case, never admitted).

The attorney's opinion was that a tenured homosexual teacher in Alaska could only be dismissed or nonretained if 1) there was proof of specific homosexual acts by the teacher; and 2) there was proof of a resulting detrimental impact on students or on the teacher's performance of his job. As neither of these could be proven, the attorney felt the school district could not legally get rid of him. The attorney stated that his opinion had never been tested in an Alaskan court (nor, to his knowledge, had any Alaskan court tried a case involving the dismissal or nonretention of a homosexual teacher), but he advised the school district that, should they dismiss or nonretain the teacher, they might lose a subsequent court battle and be forced to pay back wages.

Once Subject made it clear to his superintendent and principal that he would oppose any administrative action taken against him, and would go to court if necessary, they both became supportive of him and his position.

Subject reports that "parents came in and they literally asked me, 'Are you gay?' and I said, 'I'm not going to tell you, that's beside the point.' 'Well, it would help if you told us, because then we could pull our kids out of your class,' and I said, 'Well, I'm not going to tell you.'" Some parents called the superintendent and asked if it was true that Subject was telling his students he was gay (Subject never did). At a meeting of the principal's advisory committee (in which volunteer parents participated), it was asked if parents could pull their children out of Subject's class; the school board determined that it was permissible.

Subject reports that he became a "hot issue" with the local ministerial association, but that most of the churches, including some of the more conservative churches, refused to back the Assembly of God church in its efforts to have Subject fired. Subject received support from some parents, both privately and in calls parents made to the school board, the principal, and the superintendent, in which parents said that Subject was a good teacher and his sexual orientation did not matter. The president of the school board (whose son was in Subject's class) and most other school board members were supportive of him. However, one school board member, an Assembly of God member, reportedly said, "My faith and my religious beliefs are above any constitutional obligations that I may have, so if we have to vote, I will vote according to my God, not my country."

Subject says that he also had access to legal counsel to the teacher's union, but it never became necessary. Gradually the controversy "fizzled out." Meanwhile the gay support group ceased to exist because members were

afraid to be seen with Subject. Subject says he was unable to do work for the support group because of his superintendent's advice to be inconspicuous.

Subject says that, besides feeling that his job was threatened, the controversy forced him to modify his teaching style somewhat and caused him, for a period of about a year, to lower his profile significantly on gay/lesbian issues. He now feels his job is relatively secure.

Subject participated in the National March on Washington for Lesbian Gay Rights on October 11, 1987 (which had an estimated attendance of over 200,000); he was later interviewed by a San Francisco newspaper about his participation. Someone in San Francisco sent a copy of the article to a friend or relative in Sitka. Subject says people passed the article around, and he began to receive harassing calls again. He still receives occasional verbal abuse (e.g., teenagers downtown calling, "Hey, look at the faggot!"; a caller on the phone saying, "Why don't you come over and give me a blow job?"). He says his (biological) children are also subjected to verbal abuse.

Additional sources: Two letters "Re: Dismissal or nonretention based on homosexuality" from Lawrence T. Feeney of the law offices of Faulkner, Banfield, Doogan & Holmes, Juneau, to the Superintendent of Schools, Sitka School District, October 12, 1984; "Thousands march for gay rights; AIDS patients lead trip past White House," *Seattle Times*, October 12, 1987.

* *This case would be jurisdictional under an expanded AS 18.80.*

Female, 25

*** 35 — EMPLOYMENT DISCRIMINATION (STATE OF ALASKA, ALASKA STATE TROOPERS)
October or November 1984**

Subject was called for an interview for a clerk-typist position with the Alaska State Troopers at the courthouse in Anchorage. The interview was held in the interviewer's home in the Muldoon area of Anchorage.

During the course of the interview, the interviewer learned that Subject had helped a friend of hers with a court case during the summer of 1982. The interviewer was aware of the case, and knew that Subject's friend was a gay man. She asked Subject if she was a lesbian. Subject said yes.

The interviewer told Subject that she was well-qualified for the position, and that she would consider her for the position if she agreed, should she be hired, to stop going to any of the gay bars in town. The interviewer's reasoning was that State Troopers sometimes did undercover narcotics work at bars, and they would be suspicious of an employee of the Troopers if they saw one in a gay bar (i.e., would think the employee might be involved in drug trafficking).

Subject refused to agree to the restriction, on the grounds that a gay bar was one of the few places she could publicly socialize with her peers without fear of harassment. The interviewer therefore refused to consider her for the position.

Subject says she does not believe the interviewer would even have thought about placing a similar restriction on a nongay employee who frequented heterosexual bars, where Troopers might also engage in undercover narcotics work.

* *This case would be jurisdictional under an expanded AS 18.80.*

Male, 21

*** 36 — EMPLOYMENT DISCRIMINATION (MILITARY), HARASSMENT, PROPERTY DAMAGE
October 1984 - July 1985**

Subject, a sergeant in the military, frequented a gay bar near the base at which he was stationed. B, a man who had a room across the hall from Subject's and who worked in the orderly room in Subject's barracks, came to the bar two or three times, each time arriving ten to twenty minutes after Subject. Subject believes B may have been following him. Rumors began to be spread around the dormitory about Subject being gay. B began to bring other servicemen to the bar with him, apparently to watch Subject.

B evidently reported on Subject to the commander and the first sergeant in the orderly room. A few weeks later the first sergeant contacted Subject and told him to report to agents of the Office of Special Investigations at the headquarters building.

The agents told Subject they had evidence he was a homosexual. They accused him of making homosexual solicitations and alleged that Subject had written notes to two individuals, including N, a friend of B's, inviting them to commit homosexual acts with him. The agents claimed to have the notes and said they were signed with Subject's initials. Subject states that two other men in the dormitory had the same initials, and says he is not even sure that the notes ever existed; if they did, he did not know who could have written them. He asked agents at least twice to see the notes; they refused his request both times.

Subject denied all allegations made against him, and got a military lawyer.

The agents interrogated Subject daily for two to three hours for a period of two to three weeks. Subject says these daily appointments led to his work group learning of the investigation, since his continual absence from work was "creating havoc" there. The interrogations ended when Subject's lawyer (belatedly, according to Subject) informed him that he had the right to refuse to answer any of the agents' questions. Subject declined any more interviews.

Agents also tailed Subject frequently.

After an investigation of several months' duration Subject's lawyer told the Judge Advocate's office that the investigation had produced no solid evidence against Subject. The Judge Advocate agreed and ruled that no hearing would be held and the case would be closed. Subject says that his commander wanted him to lose his sergeant's stripe (along with \$150.00 per month in pay) due to conduct unbecoming, but the Judge Advocate prevented this. The case was officially closed.

During the events described above, Subject says he had five or six roommates. They would apparently get wind of the rumors about him and decide to leave. Eventually authorities removed the second bed from Subject's room and he was assigned no more roommates.

Everyone in Subject's building stopped speaking to him. This included others on his floor whom Subject knew to be gay. When he went to take a shower the bathroom would clear out. Five people at his workplace refused to speak with him; people in his immediate work group continue to speak with him, but strictly on a business level, with no more friendly interaction.

Subject continually received hang-up telephone calls early in the morning and late into the night. He discovered his phone number had been written in black magic marker on the wall of the men's room at the recreation center. He cleaned the number off with Windex, but every time he erased it someone put it back up. He eventually had his phone disconnected.

Someone flattened all the tires on his car and made scratches in its paint with keys. During the winter someone unplugged his car's engine heater several times. Because his job required that he be away from base every fourth week for a week at a time, the engine heater once remained unplugged for a full week, causing his engine to be frozen and destroyed.

Subject applied to a servicemen's aid society, which provides financial assistance in times of need, for funds to replace his engine. In order to provide assistance, the aid society required an endorsement of his aid request from his commander. The commander told the aid society that Subject was being investigated and withheld his endorsement. The aid society called the commander a second time on Subject's request, but the commander still denied endorsement. The aid society persevered for two weeks before someone gave an authorization, and Subject was finally able to buy a new engine.

Subject says three tires on his car blew out within a few days of each other due to vandalism. The third blowout (a front tire, in which nails had been stuck) occurred in the first week of July 1985 as Subject was driving down a highway at 55 miles per hour. The car traveled about a block before Subject was able to stop it; the body of the car suffered some damage.

Subject reported the blowouts to the military police, but he felt the M.P.'s were aware of the investigation, and because of bias against him were unwilling to protect his car. He states that he never saw a military police vehicle patrolling in the area where he lived. He began parking his car away from other cars, in a location where he could better keep an eye on it himself.

At the time he was interviewed in 1985, Subject had six months left in his enlistment. He did not plan to reenlist. He stated that even if he wished to he would be unable to because his commander placed a written advisement against it in his personnel file. Subject discovered this when he attempted to extend his enlistment for six months so that he could be assigned to another base, in order to avoid continuing harassment (regulations, Subject explained, did not permit such reassignment if an individual had less than twelve months left in his or her enlistment).

[†] This case demonstrates *prima facie* evidence of discrimination, but would not be jurisdictional even under an expanded AS 18.80 because the U.S. military is not subject to Alaska statute.

Female, 30

37 — HARASSMENT, DAMAGE TO PROPERTY December 1984 to May 1986

From December 1984 to May 1986 Subject lived in a small cabin with several other lesbians. The cabin was situated on a rural dead-end dirt road that led up from a gravel road. The first cabin on the dirt road was owned by a heterosexual man, K, followed by Subject's cabin, a third cabin where two lesbians lived, and a fourth cabin where a heterosexual woman lived with three small children. K's cabin was the only one with a telephone during the time Subject lived there; the nearest pay telephone was at a store two miles away on the highway.

Subject says that when she first moved there the other women warned her that K constantly harassed all the

women there. Subject witnessed the following incidents:

Early 1985: Subject was driving up the gravel road leading to the dirt road where the cabins were. At one point there was a steep hill, where Subject could see headlights pointed in her direction. She assumed it was K, since he frequently parked there. When she reached the top of the hill, K had turned his truck broadside in the road so that Subject could not pass. K, who was drunk, told Subject he had a hot clutch, that he would be there for an hour or so, and that it was his road anyway. Subject drove back to the store and used the pay phone there to call the State Troopers. When a trooper arrived she led him to the hill. K had driven off. They caught up with him and the trooper stopped him. Subject heard K complain to him about "goddamn lesbians fucking their brains out back there." The trooper told Subject she could go on, and did not pursue the incident any further.

Spring 1985: During breakup the dirt road was too muddy to drive up, so people living there parked their vehicles on the gravel road and walked in to their cabins. Subject's car stopped running and she couldn't afford to get it fixed, so her car was still parked there long after everyone else was able to drive in again. One night the car was rammed and pushed into the ditch. Although troopers matched the paint left on her bumper with the paint on K's truck, they pursued the incident no further.

Summer 1985: Subject and another woman both got flat tires on their cars due to nails that had been spread on the dirt road between K's and Subject's cabins. Subject says everyone suspected K. State troopers were called, but there was no way to prove that K had spread the nails.

Subject also says that one woman found K, dressed in camouflage clothes and carrying a knife between his teeth, crawling in the woods behind her cabin. Subject says that there were many paths through the woods leading from K's cabin to various vantage points where he could, if he wished, watch the women's cabins.

Subject says that K frequently stopped cars on the dirt road and told their occupants that there were "a bunch of queers back there." He often went to the local bar and carried on about the "queers." When it was necessary to call the State Troopers, K told them the women were all lesbians and he was going to drive them out.

Subject states that K was never arrested or cited during the time she was there. She says that troopers told the women it was a civil matter and there was nothing they could do till K hurt someone. She says the troopers told them, "If you have to shoot him, make sure he's dead, and make sure he falls down *inside* your cabin."

Subject says the troopers have "hundreds" of complaints on K, involving not only lesbians but anyone trying to use the dirt road. She states that all the women there kept loaded guns because of K, and that she herself kept a German Shepherd for protection. She says that if women had to walk in and out on the dirt road, they tried to do so in company. Out of fear of him they would cut through the woods to avoid his cabin.

Metropolitan Community Church

* 38 — DISCRIMINATION IN FACILITIES RENTAL (ROLLER SKATING RINKS)

January or February 1985

This incident was reported by a 35-year-old male member ("Subject") of the Metropolitan Community Church (MCC), which has a special outreach to members of the gay and lesbian community.

The Metropolitan Community Church decided to hold a roller-skating party for members of the lesbian and gay community, and Subject agreed to make arrangements for rental of a roller rink. He contacted one rink, but it was booked up, so he made arrangements with another rink. The event was advertised by posters and fliers in local gay bars.

Over 100 people actually attended the party, representing, Subject says, "the whole gamut" of Anchorage's gay and lesbian community, including older people as well as several parents with their children.

One minor incident occurred with some missionaries, members of a group which frequently stood outside one of the gay bars with a large wooden cross and attempted to proselytize bar patrons. One of the missionaries had apparently entered the bar and saw the fliers advertising the party. Some of these missionaries (without their cross) bought tickets and came to the party and attempted to proselytize there.

After hearing several complaints from attendees, Subject approached the missionaries and asked them to stop preaching, as they were annoying other attendees. The missionaries protested that the advertising had said everyone was welcome to the party, so he couldn't force them to leave. Subject told them he was not asking them to leave, but to stop proselytizing out of respect for other attendees, who felt they were being harassed by the missionaries. The missionaries remained at the party, but ceased their proselytizing.

About three-quarters of the way into the evening, Subject asked party attendees if they were having a good time and if they'd like to have another roller-skating party the following month. There was an overwhelming positive

response.

Subject approached the rink's manager with a proposal that MCC rent the rink again, but the manager refused to make a commitment. During the next several days, Subject repeatedly called the manager, but the manager would not return his calls or, when he did speak with Subject, again refused to make a commitment. The manager ultimately refused to rent again to MCC because of the largely lesbian and gay attendance at the party. (Subject cannot remember if he had told the manager before the party that MCC had a mostly gay and lesbian membership; the manager could have learned of the party attendees' sexual orientations, however, from observing the announced couples "dances," when same-sex couples skated together.)

Subject called the other two rinks in town; he explained to their managers what MCC was and the most of its members were lesbian or gay. Both rinks refused to rent to MCC because of its members' sexual orientations.

Subject contacted an attorney to see if MCC had any legal recourse in the matter. She explained to him that there was no law to prohibit the roller rinks from refusing to rent to groups or individuals on the basis of sexual orientation.

Subject says MCC could have "pretended" to be another group in order to rent a rink, but he did not wish to follow that course because of its inherent dishonesty.

Subject expressed surprise at the three roller rinks' refusal to rent to MCC. He had assumed it would be a "win-win" situation: lesbians and gay men would have benefitted by having an enjoyable evening where they could relax and have fun in a comfortable environment, and a roller rink would have benefitted by having a guaranteed gate. "...I assumed these people were in to make money..." Subject commented. "Here they are, having an evening where there's no problems, and they're getting money out of it."

** This case would be jurisdictional under an expanded AS 18.80.*

Female, 25

*** 39 — THREATENED EMPLOYMENT DISCRIMINATION (HEALTH CARE) April 1985 to July 1985**

Subject wished to become an apprentice in a non-traditional health care profession. She obtained a listing of professionals in the field and began contacting them in search of someone to apprentice to. Each person she contacted asked her questions to determine if she would make a suitable apprentice. One question they all asked was if she were married, presumably because the irregular hours involved in their profession could be disruptive to family life. Each time she was asked, Subject answered, "No, I'm single, I'm a lesbian."

Subject says most of the professionals "didn't bat an eyelash" at this information, but one individual, D, became very concerned. D told Subject that she could not take Subject as an apprentice because lesbianism was against the Bible. Subject found another person, P, to apprentice to. P had no problem with Subject's lesbianism.

In June 1985 the annual conference for the profession was held in Anchorage. During the lunch break on the one day Subject was able to attend, a woman approached her and asked her name. Subject introduced herself and the woman, B, introduced herself. B asked Subject if she was the person who had called D looking for someone to apprentice to. Subject said yes. B then asked her, "Are you gay?" Subject said yes. B told Subject that she could not be gay and a member of the profession at the same time. According to Subject, B stressed the intimate and prolonged relationship that a member of the profession developed with each client during the months they worked together, and argued that Subject would be hiding from, or lying to, clients by not disclosing her sexual identity to them.

Two weeks later there was a meeting which P (the individual Subject was apprenticed to) attended. D was also there. P later told Subject that D had asked her if she knew Subject was a lesbian. P had answered yes, and said it posed no problem to her. D had questioned the advisability of having a lesbian apprentice and emphatically stated that lesbians should not be members of the profession. P had disagreed, and D became angry. She had told P that, in that case, they would insert a clause about "ethics and morality" in the governing regulations of the profession.

** This case would be jurisdictional under an expanded AS 18.80.*

Female, 24

*** 40 — EMPLOYMENT DISCRIMINATION (NONPROFIT HUMAN SERVICES) Summer 1985**

Subject was employed as a counselor at a residential treatment facility for juveniles. She learned that her supervisor had said at an administrative meeting that she thought Subject was a lesbian and felt Subject should be fired. She also said at this meeting that having Subject work by herself was "just as bad as having D [a male employee] work by himself." Subject says this was in reference to a child licensing law stating that no male can be left alone in an all-female residential treatment facility.

The same supervisor asked one of Subject's co-workers to write and sign a statement saying Subject used vulgar

language in front of the youths at the facility (another licensing violation). The co-worker refused.

The supervisor wrote Subject a memo one day telling her to work a midnight-to-8.00 AM shift instead of her regular hours of midnight to 10.00 AM. Subject therefore left at 8.00 instead of 10.00. The supervisor later called her and asked her to come in to the assistant administrator's office to discuss a recent application she had made for promotion. Subject arrived and was told she wouldn't be promoted because she didn't fit the job description. Subject says the supervisor had also written her up on three violations. (Three violations are cause for immediate termination.) The violations included:

1. **Taking out a company car:** Subject says she had used the car, but claims many other employees had also used it.
2. **Altering the time sheet:** Subject had gone on a 2-day paid workshop. She became ill, so did not attend 4 hours of the workshop. Subject says she then went back and changed those 4 hours so she wouldn't get paid for them.
3. **Absence from work:** This was in reference to Subject leaving work that morning at 8.00 AM instead of 10.00 AM, in accordance with her supervisor's orders in the memo. Subject's supervisor claimed she didn't remember writing such a memo and did not have a copy (although, Subject says, she had seen a copy of the memo on the supervisor's desk the night before).

Subject showed her supervisor and the assistant administrator her own copy of the memo, thereby saving herself from being fired at that time.

Subject was injured at a staff/resident tackle football game. She asked her supervisor if this qualified her for workman's compensation. The supervisor said no. At the urging of a co-worker Subject filed for workman's compensation anyway. Two days after she filed she received copies of the paperwork she had requested, along with a copy of a letter written by the assistant administrator stating that Subject had not been encouraged or requested to attend the football game. Subject's claim was therefore denied.

Subject states the assistant administrator had asked staff to attend the game both in a staff meeting and in a memo which she had put in the staff log. Subject later found the memo, torn from the staff log, in the assistant administrator's desk and sent it to workman's compensation, which then changed its decision.

In August Subject was reinjured at the facility's summer camp. The following day she received a memo from her supervisor stating that she would not schedule Subject to work again until Subject obtained a release to work from her doctor. Three weeks later Subject was fired for not showing up when scheduled for work. Subject says she had not yet received a release from her doctor.

Subject believes her supervisor set her up to be fired because she was a lesbian, particularly in light of her statement about Subject at the administrative meeting mentioned above.

* *This case would be jurisdictional under an expanded AS 18.80.*

Out North Theatre Ensemble MULTIPLE CASES July to October 1985

The following five cases were reported by Gene Dugan, who was at the time Managing Director for Out North Theatre Ensemble. See also case #s 66 and 67.

Background

In April 1985, the Anchorage-based amateur theater group Out North Theatre Ensemble (under the sponsorship of Arctic Moon Stage Company, Inc.) presented "My Blue Heaven" by Jane Chambers at the Anchorage Museum of History and Art. The play was a comedy about two lesbian homesteaders in upstate New York. It received a favorable review in the Anchorage Times, was performed in Juneau, and in July 1985 won an award for Best Supporting Actor at the biennial Alaska Community Theatre Festival (ACTFEST) in Haines.

Out North received a grant in the amount of \$3,997 from the Alaska State Council on the Arts (a division of the Alaska Department of Education), with support from the National Endowment for the Arts (a federal agency), to present a gay play series. "My Blue Heaven" was revived as first in the series. It toured in Fairbanks, Soldotna, Homer, Anchorage, and Girdwood in late September and early October of 1985.

**** 41 — DISCRIMINATION IN FACILITY RENTAL (ALYESKA RESORT) July 1985**

The Girdwood Center for Visual Arts, Inc., agreed to be the local presenter for a performance of "My Blue Heaven" in Girdwood. A member of the play's cast, the president of the Girdwood Center for Visual Arts, and Dugan met with the restaurant manager of Alyeska Resort, which was interested in presenting a number of dinner

theater events. The restaurant manager was made aware of the play's content and was given materials on the play, including the favorable review from the *Anchorage Times*. Dugan says the restaurant manager was in favor of presenting the play at Alyeska. During the meeting they discussed technical arrangements (sound, lighting, staging, etc.) and what the restaurant would serve for the dinner theater.

The resort's operations director returned from vacation, and the restaurant manager filled him in on what had been agreed upon. The operations director reviewed the play materials; he then told the restaurant manager that the play's subject matter could cause problems for the resort, and that Out North could not use the restaurant. The restaurant manager, apologetic, called Dugan to cancel the performance.

Another facility in Girdwood was found for presentation of the play.

**** Further information required to determine if this case would be jurisdictional under an expanded AS 18.80.**

42 — BIAS September 1985

Two other theater organizations, the Theatre Guild (based in Anchorage) and the Fairbanks Drama Association, agreed to help Out North publicize its production of "My Blue Heaven" by mailing out postcards about the play to individuals on their mailing lists, using Theatre Guild's mailing permit. Both organizations subsequently received phone calls and notes from individuals saying they did not want to be on the pertinent theater company's mailing list if the company had anything to do with gay plays. A representative from each organization relayed information about the calls to Dugan; both expressed surprise at the reaction to the mailings.

Dugan says the incidents may have resulted in the loss of contributions and subscription renewals from some previous supporters of the two organizations. One of the organizations was effectively closed off as an avenue for publicizing Out North's productions.

43 — BIAS, HARASSMENT September 27, 1985

Out North was invited by Pier One Theatre, a Homer-based organization, to present "My Blue Heaven" in both Soldotna and Homer. The Soldotna performance was scheduled for September 27 at the campus Commons Room of Kenai Peninsula Community College.

On the company's arrival to set up for the play, a photographer began to take pictures of cast members and set-up people. Members of the company initially assumed he was a press photographer, but later learned he was not. When theater-goers began to arrive to see the play, he began taking their pictures as well. Dugan says that the photographer "gave the impression to the patrons that he was keeping some sort of documentation as to who in the Kenai/Soldotna area was attending a gay or lesbian play," and that "patrons did feel harassed." Some patrons asked the photographer to stop taking pictures, but he refused.

By this time about 24 picketers had arrived to protest the play. Dugan took notes of what picketers' signs said. Among their statements: "There is no heaven for homosexuals," "Homo go home," "Queers are not the norm," "I resent my state funds being used to promote 'Gay American Lifestyles,'" "Save the goat" [an apparent reference to the goat raised by the lesbian homesteaders in the play], "No gay play," "Gays can't reproduce—they must recruit."

According to Kenai's *Peninsula Clarion* for September 30, the artistic director for Pier One Theatre "said the only aspect of the Friday evening demonstration—described as 'peaceful'—that bothered him was that one of the protesters took photos of members of the crew and of the audience, 'which some people felt was an invasion of their rights.'"

During the time the company was at the Commons Room, KPCC business phones rang constantly. Callers complained, according to Dugan, "that a public facility, supported by their money, was being used to support homosexuals....Before the play started we had to take the phones off the hook in order to perform without interruption." Dugan states, however, that there were no interruptions to the play, and no picketers entered the building.

Additional sources: "Pickets to protest gay play," *Peninsula Clarion*, September 27, 1985; "Gay play draws pickets, praise," *Peninsula Clarion*, September 30, 1985; Nancy Lord, "Play was about gays, and much more," *Homer News*, October 3, 1985.

**** 44 — THREATENED DISCRIMINATION IN FACILITY RENTAL (MUNICIPALITY OF ANCHORAGE, ANCHORAGE MUSEUM OF HISTORY AND ART) September 1985**

In September 1985 Out North arranged with the Curator of Education for the Anchorage Museum of History and Art (a facility of the Municipality of Anchorage) to once again present "My Blue Heaven" at the museum's theater. Articles and advertisements about the play appeared in local newspapers.

The museum's Executive Director asked the Curator if she knew the play was a gay/lesbian play. She said yes and told him the same play had been performed there in April. (Apparently he did not know in April it was a gay play because the company had been unable to advertise it widely at the time.) He asked her if there had been any problems about the play in April; she answered no. He told her that if there were any problems, such as pickets or protests, Out North would not be permitted to use the museum theater for the play. Dugan says that when the Curator relayed this information to him, she evidenced surprise at her superior's attitude.

No pickets or protests occurred, so Out North was able to use the theater. Had any difficulty occurred, Dugan says he would have complained to the Mayor's office. He reports that since 1985 the Executive Director has retired, and, so far as he knows, that is the only time any arts group has been told that they may be prevented from using the museum due to the subject matter of the arts activity.

*** Further information required to determine if this case would be jurisdictional under an expanded AS 18.80.*

45 — BIAS (MARKAIR, INC.) October 1985

One of the stipulations of the grant Out North received from the Alaska State Council on the Arts was that Out North must solicit financial support from the business community. Out North made phone calls and sent letters of solicitation to major businesses throughout the state, including MarkAir.

In his capacity as Out North's Vice President, Dugan spoke with MarkAir's Manager of Advertising and Public Relations (hereafter referred to as the MAPR), and asked if MarkAir could provide Out North with four round-trip airplane tickets between Anchorage and Fairbanks, as Out North would be presenting "My Blue Heaven" in Fairbanks. He claims he told the MAPR that he would be happy to send her a copy of the play's script and any other information she might require, but she asked only for a letter stating when and where the play would be presented and what Out North wanted from the airline. She suggested that Out North offer something in exchange for tickets, such as advertising in the play's program.

In a letter dated August 7, 1985, Dugan invited MarkAir to be the "official airline of Out North Theatre Ensemble by providing us with four round-trip tickets" between Anchorage and Fairbanks. In exchange, he offered to provide MarkAir with a free 4-3/4" by 7-3/4" ad (a value of \$600) on the back cover of Out North's season program. In addition, MarkAir would be acknowledged in the programs as the "official airline of Out North," and Out North would use MarkAir exclusively when touring to other towns served by the airline. He also offered four tickets to a Fairbanks showing of "My Blue Heaven" and four tickets to an Anchorage showing of the play, for the use of interested MarkAir employees.

In a letter dated August 19, the MAPR replied that MarkAir would be unable to provide Out North with the full support requested. She said, however, that MarkAir could provide two free tickets if Out North purchased two others, in return for publicity consideration (the ad). Because she was taking a new position with the airline, she referred him to the new MAPR.

Dugan called the new MAPR to discuss arrangements. (A letter from Dugan to MarkAir dated September 3 made actual ticketing arrangements.) During the conversation the new MAPR told Dugan that MarkAir did not want to advertise as Out North's "official airline," but would prefer to use a "generic" ad. She instructed Dugan to contact an Anchorage advertising agency used by MarkAir to get the layout of their ad.

As instructed, Dugan picked up the ad layout. He says he was surprised to find that the airline had, after all, decided to advertise itself as Out North's official airline. The ad appeared on the back outside cover of the play's program. The Arctic Gay/Lesbian Association (of the University of Alaska, Fairbanks) also gave special thanks to MarkAir for their support of the "My Blue Heaven" tour on a program insert.

Of the eight play tickets offered to the airline's employees, Dugan says only one was used, by a MarkAir employee in Fairbanks who told the local presenter that he enjoyed the play.

Out North later received a letter, dated October 16, 1985, from MarkAir's Vice President of Sales and Marketing. The letter stated:

To our complete surprise and deep concern, we discovered after the fact, that your production and use of our company name as a sponsor was not in keeping with corporate policy or advertising guidelines.... As a rule, we do not give our name or a sponsorship to any group(s) that might give offense, rightly or wrongly, to the general public that we serve, or cause undue controversy in regard to our corporate policy or position.

The letter alleged that

...the full purpose and intent of your program was intentionally kept from being disclosed during your solicitation for free transportation on MarkAir.

It went on to say that

...the name of MarkAir or any inference of MarkAir support for the 'Out North Theatre Ensemble', or any of its programs, is not to appear...or be mentioned without specific authorization....

In response, Dugan reiterates his claim that he had offered to send MarkAir a copy of the play's script, an offer he says the first MAPR declined. Dugan also says that the transportation Out North actually received was not, in fact, free: Out North purchased two airplane tickets worth about \$200 apiece and was given two tickets worth about \$200 apiece. Therefore, Dugan says, in return for a donation valued at about \$400, MarkAir received an ad valued at \$600.

Additional sources: Letter from Gene Dugan, Vice President of Out North Theatre Ensemble, Inc. to Manager, Advertising and Public Relations, MarkAir, Inc., August 7, 1985; letter from Manager, Advertising and Public Relations, MarkAir, Inc., to Gene Dugan, August 19, 1985; letter from Gene Dugan, to Manager, Advertising and Public Relations, MarkAir, Inc., September 3, 1985; letter from the Vice President for Sales and Marketing, MarkAir, Inc., October 16, 1985; program for Jane Chambers' "My Blue Heaven," Out North Theatre Ensemble, Inc., premiere season, 1985.

Identity, Inc.

*** 46 — HOUSING DISCRIMINATION (COMMERCIAL SPACE RENTAL) September 1985**

This incident was reported by Jay Brause, who was Executive Director of Identity, Inc., at the time of its occurrence.

Brause was informed of some reasonably-priced commercial office space in downtown Anchorage. He called the landlord's secretary, who was responsible for the rental paperwork, to express interest in the available space, and arranged to tour the property. He toured three rooms on the second floor of the building and additional rooms on street level. He took measurements and discussed possible modifications to the space, cleaning, rent, etc. He says the secretary was pleasant and cooperative throughout.

Another tenant of the building, who was moving out, told Brause about another agency that was interested in the space. Brause contacted the director or the other agency about the possibility of sharing the space. Brause says the other agency liked the idea.

The secretary told Brause to contact one of the landlords to finalize the lease, which he did. The landlord he spoke with asked him what Identity's purpose was. Brause told him Identity was a nonprofit which dealt with the gay and lesbian community and that one of the rooms would be used by the Alaska AIDS Project (an AIDS educational program funded under a grant from the State of Alaska). They discussed possible terms of the lease, and the landlord asked Brause to call him after he got back from a short trip.

Brause called the landlord back about five days later. The landlord told him the space had been committed to the other agency. When Brause told him that the other agency had agreed to share space with Identity, the landlord replied that the other agency had decided it needed the entire space.

Brause says he called the landlord's secretary later the same day. She told him the space was still available for rental and that the other agency had not yet committed to renting it.

Identity did not pursue the matter further because negotiations with Identity's current landlord about getting a larger room worked out.

** This case would be jurisdictional under an expanded AS 18.80.*

Female, 28

47 — DISCRIMINATORY HARASSMENT (HOUSING) February, 1986

Subject and her female partner had lived in an Anchorage apartment complex for five months, and were friendly with the complex managers, a married couple. In late January 1986 Subject appeared in a press conference speaking on a lesbian- and gay-related issue. The press conference was covered by three local television stations on their evening news programs.

From the day after the press conference on, the apartment complex managers ceased to be friendly and avoided both Subject and her partner.

At the same time Subject's car had stopped working, but was parked in its assigned space in the complex parking lot. The managers placed a notice on the car's windshield stating that the car would be towed at her expense if Subject did not move it within seven days.

Subject went to the managers' office and spoke with the female manager. She asked why her car was to be towed. The manager told her it was due to apartment complex regulations about disabled vehicles, as contained in the landlord/tenant agreement. Subject showed the manager that regulations about removing disabled vehicles

did not apply to a vehicle parked in its owner's legitimate parking space. The manager did not answer. Subject then raised the issue of four other disabled vehicles, which had been parked illegally in the complex lot for months, but whose owners had not received notices. She asked if she was being singled out. The manager informed her the status of the other vehicles was not Subject's concern. Subject told the manager that she was waiting for parts for her car, that her car had been disabled for only three weeks, and in two weeks would be running again. The manager left the office without saying anything further.

Two days later Subject was sitting in her apartment reading when she saw the female manager crouching down below her front window creeping towards her door. After the manager left, Subject opened her door and found a note affixed to it stating that her car would be towed in 24 hours.

Subject showed the note to the apartment complex's owner and described the managers' recent behavior towards her and her partner. She told the owner that if her car were towed she would sue the complex for the towing fees. The owner apologized for the harassment. Subject told the owner that the only acceptable solution was that the managers be fired for discriminatory harassment. She filed 30 days' notice in protest of the managers' actions. The owner assured her that her car would not be towed before she moved, and that the harassment would cease. Subject and her partner moved 30 days later "to a home where the landlords were unconcerned about our life together."

Subject states also that she has reason to believe that the managers illegally entered (i.e., without 24 hours prior notice) her apartment at least twice while she and her partner were away. She cites evidence of passkey entry (i.e., no evidence that the door had been forced open), wet footprints in the apartment, and personal belongings moved around.

Male, age unavailable

**** 48 — EMPLOYMENT DISCRIMINATION (INSTRUCTOR, NONPROFIT AGENCY CONTRACTING WITH THE MUNICIPALITY OF ANCHORAGE) Spring 1986**

Subject had been employed for eight years as an instructor with a nonprofit agency which contracted with the Municipality of Anchorage. The agency hired a new director, who called Subject to her office and informed him his contract with the agency would not be renewed. When he asked why, she told him there were not enough students enrolled. Subject says this was untrue, that enrollment was down slightly but not enough to warrant laying off or firing an instructor. The director, in fact, hired a new instructor the following month, and a second new instructor shortly thereafter.

When Subject pressed her for a reason for his firing, she said that since he had no children he could not relate to them or teach them. She repeated this remark several times. Subject states that he had worked well there and had demonstrated competence with all his students, and that, as there were many adult students, she could have rearranged classes so only adults were in his classes.

Subject says he is very closeted, so he did not ask the director if she was firing him because of his sexual orientation; he felt strongly, however, that his being gay was the real reason why she fired him. He thinks she may have learned of his sexual orientation through rumors about him.

Subject says he attempted to file a discrimination complaint with the Municipality's Equal Employment Opportunity (EEO) office. He claims he called the EEO office twice, but that the secretary refused to give him an appointment and discouraged him from pursuing the matter, telling him he couldn't really make a case.

*** This case would currently be jurisdictional under AS 18.80 on the basis of parental status discrimination. However, further information would be required to determine if sexual orientation discrimination actually occurred.*

Female, 27

49 — VERBAL ABUSE June 28, 1986

Subject marched in the annual Freedom March for Lesbian and Gay Rights in Anchorage on June 28, 1986. After the march had ended, participants were still milling around and talking on the Delaney Park Strip across from the Unitarian Universalist (Log Cabin) Church when a white man in a pickup truck drove several times up and down 10th Avenue calling the marchers, including Subject, "faggots" and "queers." He also shouted other abusive things at them.

Female, 28

**** 50 — THREATENED EMPLOYMENT DISCRIMINATION (NONPROFIT HUMAN SERVICES)
June 30, 1986**

Subject was employed in 1986 as a director of a daytime child care program for a nonprofit organization in

Anchorage. On Saturday, June 28, she marched in the annual Freedom March for Lesbian and Gay Rights. After the march she was interviewed by two Anchorage television stations; their reports aired on that evening's news. In addition, she was included in a photograph which appeared in the following morning's newspaper.

On the morning of Monday, June 30, Subject was called into her supervisor's office. He told her the agency's Board of Directors was holding a special meeting to determine what to do about the "political activity" she had engaged in over the weekend. He advised her to keep a low profile with her political activities because it could jeopardize her job status. Subject told him that her political work was, and would continue to be, completely separate from her professional work at the agency. She admitted nothing to him about her sexual identity, and did not agree to anything.

He asked her to write down her observations about their discussion. She wrote that she understood his request that she maintain a low profile, but again she admitted nothing and agreed to nothing.

Two or three days later her supervisor told her that the Board had decided that if the child care program enrollment stayed full, and the program remained profitable, there would be no personnel changes. However, if her program's enrollment dropped, they would have to take action. Subject understood this to mean that she would be fired if program enrollment dropped. She says the Board evidently feared that her participation in the march, and her exposure in the press, would affect the program negatively, but that the Board did not take into account other circumstances (over which she had no control) which might cause enrollment to drop.

Enrollment in the program remained full to overflowing, so the Board took no action against her. Subject feels, however, that had she marched or spoken publicly for any other cause, the Board would not have threatened her job.

*** Further information required to determine if this case would be jurisdictional under an expanded AS 18.80.*

Male, 39

*** 51 — THREATENED EMPLOYMENT DISCRIMINATION (STATE OF ALASKA) June to July 1986**

Subject had been employed by the State of Alaska for nine years, eight-and-a-half years at the supervisory level. A complaint was filed against him in June 1986 alleging unprofessional conduct at work. The complaint was investigated during the last week of June.

On June 28 Subject marched in the Freedom Day for Lesbian and Gay Rights parade in Anchorage. He was included in a photograph which appeared in the following day's newspaper. The next day, a Monday, someone brought the picture to work. It was passed around and discussed by the entire staff. Copies of the picture and the accompanying article were sent to Subject's supervisors in Juneau, who were in the process of writing conclusions to their investigation of the claims made against him.

On July 8 Subject was flown to Juneau to discuss the findings of the investigation with his supervisors. Subject says that, during the discussion, "I was asked for my voluntary resignation three times, all in a way that never directly used the words 'voluntary' or 'resignation.'" Subject did not agree to resign, nor did he agree with the accusations made in the complaint or the findings of the investigation.

Subject was given a memo outlining the investigation findings and listing the tasks he had to accomplish to improve his ill-perceived attitudes and behavior. He was given six months to achieve the changes. Subject says he was told by his supervisors that it would be "a miracle" if he accomplished the changes, and that he was "doomed to fail." Subject feels that the findings of the investigation could have been applied to any of his co-supervisors and to many staff members, but that he was singled out.

Subject asked for guidance about his rights from the department personnel officer. She told him that Subject's supervisor had told her supervisor that he was "mad as hell" about Subject being in the gay rights parade, and about his picture in the newspaper, and that he was going to do something about it.

Subject contacted his union representative. After a preliminary study the union representative advised him that his case was too insubstantial for a grievance to be filed that would result in any positive outcome on his behalf. Subject says this was because the memo containing the allegations and investigation findings was not placed in his personnel file.

Subject accomplished his required tasks within the six months allotted, and successfully changed other people's perceptions of him and his management style.

Subject says that one of the principal people who had made allegations leading to the investigation of Subject said, just before resigning in March 1987, that he had thought Subject was gay and claimed Subject had once made a pass at him (a claim Subject denies).

After the incident described here, supervisors in Subject's department received a training on sexual harassment in the workplace. During the discussion period after the training panel's presentation, someone brought up the topic of lesbianism; the training leader asked the supervisors "point blank" how they would handle the threat, "I

won't work with him because he's gay." Subject feels the discussion was beneficial, and would help prevent future sexual orientation discrimination in his department, though to his knowledge the discussion was not prompted by the things that had happened to him.

** This case would be jurisdictional under an expanded AS 18.80.*

Female, 27

52 — VERBAL ABUSE, DEATH THREAT Summer 1986

Subject and a female friend were at a gay bar in Anchorage. They decided to go outside in front of the bar and get some fresh air. Several other people were standing outside.

Suddenly one of the men in front of the bar jumped out into the sidewalk and screamed, "You mean I've been standing out here in front of a queer bar?" He saw Subject and her friend and said to them, "Do you mean to tell me that you eat her pussy and she eats yours?" He began to yell abusive things at them. Subject and her friend became angry and shouted back at him.

The man's two friends, apparently surprised at his behavior, took him by his arms and began to pull him down the street away from the bar. He continued to shout abusively. They shouted back at him.

After his friends got him across the street, he shouted at Subject and her friend, "I know who you are — I'm gonna kill you!"

Female, 30

53 — HARASSMENT (INDECENT EXPOSURE) July 15, 1986

Subject was sitting in the courtyard of a gay/lesbian bar smoking a cigarette when a drunk man pulled down his pants and exposed his buttocks to her. He then turned towards her, exposing his genitals, and said, "All you lezzies need is a good dick." Subject complained about the man to the bouncer. The bouncer told her not to worry about it and that such incidents occurred frequently.

Female, 25

*** 54 — EMPLOYMENT DISCRIMINATION (SECURITY AGENCY) July 1986**

Subject was employed as a security officer with a security agency. Her female partner also worked there. After five months, Subject quit for another job. When she was disabled in an on-the-job accident, the rehabilitation firm she was assigned to received a job posting from the security agency. The rehabilitation firm submitted Subject's name to the security agency for rehire. The security agency refused to rehire her. When the rehabilitation firm asked why, the security agency replied that they wouldn't rehire Subject because of her "personal lifestyle."

** This case would be jurisdictional under an expanded AS 18.80.*

Female, 27

55 — BIAS (STREET MISSIONARIES) Late Summer 1986

Subject and a friend were at an Anchorage gay bar. They went outside to get some fresh air. A group of about three street missionaries with a large wooden cross stood just outside the bar's entrance. They stopped every person who went into or came out of the bar and tried to give them religious pamphlets. One of them told Subject and her friend in a loudly raised voice that if they continued going to the bar they would be "eternally damned" and would "burn in hellfire."

Subject says the missionaries frequently stood outside the bar attempting to proselytize patrons, and many patrons complained that they felt bothered by them.

Female, 25

56 — VERBAL ABUSE August 1986

Several teenage boys lived in an apartment building near the one Subject and her female partner lived in. One day, as Subject and her partner were pulling out to go to the store, the teenage boys shouted several obscenities at them and referred to them as "faggots."

Female, 28

*** 57 — EMPLOYMENT DISCRIMINATION (CARPENTER) September 1986**

Subject had been employed as a carpenter for about a year. She and her female partner decided to have a holy union celebration. She invited a co-worker to attend the ceremony. He informed the company's owner that she was

a lesbian.

Subject's supervisor subsequently called her into his office and told her she was being let go. Subject asked why. He at first answered that there was no reason, then said he had to "protect the company." She asked if the reason were her sexual orientation. He said "no" and repeated that he had to "protect the company."

Although he told her the reason she was fired was not her sexual orientation, Subject remains convinced that was the real reason. She states that she had received excellent evaluations during her entire tenure there, and had worked many hours of overtime. (She remarks that only "favored" employees at her job were asked to do overtime.) She claims that prior to her sexual identity becoming known to the company's owner and her supervisor, she had never had any job-related problems.

** This case would be jurisdictional under an expanded AS 18.80.*

Female, 31

*** 58 — EMPLOYMENT DISCRIMINATION (VOLUNTEER WITH YOUTH ORGANIZATION)**

September 1986

Subject was asked by neighborhood girls, including her female partner's daughter, to become their leader for a chapter of a girl's youth club. She was interested, so she went to the club's volunteer training. She says she had the full support of the parents of the girls in the chapter.

At a meeting of club leaders at a neighborhood school, a leader suggested the club hold a father/daughter night. Subject asked that this be reconsidered, first because many of the girls were being raised in single-parent homes where the mother was the only parent, and second because there were some families where the father was not "safe" due to domestic violence, incest, or similar issues. Subject felt the club needed to be sensitive to such issues. She suggested they find an alternative activity in which fathers could participate.

A friend of one of the parents at the meeting knew that Subject's partner was a lesbian. This friend, apparently shocked that Subject had brought up the issues of domestic violence and incest, later told the parent, Y, that Subject "probably hates men" because she was a lesbian. Subsequently, at another meeting, Y told two leaders that Subject was a lesbian.

One of the leaders called Subject to meet with her. She asked Subject if the allegation that she was a lesbian was true. Subject said yes. The leader told her she had two options: either come out to the parents of all the girls in the chapter, or leave the chapter.

Another meeting was held with Subject, Y, and the two leaders. At the meeting Y said that she had thought extensively about things and that she had talked with a psychologist she knew, who told her that Subject would influence the girls towards homosexuality. Y believed him and demanded that Subject withdraw.

Subject points out that on the national level the club had a policy of non-discrimination towards lesbians. Subject, however, decided not to fight; instead she withdrew because she felt her partner's daughter would otherwise be hurt. She says she was forced to tell the girls' parents that she was withdrawing without giving them a reason, and that many of the girls and their parents were disappointed.

Subject says the club did not provide another leader for the chapter. She and her partner were forced to transport her partner's daughter and several other girls to a meeting approximately five miles away on a weekly basis for several months in an effort to maintain the girls' participation in the club. Subject's partner was finally able to talk another mother into being a leader. The mother agreed because she was also tired of the girls having to go out of the neighborhood. The following year, however, the chapter was once again without a leader.

** This case would be jurisdictional under an expanded AS 18.80.*

Anchorage gay bar

59 — HARASSMENT (SMOKE BOMB) September 1986

This incident was reported by a 27-year-old female patron ("Subject") of an Anchorage gay bar.

One weekend night Subject was at an Anchorage gay bar. The bar was fairly crowded. At around 11.30 PM to 12.00 midnight, she was standing against the back wall of the front of the bar talking with someone when she noticed what she at first thought to be steam coming from near the front door. It turned out that someone had tossed a smoke bomb into the bar. The bartenders called the fire department, and the patrons were forced to evacuate the bar until firemen could clear the smoke out.

Subject says she has no doubt that the bar was smoke-bombed because it was a gay bar. She did not know whether the bartenders reported the incident to the police, or, if they did, whether police mounted an investigation.

*Gay alliance in small town***60 — BIAS, UNEQUAL BROADCAST TREATMENT OF SEXUAL ORIENTATION ISSUE
(RADIO STATION) December 1986 to January 1987**

This incident was reported by a 25-year-old male member ("Subject") of a gay organization in a small town.

A gay man placed a classified ad in a newspaper in Subject's town which advertised a post office box to which persons interested in a local gay alliance might write. Subject and another local gay man responded to the ad. The three men continued to run the ad in an attempt to find other gay people with whom to socialize and so they could lend moral support to each other.

Local fundamentalist Christians became upset about the ad. Subject says that while the gay alliance post office box received about 3 or 4 legitimate inquiries about the alliance from gay people, the rest of the mail was from Christians who invited alliance members to get in touch with them and who quoted Biblical passages about homosexuality.

During the week before Christmas, the call-in talk show on the local commercial radio station used the gay alliance as its topic of discussion for about a week. Subject says that the talk show's host, who was also the radio station's general manager, made many antigay statements over the air, and would cut off callers who made statements that were supportive of gays or which expressed sentiments such as "live and let live" or "America is a free country."

The talk show host then brought on, for two days, two individuals whom he presented as "experts" on the subject of homosexuality. Both individuals were heterosexual and fundamentalist, one a Baptist minister and the other an Assembly of God minister. Both ministers made antigay statements and spoke on the issue of homosexuality from a Biblical standpoint, despite the disclaimer which aired at the beginning of each show stating that no discussion of race, creed, or religion would be permitted on the show.

Subject approached the American Civil Liberties Union with tapes of the radio show. He wished to know if it was possible to force the radio station to air the other side of the issue, by way of the "equal time" doctrine formerly enforced by the Federal Communications Commission. The ACLU was unable to take on the case, however. Subject also learned that recent FCC deregulation, plus a landmark U.S. Supreme Court decision involving anti-black and anti-Semitic statements made on a Virginia radio station, effectively put an end to the "equal time" doctrine. The Supreme Court had decided in that case that the radio station could air what it wished, and that while a second radio station was free to air the opposing viewpoint, neither station was required to.

Subject wrote a letter to the editor of the local newspaper protesting the radio station's actions. He also sent a copy to the station's general manager (the talk show's host). He did not sign the letter due to fear of discrimination.

Male, 20

*** 61 — HARASSMENT, THREATS, PROPERTY DAMAGE (HATE ORGANIZATION)
February 1987, October to November 1987**

Subject was a student at the University of Alaska, Fairbanks. One day in February 1987 the letters "AFS" were written on every door in Subject's dormitory, and also on the doors of some students in nearby dormitories. At first no one knew the significance of the letters, but later it was found out that the letters stood for "Anti-Fag Society," which had recently been founded by a university security guard and which had several members in Subject's dorm.

Signs began to appear frequently on the doors of students thought by AFS members to be gay, saying "AFS" or things like, "No fags allowed." AFS placed signs in bathrooms saying things such as, "Don't drop your soap." AFS members wore elaborate sweatshirts decorated with the club's initials, club code names, cobra insignias, and the slogan "Death Before Dishonor." AFS attempted in the spring of 1987 to get funding from the student government, but the attempt failed.

Subject says that anyone who was presumed to be gay, who associated with someone who was thought to be gay, or who was thought to be effeminate, was subject to harassment by or threats from AFS members. Subject says he is aware of one nongay individual who was harassed by AFS members because they falsely believed he was gay. Subject says the head resident in his dorm was afraid of AFS members, and that he himself felt so threatened at times that he was unable to study or sleep. He and others victimized by AFS made certain to always walk in company, and never went anywhere alone at night. While most of AFS's targets lived in Subject's dorm, people in others dorms also were bothered by AFS. Lesbians, however, did not seem to be affected by AFS, mostly because they weren't open about their lesbianism.

Most of the incidents with AFS occurred during one of two time periods, February 1987 or October to November 1987. During these periods, Subject experienced the following harassment:

- Wet coffee grounds were thrown into the dryer where he was drying his clothes in the laundry room.
- His room was flooded with water from fire extinguishers.
- His door was rigged up with fire crackers.
- Messages were placed on his door saying "butt fucker" or other derogatory terms.
- Educational AIDS literature was shoved under his door.
- He was called a "faggot," a "fairy," a "homo," and other derogatory names.

Subject says that AFS activities were curtailed in February 1987 when the dean in charge of student relations and discipline threatened to expel AFS members from the University. This dean was later fired, Subject says, for being "too strict." The dean who replaced him curtailed AFS activities in November 1987 by banning AFS signs and sweatshirts, by trying to get them out of the dormitory where most of the incidents were occurring, and by threatening to end the housing contracts of anyone caught engaging in AFS activities.

At the time of his interview in January 1988, Subject said that problems had mostly ceased because most AFS members could not afford off-campus housing, and most had moved from his dorm.

* *This case would be jurisdictional under an expanded AS 18.80 (hostile environment).*

Male, 59

* 62 — EMPLOYMENT DISCRIMINATION (MINISTRY) April 1987

Subject was a minister who had for many years been supportive of full acceptance of gay men and lesbians in the church and in society. Subject says his commitment led to his marching in the lesbian/gay rights parade in 1986, and to serving on the Board of Directors of a nonprofit agency which served gays and lesbians. He wrote a position paper on homosexuality and Christianity, which was widely circulated.

At an April 1987 meeting of the Board of the Church of which he had been pastor for seven years, he was given a choice: either to lower his profile on lesbian/gay issues and curtail all activities related to gays and lesbians, or risk ending his employment. Because he felt that lowering his profile would constitute a violation of his principles and ideals as a Christian, he resigned.

* *This case demonstrates prima facie evidence of discrimination, but would not be jurisdictional even under an expanded AS 18.80 because religious bodies are permitted to discriminate in matters pertaining to religious beliefs and principles.*

Out North Arts and Humanities, Inc.

MULTIPLE CASES April 1987

The following two cases were reported by Gene Dugan, who was at the time Managing Director for Out North Arts and Humanities. See also case #s 43 through 47.

Background

In the spring of 1987, Out North Arts and Humanities produced the two-act play "Niagara Falls" by Victor Bumbalo. Both acts were presented in Girdwood, Anchorage, and Fairbanks; in other locales Out North presented only the first act of the play. The first act had only two characters: a father and mother who argued over the breakfast table about whether their gay son and his lover should attend their daughter's wedding.

On its posters, Out North advertised the play as "a gay comedy." At the bottom of each poster, in 6-point type, Out North described itself as being "dedicated to preserving and developing the history and cultural heritage of gay and lesbian Alaskans," wording which, says Dugan, was modeled on the statements of purpose of other Alaskan cultural organizations.

The play received favorable reviews and won awards for Best Production, Best Director, Best Actor, and Best Actress at the biennial Alaska Community Theatre Festival (ACTFEST) in Haines. It toured in Girdwood, Anchorage, Fairbanks, Sitka, Juneau, and Skagway prior to its appearance in Haines.

* 63 — THREATENED DISCRIMINATION IN FACILITY RENTAL (SHELDON JACKSON COLLEGE)
April 1987

In 1985 Out North Theatre Ensemble (later Out North Arts and Humanities) was told that if it was entering a play in the next biennial theater festival in Haines, Baranof Theatre Guild would be interested in presenting it in Sitka. In January 1987, Dugan contacted J, a Board member of the Guild and an instructor at Sheldon Jackson College, to tell her about "Niagara Falls." The Guild subsequently booked Out North's production into Allen Auditorium at Sheldon Jackson College, to appear in a double-billing with one of the Guild's own productions.

In April 1987 Dugan sent the Guild posters, programs, and other information on its play. J reported to Dugan that after the posters went up, several instructors at Sheldon Jackson College complained to the College's administration that it was inappropriate for a gay play to be presented on the grounds of a Presbyterian college.

J pointed out to the instructors that in Juneau "Niagara Falls" was being performed in the hall of an Episcopal church, and "if the Episcopalians can do it, the Presbyterians can do it."

Dugan was told that at least one faculty member wrote a letter of protest to the College's president. In addition, a Board member of Baranof Theatre Guild, of her own accord, sent a letter to the president apologizing that Out North's purpose had not been revealed to the College beforehand.

J reportedly defended the play, and Out North's purpose, to the president, saying that as far as she was concerned, academic freedom was the issue. The play went on as planned.

Dugan says that apparently the problem the College's instructors had with the play's presentation was not so much the play's subject matter as it was Out North's stated purpose.

[NOTE: Information on this case was reported to Dugan by J, as Dugan was not present in Sitka at the time.]

* This case would be jurisdictional under an expanded AS 18.80.

*** 64 — THREATENED DISCRIMINATION IN FACILITY RENTAL
(SKAGWAY SCHOOL DISTRICT), LOSS OF INCOME April 1987 to July 1988**

Out North was invited by the Skagway Fine Arts Council to present "Niagara Falls" in Skagway on Sunday, April 26, 1987, at 8.00 PM in the school's multi-purpose room. The local presenter, M, a member of the Arts Council's Board of Directors, received posters for the play and put them up. She reported to Dugan that within an hour of returning home, she began to receive phone calls protesting the play's presentation in Skagway. Callers particularly did not want the play to be presented in the school, where children went. Dugan notes that the play was to be performed on a Sunday night, when children were not present. He said also that the Arts Council's understanding with the school district was that, unless the multi-purpose room was otherwise occupied, the Arts Council was free to use it for its events.

Dugan says M told him that protesters physically removed posters from the post office bulletin board, from the windows of local merchants (apparently with the merchants' acquiescence), and from other public places. According to Dugan, "Other merchants who felt that this was not an appropriate form of protest then agreed to have the posters in their windows."

Prior to the play's performance, the pastor of the Skagway Assembly of God Church talked with the local school superintendent, the police chief, the Mayor and members of the City Council, and members of the Arts Council, in an attempt to prevent the play's performance, at least in the school. According to Dugan, "[M] was under great pressure to move the play out of the school....She was told by bar owners that they would welcome the play in the bar, but that she should not succumb to the pressure that she was under, and that it should be in the school where all their other arts events are."

The school superintendent reportedly consulted with the school's attorney, who told him if he prevented the play from being presented in the school, there could be negative legal ramifications. In the end, the play was performed as scheduled at the school. No protests occurred there.

Dugan was told that for an entire week prior to the actual performance, stories on the controversy were heard on a daily basis on the local public radio station, KHNS in Haines. Articles in local newspapers also appeared.

The controversy was also reported in a statewide broadcast of *Alaska News Nightly* on the Alaska Public Radio Network (APRN) on April 27, the day after the play. *Alaska News Nightly* noted that there had been a workshop on AIDS in Skagway the previous week. One woman said, "...they're going to promote the very cause of the problem by supporting a homosexual group in our school." Another individual was quoted as saying, "It's supposed to be a comedy, but I don't know what's so funny about a bunch of queers." The report stated that play posters in some cases were torn down the same day they went up. One man interviewed in the program commented, "I dunno, I'm a real stickler for freedom of expression, and it just makes me very angry when people go to that extreme, to tear things down...especially when they haven't even seen what they're tearing down." According to the report, the play was well received by its audience. A woman who was interviewed said, "I liked it very much. I thought it was very entertaining and in very good taste."

On April 28, two days after the play, the Skagway Assembly of God sent letters to the school board, the Skagway Fine Arts Council, and the Mayor and City Council. Each letter was signed by the church's pastor and by five members of its Board. In its letter to the Mayor and City Council, the church protested the play and stated its concern to be "that the City Council take steps needed to keep such from happening in the future since these events are partially funded by public city funds." [NOTE: According to the May 13 edition of the *Skagway News*, the Skagway Fine Arts Council, which receives a yearly grant of \$2500 from the city, used \$75 to pay for Out North's meals and lodging.] The letter went on to say:

We feel that it is going far beyond the privilege of free speech to ask for the public funds to be used in any way to advance

the cause of subversive or anti-social organizations....The disease of the homosexual, AIDS, has become a national concern. Their life style is anti-social. Their message is not needed in our town. We certainly do not need to give them free transportation and free use of the public school to display their message.

[NOTE: In its letter to the school board, the church protested that church and social organizations had to pay to use school facilities, whereas Out North got their use for free. The church said its attorney had advised it that "such discrimination is grounds for legal action." According to Dugan, the relationship between the Arts Council and the school district is one commonly found in Alaskan schools: the Arts Council receives use of school facilities, and in return provides the school with arts activities for students from time to time.]

The pastor of the church, Don Hicks, attended a city council meeting on May 7, which the *Skagway News* reported on May 13:

Hicks said his message was directed toward preventing the use of public funds for a group of 'questionable values' coming to perform in Skagway. Councilmember Casey McBride asked Hicks who should decide what's 'anti-social.' To that, Hicks said, it is a touchy situation, but said gays, lesbians and Communists [sic] fall under that category.

Although the article is not entirely clear on the matter, the council evidently took no action to prevent use of city funds for presentation of other gay-related arts events.

In late May the Alaska State Council on the Arts informed Dugan that Governor Steve Cowper had received a letter from the Skagway Assembly of God, apparently protesting the use of state funds to support Out North. The State Arts Council informed the Governor's office that neither Out North nor the Skagway Fine Arts Council received grant funding from the State during Fiscal Year 1987, although the theater festival in Haines (where "Niagara Falls" also appeared) did. A letter to that effect was presumably sent from the Office of the Governor to the Skagway Assembly of God.

Prior to the showing of "Niagara Falls" in Skagway, a certain Alaska business with branches throughout the state had purchased advertisements in Out North's programs for \$250 per season. In the fall of 1987, when the business was asked if it wished to repeat the ad, the business said no. Instead the business donated \$100 but asked that its name not be mentioned in the program. Near the end of July 1988 Dugan approached the business again, this time with a proposal for a \$350 per season ad. Once again the business declined, donated \$100 to Out North, and asked that its name not be mentioned in the program. When Dugan asked why the business no longer wished to purchase advertising space in Out North's programs, the business explained that it had received written complaints about its support of Out North from people in another town [i.e., other than Anchorage]. When Dugan questioned further, the business said the complaints had been in response to Out North's presentation in Skagway.

Dugan points out that the loss of \$150 (in 1987) to \$250 (in 1988) in advertising revenue represents a major loss of income for a small theater company such as Out North.

Additional sources: *Alaska News Nightly*, Alaska Public Radio Network, broadcast for April 27, 1987; letter from Skagway Assembly of God to the Public School Board, Sitka, April 28, 1987; letter from Skagway Assembly of God to the Sitka Fine Arts Council, April 28, 1987; letter from Skagway Assembly of God to the Mayor and Skagway City Council, April 28, 1987; "Fairbanks talent sweeps ACTFEST," *Chilkat Valley News*, May 7, 1987; "Plays for our time" (editorial), *The Skagway News*, May 13, 1987; "'Gay' play draws praise and protest," *The Skagway News*, May 13, 1987; Memorandum from Christine D'Arcy, Executive Director of the Alaska State Council on the Arts, to Rosita Worl, Special Assistant, Office of the Governor, "Subject: Out North Performances response for Governor," May 19, 1987; telephone conversation between Gene Dugan and Melissa S. Green, August 2, 1988.

* *This case would be jurisdictional under an expanded AS 18.80.*

Male, 32

*** 65 — EMPLOYMENT DISCRIMINATION (DIRECT SALES ORGANIZATION) May 1987**

In April 1987 Subject became a distributor for a direct-sale multilevel marketing corporation. After less than a month his direct distributor (from whom he purchased his supplies) called to tell Subject that he had learned he was gay. Subject does not know how he learned this. The direct told Subject that he and his group (all the distributors under him) were all "Bible thumpers" (fundamentalist Christians), and that they did not believe in homosexuality or wish to associate with a homosexual. He told Subject to return his starter kit and the money he had paid for it would be refunded. Subject told the direct that he had paid dues and was part of the corporation and that he had made an investment above and beyond what he had paid for the starter kit. The direct told him, "That's your problem." When Subject's sponsor (the distributor who sponsored him into the business) came by to pick up the starter kit he chastised Subject for his sexual orientation.

Subject wanted to continue distributing. He learned that if he made a complaint against his direct, the business of the direct and all distributors under him would be frozen until the complaint was resolved. The corporation's

literature stated that the first step was to call the distributor one step above his own direct; this distributor was supposed to act as arbitrator. If things couldn't be worked out with his help, then his business would also be frozen and the problem would go up another step to the distributor above him.

When Subject called, he actually spoke with the higher-level distributor's wife. He explained the problem and told her he didn't want to "mess up" anyone's business, including his direct's, and that all he really wanted was a sponsor so he could continue as a distributor.

The next day Subject's old direct called and referred Subject to another direct distributor. Apparently the higher-level distributor had called the old direct on Subject's behalf. Subject says that his new direct has no problems with him being gay, and that he is pleased with the way things turned out.

** This case would be jurisdictional under an expanded AS 18.80.*

Male, 40

66 — VERBAL ABUSE, HARASSMENT June 1987

Subject had a street vending business. During a two-week period in early June, when schools were still in session, a small group of high school-age males frequently drove past Subject's stand and shouted "faggot" and "queer" at him "in a vicious tone." Subject says the high schoolers did this just as they drove past, or while he was preoccupied with his work, so he was never able to see them well enough to identify them, although he did attempt to take down their license plate numbers. He says the frequency of the incidents decreased when school was out, but they still occasionally occurred.

Male, 22

*** 67 — EMPLOYMENT DISCRIMINATION (RETAIL CLOTHING STORE) November 15, 1987**

Subject was hired at a large retail store in late October 1987 as a commission salesman. The man who hired him perceived him to be gay and said to him, "Just be yourself." After Subject's first week, he asked his superiors how he was doing. His immediate supervisor, the general manager, and people in the personnel office all told him he was doing well. His co-workers also complimented him on his work.

At the end of his second week his supervisor was transferred to a new store. The general manager, H, became his immediate supervisor. H was frequently out of the store, as he was also working at the new store and had to transfer merchandise between the two stores.

Around this time all but two of the salesmen in Subject's department requested different hours so they would not have to work with Subject. Apparently they were uncomfortable with his gayness, though Subject had never done anything to cause anyone to fear him.

During Subject's third week, H began to make frequent accusations that he was not doing his share of vacuuming or straightening out clothing racks. Subject says he had been doing his share, but that the only times H saw him was at the beginning or end of the working day. Subject suggested that H ask Subject's co-workers to evaluate his work, since they were there with him the entire day and knew exactly what he did. H replied, "Oh, I really don't think I need to do that." He continued to accuse Subject of not doing his share of clean-up work.

One co-worker told Subject that H disliked him because of his "character and appearance." Subject says he was a conscientious worker and always followed the store's dress code. All his co-workers were aware of H's attitude towards him because H frequently berated him in front of them. Subject never observed H correcting other employees in this manner.

On November 15, 1987, H told Subject he was being terminated immediately. He told Subject that he was a great salesman (Subject had been earning about \$10.00 to \$12.00/hour in commissions when most other salespeople were earning only \$5.00/hour), but he was being fired anyway because he didn't help with clean-up work.

Subject contacted the store's personnel office; they told him it was too bad he had been fired, because he was a good person, and they would try to find him another position with the store. They never called back.

Subject feels the issue of clean-up work was a pretext for H to fire him, but that he was really fired for being gay. He contacted the Consumer Relations Board; they referred him to the State Labor Board. He told them he had been fired because he was gay, and they said they were unable to help him. He asked if they would at least record the incident. They said they could not, and referred him to Identity.

** This case would be jurisdictional under an expanded AS 18.80.*

Male, 17

*** 68 — PUBLIC ACCOMMODATIONS DISCRIMINATION (NON-ALCOHOLIC TEEN CLUB),
PHYSICAL ASSAULT Late November or Early December 1987**

Subject went with his boyfriend to a non-alcoholic teen club in Anchorage. They found two girls to dance with so as "not make too big of a scene" by dancing with each other. After dancing two dances, they stopped worrying about dancing with girls.

Subject and his boyfriend were dancing about 20 feet apart from each other when two young men of about 18 approached them and said, "Okay, guys, where are the girls?" Subject assumed they were patrons and ignored them. When they persisted, he left the dance floor and went to the counter to talk with a girl. She called one of the 18-year-olds by name and told him to leave Subject alone.

Subject began dancing again, more-or-less by himself. One of the 18-year-olds approached him again and said, "Guy, I don't think you heard me." Then he said, "Well, you're gonna have to leave," and pulled Subject by the arm. Subject began to realize the other youth was a security guard or bouncer. He told him he needed to get his coat. He got his coat, then asked the desk attendant where he could get a refund for his cover charge. He also wanted to speak with the manager. The attendant told him to go to the disk jockey's stand. Just before he reached the stand, the bouncer grabbed him and dragged him out into the hallway leading to the entrance. In the process Subject lost a shoe. In the hallway the bouncer slammed him against the wall a couple of times. According to Subject, the bouncer "went totally crazy....He just threw me out."

Subject went to a police officer stationed nearby to press assault charges against the bouncer. The officer took a verbal statement from him while another officer went into the club and took statements from witnesses, who corroborated Subject's story.

Police also questioned the bouncer. The bouncer claimed he had been escorting Subject out but that Subject had resisted so he was forced to get physical. Subject told the officers that he had not resisted, but that he had at first ignored the bouncers because they had not identified themselves as employees. He told them the bouncer became angry because he was trying to go over his head to get a refund on his cover charge.

The bouncer told Subject that the club had a rule against males dancing without girls because the club's purpose was to promote "mingling." When Subject's boyfriend asked if there were a rule prohibiting girls dancing by themselves or with each other, the bouncer said no. Subject points out that there were other young men there that night with no female dates, and they were not thrown out.

When Subject asked a police officer if police or a prosecuting attorney would contact him whether or not they felt he had a case, she said that they would. No one got back with him, however.

** This case would be jurisdictional under an expanded AS 18.80. In fact, this case would already be jurisdictional on the grounds of sex discrimination, due to the club's differential treatment of males and females who dance without partners.*

CASES FROM DOCUMENTARY SOURCES

(Court Documents, Newspaper and Radio Accounts, Documents, and Letters)

Male, age unavailable

d-1 — MURDER OF PETER DISPIRITO BY GARY LEE STARBARD August 10, 1974

At 4.30 AM on August 10, 1974, Delbert Smith of the Anchorage Police Department was awakened by his wife, who told him there was an injured man lying in the street. Smith looked out and saw a nude man, later identified as Peter Dispirito, a longtime Anchorage resident and hairdresser and owner of Peter's Salon, lying in a pool of blood. Smith called the Anchorage Police Department, then went out and covered Dispirito with a blanket. Dispirito had stab wounds in his chest and one arm. He told Smith that "Gary did it."

Officer Wood and Jones arrived at the scene and overheard Dispirito say he had been stabbed by "Gary," who was in a house across the street, later determined to be Dispirito's house. Dispirito was placed in an ambulance and driven to Providence Hospital, where he died of his wounds about 45 minutes after he was discovered.

Wood and Smith went into Dispirito's house to look for "Gary." A few moments later a man walked towards other police standing in the street. He asked Officer Jones, "How is he?" and identified himself as "Gary." Gary Lee Starbard was arrested on the spot. Officer Jones observed blood on his hands and shirt.

Because the suspect was now in custody, Smith and Wood left the house. However, police shortly thereafter made two searches of the house without a warrant. This later caused a problem in prosecuting the case.

Starbard was given his rights and booked on a charge of first degree murder. Later, Officer Carlson (who

testified before the grand jury that he had known Starbard since Starbard was 4 years old) read Starbard his rights once again, then attempted to interrogate him. Starbard said he wanted to talk with his attorney, which he did over the telephone. After the phone call, Carlson again attempted to interrogate Starbard, and this time was able to elicit a statement from him. This also later caused a problem for the prosecution, as the defense attorney later maintained that Carlson had thereby violated Starbard's "Miranda" rights (once Starbard had indicated that he would not talk without counsel present, his attorney argued, it violated his rights to attempt to interrogate him without counsel).

Starbard was indicted on a charge of second degree murder on August 22. Starbard pled down to a charge of manslaughter, a crime which carried a penalty of one to twenty years imprisonment.

At Starbard's sentencing hearing in Anchorage Superior Court on October 25, Judge Seaborn Buckalew remarked that "apparently the victim [Dispirito] made a homosexual assault" (to which Starbard had reacted violently, causing Dispirito's death).

While prosecuting attorney Justin Ripley felt Dispirito should receive at least a few years' imprisonment for his crime, defense attorney Kay argued that Starbard should not receive a "substantial" sentence because he was not "criminally oriented" and would not benefit from lengthy incarceration which might "make a criminal" out of him. He characterized Dispirito as a "wolf" and an "experienced homosexual," whereas Starbard (who had apparently been drinking the night of the crime) was a young, inexperienced drunk man who was not accustomed to excessive drinking. Kay claimed that Starbard was "in some ways the victim."

Judge Buckalew responded that "the victim is the dead man" and Kay's remark could be interpreted to mean that Starbard had not killed a man but a "queer."

Judge Buckalew then told the defendant:

The penalty for this crime is — is one to twenty years, and the victim is a man that was knifed and is dead, but trying to impose a proper sentence is not very easy....I really don't think you need to be rehabilitated. It's something that's never going to occur again. But I do have a problem, killing with a knife, deterrent [sic], public condemnation and so forth. But if I was going to put this defendant in any category it'd be at the bottom end of — and I don't even want to use the word criminality. It's an unfortunate accident — incident, but I do think I should impose some time. Considering all the facts, I'm going to impose a sentence of one year....

Because Starbard's brother was on a 10-day leave from Okinawa, Buckalew permitted Starbard to visit with him for a few days. He was ordered to surrender himself at the Sixth Avenue Jail in Anchorage on November 3 at 4:00 PM. It was recommended that his sentence be served out at the State Correctional Facility in Eagle River.

Sources: Court documents, *The State of Alaska vs. Gary Lee Starbard* (3AN-S74-3678 Cr.); "Man Charged With Knifing Receives One-Year Term," *Anchorage Daily Times* [now the *Anchorage Times*], October 26, 1974.

Alaska Gay Coalition

d-2 — VIOLATION OF CONSTITUTIONAL RIGHTS TO FREEDOM OF SPEECH AND ASSOCIATION AND EQUAL PROTECTION UNDER THE LAW (MUNICIPALITY OF ANCHORAGE)

July 1976

In February and March of 1976, the Municipality of Anchorage began to gather information for the 1976-77 *Anchorage Blue Book*, which was intended as a guide to public services, recreational opportunities, and crisis assistance in the greater Anchorage area. The *Blue Book's* editors contacted all groups which were included in the earlier version of the *Blue Book* (which was published under the auspices of the former Greater Anchorage Area Borough), as well as many organizations which had not been listed previously.

Among these latter groups was the Alaska Gay Coalition (AGC), which provided the editors with a description of its purposes and services as excerpted below:

Purpose: To develop, secure, and maintain the civil liberties, rights and dignity of all homosexual and lesbian individuals; to represent the interest and goals of lesbians and homosexuals in Alaska; to educate the overall community about those goals and interests.

Services: Referral to related organizations; speakers available in the area of gay rights issues; public education; provide social and political personal support....

After information was collected, a rough draft of the *Blue Book* was prepared and distributed to four persons involved with the *Blue Book*, including Anchorage Mayor George Sullivan, who had final editorial control of the publication. Sullivan directed that several changes be made, including suggesting other groups to include, directing that the descriptions of the purposes and services of the organizations be deleted (so that only names and telephone numbers would be published), and specifically ordering that the AGC entry be deleted in its entirety.

In fact, Bruce Staser (formerly the Municipality's public information officer, and now Sullivan's executive administrative assistant) had seen the rough draft before Sullivan did, and had placed an X through the AGC entry.¹

The second draft of the *Blue Book* did not include AGC's entry. Nor did the final draft, which was printed and distributed in July.

On July 21, 1976, AGC filed a complaint in Anchorage Superior Court against Sullivan, Staser, and the Municipality. It also sought a temporary restraining order to stop further distribution of the *Blue Book* until the matter was resolved in court. The restraining order was granted on July 29.

The case was tried in Anchorage Superior Court from August 26 to 27. AGC, represented by attorneys provided by the American Civil Liberties Union, charged that the defendants had denied AGC freedom of speech, association, equal protection under the law, and procedural and substantive due process. Central to AGC's complaint was its assertion that the *Blue Book* constituted a public forum, a claim the Municipality denied.

Anchorage Superior Court Judge Justin Ripley found against AGC on all issues. AGC appealed to the Supreme Court of Alaska.

In its finding of May 5, 1978, the Alaska Supreme Court reversed the lower court's decision.

In a review of the trial testimony, the Court noted that Sullivan had testified to several reasons for deleting AGC's entry. Sullivan had said he believed AGC to be primarily a political and lobbying group, and its political focus was inconsistent with the *Blue Book's* nonpolitical aims. He had admitted that he had a personal aversion to homosexuality. And, finally, he felt that since Alaska statute outlawed sodomy and incest, it was inappropriate for a government publication to include a reference to a group such as AGC.

The Court was not persuaded by these arguments. It noted that the *Blue Book* had entries for other political and lobbying groups, including, for instance, the National Organization for the Advancement of Colored People, the ACLU, the Sierra Club, and the Anchorage Tenants Union. Hence,

It is apparent that the Gay Coalition was deleted from the *Blue Book* solely because it was a homosexual organization....

Nor did the Court find and justification in denying AGC's entry on the basis of state sodomy and incest statutes, since there was no demonstration that AGC advocated the violation of these laws.²

The Court found that the *Blue Book* did, as AGC claimed, constitute a public forum. First, it was published by the Municipality of Anchorage, a government body; second, because it was designed to help Anchorage-area residents to find others with "similar views and interests,"

...once it was opened for such use, the government could not deny [AGC] access to it based solely on the content of its beliefs.

Another argument advanced by the Municipality in trial court was that AGC had failed to show it had suffered harm from the deletion of its entry. On the contrary, the Court found,

...suppression of speech in itself...is the evil to be avoided for such suppression necessarily impairs the right to speak freely. Any further showing of adverse consequences flowing therefrom is unnecessary.³ [Emphasis in original.]

In sum, the Alaska Supreme Court found:

In deleting the Alaska Gay Coalition from the *Blue Book*...[Sullivan, Staser, and the Municipality] denied that group access to a public forum *based solely on the nature of its beliefs*. In so doing, they violated [AGC's] constitutional rights to freedom of speech and association and equal protection under the law. [Emphasis in original.]

The Court remanded the case to Anchorage Superior Court and instructed the lower court to order that there be no further distribution of the 1976-77 *Anchorage Blue Book*.

Subsequently the *Blue Book* was published by a private company. [See Case # d-5 below.]

Notes: 1. He later testified in Anchorage Superior Court that he did so because of "subtle guidelines" from the Anchorage Municipal Assembly not to include "activist-type organizations" in the *Blue Book*. He was asked at an April 6 Assembly meeting if AGC would be included in the *Blue Book*, to which he responded, "Not as long as I have anything to do with it." He said he assumed the Assembly's resulting silence was a sign of their agreement.

2. In his September 10, 1976, column in the *All-Alaska Weekly*, Edgar Paul Boyko wrote: "We are not sure what incest has to do with anything since that is defined as 'the crime of cohabitation or sexual commerce...between persons related within the degree wherein marriage is prohibited by law.' The...practice would seem to be statistically more predominant among members of opposite sexes and most assuredly we are not aware of the Gay Coalition advocating this particular activity." [Emphasis in original.] Homosexual acts between consenting adults were decriminalized in Alaska in 1980.

3. The Alaska Supreme Court, noting that AGC may have been harmed otherwise by their exclusion from the *Blue Book*,

quoted remarks made by Larry Kulik, AGC's attorney at the trial level: "Obviously if I were representing...the League of Women Voters I'd be hard pressed to show very much damage that the league would suffer by not being in the Anchorage Blue Book, however, I don't represent such a popular group. I represent the Gay Coalition. And these people take whatever forum they can get and when they can get it. This is a valuable forum for them."

Sources: "Blue Book deletion a mystery, mayor says," *Anchorage Daily News*, August 28, 1976; "Mayor Deleted Gay Coalition," *Anchorage Times*, August 28, 1976; "Blue Book Battle" [editorial], *Anchorage Times*, August 28, 1976; "Serious issue" [editorial], *Anchorage Daily News*, August 31, 1976; Edgar Paul Boyko, "Roar of the Snow Tiger," *All-Alaska Weekly*, September 10, 1976; *The Alaska Gay Coalition vs. George M. Sullivan, Bruce Staser, and the Municipality of Anchorage* (Alaska, 578 P.2d 951).

Alaska Gay Community Center, Inc.

d-3 — DENIAL OF PUBLIC FUNDING (MUNICIPALITY OF ANCHORAGE) April 19, 1979

On March 9 the Alaska Gay Community Center, Inc. (AGCC), a tax-exempt nonprofit agency, submitted a grant application to the Municipality of Anchorage's Employment and Training Division, Department of Social Services. AGCC requested \$93,774 in Title VI CETA funding for the eighteen-month "AGCC Social Service and Advocacy Project." According to the grant application:

The purpose of this project is two-fold; 1) To provide social services to the Alaska homophile community, 2) To increase community understanding of the gay sexual orientation, gay lifestyles, and other aspects of the minority group.

The application explained that AGCC was "the only social service center in Anchorage designed to provide public advocacy, information and referral, counseling, and social programming specifically for the homophile community." Funding would enable AGCC to staff its Center and to provide information and referral services, counseling, crisis intervention, for lesbians and gay men and their parents and friends, as well as educational programming about lesbians and gays for mental health agencies and the public-at-large. The majority of the proposed budget would pay wages for five employees.

The Municipality denied the funding request. In a letter to AGCC's executive director, the Director of Employment and Training for the Department of Social Services wrote:

On April 19, the Assessment and Allocations Committee of the Manpower Planning Council, adopted a recommendation to the Municipal Mayor that the project not be funded. The recommendation is based on the following factors:

(a) to fund services for gay persons because they are gay would be a recognition by the Government of a viewpoint [sic] on sexual behavior; CETA should not fund the advocacy of a moral position; (b) no Federal, State, or local legislation grants gay persons protected status; in other words, this is not a minority group with legal recourse against "discrimination"; (c) the proposed project does not provide a benefit to the public; the CETA Regulations require that Title VI projects have a "public service objective."

The letter further explained that "...the Municipality has not previously officially established, either through legislative or executive act, policy whereby public monies should be used to assist in solving the problems of gay persons."

Sources: Title VI CETA grant application from the Alaska Gay Community Center, Inc., March 9, 1979; letter from Vince P. Fennimore, Director, Employment and Training, Department of Social Services, Municipality of Anchorage, to Nan Harty, Alaska Gay Community Center, Inc., May 3, 1979.

Two females, ages unavailable

d-4 — EMPLOYMENT DISCRIMINATION (U.S. ARMY, FORT RICHARDSON) June 4, 1980

On June 4, 1980, two Fort Richardson soldiers were discharged from the U.S. Army for "homosexual tendencies." Some soldiers had accused the two women of "caressing and kissing" at a party the previous winter, although other soldiers said (according to one of the women discharged) that they had been doing "nothing out of the ordinary."

No formal charges were levelled against the two women, but their company commander made a recommendation that they be honorably discharged. According to an *Anchorage Daily News* story on the incident, the women "refused to appear before a board of officers to appeal the ruling because they don't think the military will give them a fair hearing."

One of the soldiers told the *Daily News* that she had been harassed by other soldiers for two years: "People slide naked-women magazines under the door, and I have had threats against my life."

The *Daily News* observed that two weeks before a U.S. District Court in Milwaukee had ruled it unconstitutional to discharge a soldier from the Army for "homosexual tendencies."

Source: Julie Anne Gold, "2 discharged at local base; Accused of homosexual tendencies," *Anchorage Daily News*, June 4, 1980.

Gay Alaska (Anchorage-based gay newspaper)
d-5 — DISCRIMINATION IN ADVERTISING PRACTICES
(ANCHORAGE WELCOME SERVICE) July 1980

The *Anchorage Daily News* reported on July 29, 1980 that the Anchorage Blue Book would not include an ad for *Gay Alaska*, an Anchorage-based gay newspaper. Joan Tovsen of the Anchorage Welcome Service, which now published the *Blue Book*, said *Gay Alaska's* ad was rejected because the newspaper was "controversial." According to the *Daily News*, "Tovsen contends that since the book is no longer financed by public funds her organization has authority to exclude controversial groups."

Source: John Lindback, "Gay Alaska ad rejected," *Anchorage Daily News*, July 29, 1980.
 [See also Case # d-2.]

Imperial Court of All Alaska
d-6 — HARASSMENT, EYE INJURIES (TEAR-GASSING) September 5, 1982

On September 5, 1982, a white male approximately 6 feet tall with black hair and a beard and wearing a dark business suit threw a tear gas canister into the ballroom of the Anchorage Sheraton Hotel, where hundreds of people were celebrating the annual Coronation Ball of the Imperial Court of All Alaska, a gay/lesbian social organization. Celebrants were forced to evacuate the ballroom into the hotel's lobby or out into the streets, where it was raining. No serious injuries were reported; however, some individuals were treated at local hospitals for eye injuries resulting from the tear gas.

Army officials at Fort Richardson subsequently began an investigation to determine if the tear gas might had been stolen from inventory there or at another military facility.

No suspect was apprehended in the tear-gassing.

Sources: *Gay News Review*, KSKA Anchorage Public Radio, broadcast for September 12, 1982.

Identity, Inc.
d-7 — HARASSMENT, THREATS January 1983 to June 1987

During the period from 1977 to 1987, *Identity* (formerly the Alaska Gay and Lesbian Resource Center and the Alaska Gay Community Center) has received over 13,000 calls on its information, referral, and peer-counseling hotline. While most of the calls were "working" calls, an estimated 15 to 20% of the calls were harassment or hang-up calls (some of which may also have been intended as harassment calls).

The following eleven phone calls were received by staff members of the hotline. These accounts were drawn from the call log sheets which staff members filled out for each call. Except for words in brackets, all words within quotation marks are verbatim quotes from each staff member's account.

1/9/83 (male caller, female staffer):

Staffer (answering phone): "Lesbian/gay hotline."

Caller: "You're gay."

Staffer: "That's true."

Caller: "Oh, god. I'm going to put a bomb in your building because I hate fags."

Staffer (referring to an upcoming move): "Well, it's not going to be our building for much longer."

Caller: "Oh, god, you lez."

Caller hung up. The staff member reported that she also received three hang-up calls within four minutes of the harassment call, and speculated that "these hang-ups were also intended as harassments."

7/9/83 (female caller, male staffer): "[Call] started out friendly. She asked who I was. I said [staffer's name deleted]. She asked if I wore braces. I said no. I asked if I could do something for her. She said yes. I could die."

8/29/83 (male caller, male staffer): "[The caller] asked if I was gay. I said yes. He asked how old I was. I asked what difference it made. He agreed that it made no difference. He then described his [penis] and began to moan. I hung up."

10/12/83 (caller's sex unknown, female staffer): "Some clever hetero-homophobe rigged a robot voice that kept repeating those ancient words of wisdom: 'You are a faggot.' I listened to the robot voice say this three times, and, on the chance someone would hear me, said, 'That's funny. I don't feel like a faggot.' Then I hung up."

10/29/83 (male caller, male staffer): "After a number of obnoxious comments he asked me if all homosexuals had wimpy voices like I do."

12/3/83 (male caller, male staffer): "He asked me what we were all about and after I told him he said that was pretty good for faggots."

1/8/84 (male caller, male staffer): "[He] asked me for the # to [name deleted]. He then told me that I'm a fag. He suggested that I shoot myself because I'm messed up."

4/7/84 (male caller, male staffer): "'God-damn faggots.'"

5/4/84 (male caller, male staffer): "[Caller] said that he was having a lot of problems at his job. When I invited him to talk about it he said, 'You're a fuckin queer!'"

4/26/85 (male caller, male staffer):

Caller: "Yeah, do you help homosexuals?"

Staffer: "Uh-huh."

Caller: "Well, I've got a problem. I blow away every homosexual I see in gay bars."

Caller hung up.

5/3/85 (male caller, male staffer): "Called to tell the 'gay community' that [name deleted], the Wasilla Star-Child will take no more of our shit!!! If we 'don't stop our surveillance, he's going to kill us cocksuckers!' I tried to find out what he was talking about but he just kept on yelling, and yelling until he hung up. Strange call that left me a little uneasy. Anyone know what's going on with this guy?"

The following eight phone calls were rerecorded from the answering machine of Identity's Gay and Lesbian Helpline to another cassette tape for permanent record. They have been transcribed in their entirety. The calls were received during off-hours over the period June 1985 to June 1987.

6/11/85 (male caller): "Hello. Yeah, I saw your faggot creep ad in the paper and you're only one step above a cockroach, you assholes." [The caller was evidently referring to a classified ad in a local paper advertising the Gay and Lesbian Helpline.]

7/3/85 (male caller): "You fuckin' bastard gay bitches, you ain't shit! You motherfuckers should be quarantined and put in a fuckin', uh, ship an' sent to Mars and burnt to hell. You faggot bitches gay lesbian motherfuckers, you ain't shit. Faggots. Bitches. Lesbians. Bisexual homos."

9/21/85 (male caller): "On behalf of all Americans I hope you faggots die of AIDS. Thank you."

10/30/85 (female caller): "Hello. You are assholes. You are a lesbian. You are a dick sucker. You are a motherfucker. You are a bitch. You suck dicks. Yes, you know, 'cause you are a' asshole."

11/9/85 (male caller): "Hello, my name's [name deleted], I live in Palmer and I'd like to call and complain about having to write stories, uh, about fags and queers an' whatever else on this, uh, this bullshit I saw in the paper here. You wanna write a play, why don'tcha write something decent. Dipshit...fuckin' faggot." [This call was apparently in response to an Anchorage or Matanuska Valley newspaper story about the play "My Blue Heaven," produced by Out North Theater Ensemble, a separate organization.]

1/8/86 (male caller): "[If] you faggots would quit fuckin' each other in the ass you wouldn't have so many problems. Bye."

1/30/86 (male caller): "Yeah, I understand this is, uh, this is yuh-your classic cocksucker hotline here, and all I got to say is, you is, you faggots ought to go live in fuckin' closets and not...that you should be ashamed. You're not normal fuckin' people, right? There's a whole bunch of decent people that don't like cocksuckers. How's that?"

6/6/87 (male caller): "Yo, tinkerbelle, nobody's in [staffing the Helpline] 'cause you're gettin' fucked in the butt. Yeah, you tinkerbells are all the same. I hope y'all get AIDS an' y'all die real painful deaths."

Sources: Staff phone call log sheets provided researchers by Identity, Inc.; tape of calls received on Identity's answering machine provided researchers by Identity, Inc. [See also "Cases from Personal Testimony," Case # 22.]

Male, 26

d-8 — SEXUAL ASSAULT (MULTIPLE ASSAILANTS) November 1, 1983

On November 1, 1985, a 26-year-old Anchorage gay man was hitchhiking between Anchorage and Chugiak. He was picked up by five men in a van. Shortly after he accepted the ride, he was knocked unconscious. When he regained consciousness all five men proceeded to rape him.

Source: *Lesbian and Gay News Review*, KSKA Anchorage Public Radio, broadcast for November 6, 1983.

Female, age unavailable

**d-9 — DISCRIMINATION IN CHILD CUSTODY RULING (ANCHORAGE SUPERIOR COURT)
Late 1983**

In late 1983 an Anchorage lesbian mother lost custody of her child. A gag order was placed on the case, making information about it difficult to obtain. "However," according to *Lesbian and Gay News Review*, "the newsletter [of the Anchorage chapter of the National Organization for Women] states that the Anchorage Superior Court Judge who ruled in favor of the father stated the lesbian mother had decided to leave the home to continue her education, providing an unstable environment for the child. The judge had insisted homophobia played no part in his ruling. The N.O.W. newsletter goes on to say that the ruling at face value apparently means single mothers who attend school are in jeopardy of losing custody of their children."

The mother appealed the case to the Alaska Supreme Court. The Court found evidence that Anchorage Superior Court Justice Ripley had based his decision on the mother's lesbianism, and in a 4-1 decision on May 11, 1985, ruled he had been wrong to award custody of the child to his heterosexual father on that basis. According to *Lesbian and Gay News Review* (now known as *Out in the North*), the Alaska Supreme Court said in part that "there was no suggestion the mother's being a lesbian was likely to adversely affect the child. The decision also said it was wrong to rely on any real or imagined social stigma attaching to the mother's status as a lesbian. The ruling calls on Judge Ripley to review his earlier decision. It does not settle the custody question itself, but it does state, apparently for the first time in Alaska, that sexual orientation does not in and of itself determine a parent's ability to raise children."

Sources: *Lesbian and Gay News Review/Out in the North*, KSKA Anchorage Public Radio, broadcasts for December 11, 1983 and May 12, 1985.

Identity of Kenai

d-10 — DISCRIMINATION IN ADVERTISING PRACTICES (PENINSULA CLARION) March 1984

In March 1984 the Kenai newspaper *Peninsula Clarion* refused to print an ad for an Identity-affiliated gay and lesbian information and referral telephone service in Kenai. Identity of Kenai told the Fairbanks-based lesbian/gay newspaper *Out in the North* that the *Clarion* claimed the ad would be detrimental to business. The weekly newspaper *Cheechako* (Soldotna), however, reportedly was running the ad.

Source: "Homophobic Paper Rejects Ad," *Out in the North* (newspaper), April 1984.

Arctic Gay/Lesbian Association

**d-11 — THREATENED DENIAL OF STUDENT ACTIVITY FUNDS
(ASSOCIATED STUDENTS OF THE UNIVERSITY OF ALASKA) April 1984**

In April 1984 the Arctic Gay/Lesbian Association (AG/LA), a student organization at the University of Alaska, Fairbanks, requested \$800.00 from the Associated Students of the University of Alaska (ASUA). ASUA's finance committee recommended to the student Senate that AG/LA receive \$745.00 of the request. The student Senate approved the disbursement in a 9 to 4 vote (with 3 abstentions, 2 absences).

The ASUA president vetoed nearly all the funds. The ASUA Supreme Court, however, disallowed the veto on the grounds that the president had not returned his veto within six days of the Senate's approval of the funding, as was required by the ASUA constitution. (The president had claimed he had returned the veto within six days of receiving a copy of the funding approval.) AG/LA therefore received the funding on a technicality.

Source: "Gay Group Funded At University Over Presidential Veto," *Out in the North* (newspaper), May 1984.

Male, 43

**d-12 — MURDER OF OSCAR JACKSON BY WILLIAM M. JUSTICE aka WILLIAM M. RIMA
December 21, 1984**

On December 21, 1984, the body of Oscar Jackson, a 43-year-old black gay man, was discovered in a wooded

area of the Hillside area of Anchorage. An autopsy determined that Jackson had sustained blows to the front of his head from a blunt object, enough to make him unconscious. He had then been strangled to death.

On December 26 police located Jackson's pick-up truck, a black Mitsubishi, in the Spenard area of Anchorage. The truck's operator, William M. Justice (aka William M. Rima), was also found to have in his possession keys to Jackson's trailer and to his locker at the airport, where Jackson had been employed by Western Airlines.

Investigation determined that Justice had clubbed Jackson into unconsciousness sometime in the early morning hours of December 21, and then strangled him. He subsequently appropriated Jackson's truck and other property and used Jackson's residence to hold a party. He sold some of Jackson's possessions to buy supplies for the party, and also attempted to sell some of Jackson's property to partygoers. He told partygoers (including his brother) that Jackson had gone on vacation and had lent his truck to him.

Justice was indicted on July 26, 1985 on one count of first degree murder; he was also indicted on counts of first degree burglary, second degree theft, and third degree criminal mischief. Justice entered pleas of not guilty to the charges.

Justice was tried in Anchorage Superior Court in November 1985. In his opening statements, Assistant District Attorney Gail Fraties noted that Justice had told friends that Jackson was gay and was "bothering" him.

A jury found Justice guilty of all charges on November 13, 1985. He was sentenced in February 1986 to 60 years in prison for the murder, with short concurrent sentences for the related charges. He would have no possibility of parole for 20 years.

Judge Karl S. Johnstone noted in sentencing that Justice had called Jackson a "faggot" prior to the murder and that he showed no remorse for his crimes.

Justice appealed his sentence as excessive to the Alaska Court of Appeals. The Court of Appeals affirmed the 60 year sentence on September 16, 1987, observing in its opinion that the trial court had found that "Justice was close to a worst offender in that he, at least in part, premeditated the offense [of murder] and committed it in a particularly brutal way, and afterwards showed a lack of remorse."

Sources: Court documents, *State of Alaska vs. William M. Justice* (3AN-S85-4943 Cr. 3AN-S84-9523); *Out in the North*, KSKA Anchorage Public Radio, broadcasts for November 10, 1985 and February 16, 1986.

Two females, four males, high school-aged

d-13 — HARASSMENT, PROPERTY DAMAGE, RAPE THREAT February 1, 1985

On the night of February 1, 1985, two 18-year-old men were arrested by Anchorage police and charged with malicious destruction of property.

According to a female witness, she and five friends, another girl and four boys, had left an all-school dance at the Egan Convention and Civic Center around 10.30 PM. They got into a late-model two-door Saab and began to drive away.

According to the witness, "We noticed a man walking down the middle of the road...the middle of our lane....He was walking directly down the middle as if he wanted to make sure that any cars behind him were so annoyed that they'd beep their horn, therefore giving him an excuse for some kind of violence, I guess. But we never beeped our horn because — my friend's comment was that he looked pretty mad, and we didn't want to provoke him at all. He turned around and noticed the car and said 'faggots' really loud."

The car turned into an alley behind the convention center, but the man caught up with it and continued to shout "faggots." He also shouted obscenities and threatened violence. He beat on the windows on the driver's side of the car and kicked the back of the door, causing a dent. Then he ran away.

The students attempted to drive away, but traffic held them up. In the rearview mirror the driver saw the man coming back. The female witness ran into the convention center for help and returned with two friends. "I guess when I'd been gone," she said, "the man had brought his friend...and they'd started yelling obscenities, threatening rape to the one female in the car, yelling 'Faggot, come out and fight us, faggot, come out and fight us' and stuff like that." The two men beat on the car and broke one of its windows, then tried to grab the people inside the car, screaming at them as they did so. The witness believes that if a crowd had not come the threats and violence would have continued.

After his arrest, the first man admitted vandalizing the car, but claimed that the attack was provoked by an exchange of obscenities. He claimed he had been started across the street when someone in the car told him he was jay-walking. Then the car came towards him as if its driver intended to hit him with it. He said he hit the window to get its occupants' attention and ask them why they were trying to hit them, but, he claimed, the students made obscene gestures at him with their hands. He said it was then that he broke the car window. He denied he shouted "faggot" or threatened rape.

All six complainants, however, said they had clearly heard him shout those things, and witnesses in the crowd

also heard the shouts. The six complainants planned to attempt pressing assault charges on the man.

The female witness explained, "He would have yelled faggot at anyone, but the general reason that he was yelling faggot was because the car was nice, the clothes were nice, and...he associated...those kinds of things with homosexuality or weakness. Or—or maybe it was just—I think most of it was, it was the biggest...put-down he could find...."

Out in the North observed, "Whether the entire incident was a misunderstanding, as Nichols maintains, or an act of antigay violence, which in this case was directed at heterosexuals, or whatever—the incident appears to confirm fears that such apparent antigay incidents are on the rise."

Source: *Out in the North*, KSKA Anchorage Public Radio, broadcast for February 10, 1985.

Male, 55

**d-14 — MURDER OF RAYMOND BARKER BY CHARLES COLE AND MATTHEW DECKER
April 3, 1985**

According to trial testimony, Charles Cole, 21, and Matthew Decker, 19, met and befriended Anchorage carpenter, 55-year-old Raymond Barker, at a downtown Anchorage gay bar. After buying them a few beers, Barker invited Cole and Decker to his home and prepared dinner for them. Decker then clubbed Barker to death with a willow club belonging to the victim. Cole and Decker were arrested the following day.

At Cole's trial in September, his attorney Mark Ashburn claimed that Barker's intention in befriending the other men was sex; Assistant District Attorney Gail Fraties denied the claim, saying that "Barker was a nice man who often befriended people on the skids," the *Anchorage Daily News* reported. According to Ashburn, Cole and Decker were unemployed at the time of the murder and supported themselves, at least in part, by selling drugs, real and phony.

A witness who helped police identify Cole and Decker testified that the two preyed upon gay men, first befriending them and then strongarming them for money. The witness testified he had once accompanied Cole and a third man to attempt such a robbery, but he got bored before a suitable victim turned up.

Cole was convicted in the fall of 1985. Decker, who pleaded no contest to murder charges in October 1985, was sentenced in January 1986 to 30 years imprisonment; he would not be eligible for parole till he was 40.

Sources: *Out in the North*, KSKA Anchorage Public Radio, broadcasts for April 21, 1985, October 27, 1985, and January 12, 1986; Sheila Toomey, "Witness says pair preyed on homosexuals," *Anchorage Daily News*, September 12, 1985.

Male, 20

d-15 — ASSAULT November 12, 1985

Around 5.00 PM on November 12, 1985, a 22-year-old student at Alaska Technical Institute burst into a class which was already in session with two friends. The student threatened a 20-year-old gay student with a machete and an aluminum baseball bat. At one point the gay student, pleading for his life, climbed part way out of a third story window in an attempt to escape the attack, but classmates pulled his attacker away from him after the attacker hit him twice in the leg with the bat.

The attacker fled the classroom, but was arrested by Anchorage police at 10.00 PM at the home of a friend. The attacker claimed the gay student had been spreading rumors that he was gay. The gay student denied spreading such rumors, and classmates backed him up. The attacker told friends that his wife would hear the alleged rumors about him and divorce him.

The attacker was charged with fourth degree assault.

Sources: Tom Kizzia, "Police arrest man after attack during business skills class," *Anchorage Daily News*, November 14, 1985; *Out in the North*, KSKA Anchorage Public Radio, broadcast for November 17, 1985.

Systemic

d-16 — DISCRIMINATION IN SERVICES (DATING AGENCY) March 1987

During the last week of March 1987 an advertisement for "Life Dating" appeared in the "Personals" section of the *Anchorage Daily News* classified ads. "Life Dating" advertised itself as a service "for people afraid of being infected by AIDS" and "Exclusively for people interested in the opposite sex," and said that all members of itself would be tested and certified [presumably as being free of the HIV virus believed to cause AIDS]. In an April 2 letter to the Consumer Protection Agency, Jay Brause wrote:

I am concerned with this ad for two reasons: one, similar services across the country have been shut down—it can offer no sure protection against AIDS as it claims it can¹; and two, the ad is patently offensive to non-heterosexual people. Without question, their intent is to discriminate against non-heterosexual people.... While this practice does not violate local or state

law, it still is certainly discriminatory and serves no legitimate purpose.

Brause also wrote that he had called the *Daily News* classified department on April 1 to protest the ad, and was told that the *Daily News* would not pull the ad until the newspaper's attorney made a determination on the matter.

Note: 1. "Current estimates suggest that an infected person who is without symptoms will probably develop detectable antibodies to the virus two to eight weeks after the initial exposure, but in some cases six or more months may pass before there is such evidence of infection." Thus, an individual very recently infected with human immunodeficiency virus (HIV) may test negative for antibodies for a considerable period of time. This fact renders "certification" for freedom from the AIDS virus virtually meaningless. John Langone, *AIDS: The Facts* (Boston: Little, Brown & Company, 1988), p.11.

Sources: "Life Dating" advertisement, *Anchorage Daily News*, March 30, 1987; letter from Jay Brause to the Consumer Protection Agency, Anchorage, Alaska, April 2, 1987.