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BUSINESS ON THE CONSENT CALENDAR
BILLS PASSED

On motion of Representative Pelto of the 54th, the following bills on the Consent Calendar which were starred for action were passed in accordance with Rule 43 of the House Rules:

JUDICIARY. Substitute for H.B. No. 5348 (RAISED) (File No. 169) AN ACT CONCERNING THE APPRAISAL OF PROPERTY IN A FORECLOSURE BY SALE.

FINANCE, REVENUE AND BONDING. H.B. No. 6941 (RAISED) (File No. 172) AN ACT CONCERNING THE MANNER OF TRANSFER OF FUNDS WITHIN THE TEACHERS' RETIREMENT SYSTEM.

FINANCE, REVENUE AND BONDING. Substitute for H.B. No. 6932 (RAISED) (File No. 187) AN ACT CONCERNING THE SALE OF COPIES OF THE GENERAL STATUTES.

JUDICIARY. Substitute for S.B. No. 672 (RAISED) (File No. 125) AN ACT CONCERNING VOLUNTARY CONSERVATORSHIP. (As amended by Senate Amendment Schedule "A").

LEGISLATIVE MANAGEMENT. H.B. NO. 5741 (COMM) (File No. 202) AN ACT CONCERNING EXPENSES OF MEMBERS OF THE GENERAL ASSEMBLY ELECTED TO FILL UNEXPIRED TERMS.

ENVIRONMENT. Substitute for H.B. No. 6229 (COMM) (File No. 212) AN ACT CONCERNING THE STANDARDS RECOMMENDED BY THE AMERICAN NATIONAL STANDARDS INSTITUTE FOR SAFE LEVELS WITH RESPECT TO HUMAN EXPOSURE TO RADIO FREQUENCY ELECTROMAGNETIC FIELDS.

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CLERK:

Please turn to Page 6, Calendar 192, Substitute for House Bill 7133, AN ACT CONCERNING DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION.

Favorable Report of the Committee on Judiciary.

REP. TULISANO: (29th)

Representative Tulisano of the 29th.

REP. TULISANO: (29th)

Mr. Speaker, I move for acceptance of the Joint Committee's Favorable Report and passage of the bill.

SPEAKER BALDUCCI:

The question is on passage. Will you remark?

REP. TULISANO: (29th)

Yes, Mr. Speaker. Mr. Speaker, the bill before us represents a revised attempt, if you will, at dealing with the issue of discrimination on the basis of sexual orientation. The bill itself does not, as we have done in past years, add to a list of protected classes, that dealing with sexual orientation and effectively we have narrowed this bill to apply or to create a new body of law dealing with this single issue and the purpose, and let me for explanation of this new approach, is because there is a theory of legislative interpretation implied by the courts by which if you add to an existing statute, amending it, the Legislature is interpreted to have done knowingly by adopting all prior regulatory and court rulings dealing with those other protected classes.

So, therefore, the old approach we did obviously took into account and made sexual orientation the broad

application that was dealt with with race, religion, color, as is done in most of our Civil Rights Acts.

This approach is somewhat different. It is narrower. It seeks to respond to some of the issues that have been raised over the years in this debate. Whatever it is, it is on its face. You may not interpret -- you should not interpret this bill based on what other interpretations have been.

You will, as somebody indicated the other day, you create your own new, fresh start. You don't take on any new baggage.

Mr. Speaker, for purposes of further refining this legislation and after much discussion with other members of the public who raised some concerns in the original draft, I'd like to call LCO5715.

SPEAKER BALDUCCI:

Will the Clerk please call LCO5715, designated House Schedule "A".

CLERK:

LCO5715, designated House "A", offered by Representative Tulisano.

SPEAKER BALDUCCI:

The question is on summarization. Is there objection? Representative Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, prior to the bill being called, I did ask to have distributed to the Hall of the House a summary of this amendment which has an error in it, and thank you, Mr. Wollenberg for pointing it out, it refers to it as LCO7515. It is a misprint, but the Legislative Research proposal which summarizes this has been distributed, does go along with this proposal and let me summarize that it deletes that broad provision which some would interpret and make this back to part of the original Civil Rights Act which is Section 2 of the file copy, that is the misdemeanor section as to a crime as to the broad discrimination law.

It, again, keeps it in that narrow focus which is the original intent of the file copy. Members of religious organizations felt that it was the exemption for religious organizations may not have been broad enough and we're responding to that. We added some language that expands on the exemption for religious organizations.

We also took that piece of the language which dealt with making it clear that this does not -- did not have to place children with homosexual or bisexual parents as to adoption. Made it clear that not only was that a requirement as to adopt, but also foster care. So it included that which was a concern of a

number of individuals.

It makes it clear, again, although we thought that was the intent of the original bill, in the drafting and picking up other language, it may not have been in the file copy reflected clearly what we desire, so it made it clear that it does not require teaching homosexuality or bisexuality in the schools. It specifies that sexual orientation is not a cultural classification in society. It makes a number of other clarifying positions in the bill.

It eliminates language which might be interpreted as requiring, even though we say it does not require affirmative action, by implication in other sections of the statute, we took out language with regard to that and it takes out language that might be interpreted to include an individual's regard to sexual orientation dealing with disadvantages of deprived individuals, so they could not be interpreted to be with that.

In whole, Mr. Speaker, the amendment is designed to narrow the bill and to bring the focus of our original concerns and I therefore move for its adoption.

SPEAKER BALDUCCI:

The question is on adoption. Will you remark? Will you remark further on the amendment? Representative Wollenberg of the 21st.

REP. WOLLENBERG: (21st)

Thank you, Mr. Speaker. Mr. Speaker, I'd just like to say to begin with that a bill of this complexity that we've had since all the way back since Monday, to go over this and look into it and to decide and there are many people in this Chamber who are making decisions on this bill. It's not the kind of bill they, when elected say I'm for or against. They come up here and they take a look at the bill and this is the way it should be done.

As I say, we've had since Monday to look at this bill. Today we get hit with a very complex amendment and Representative Tulisano has highlighted for us the changes that are made go back to the original file and there's been a lot of scurrying done in the last couple of days as information was gathered on what sells better than something else for a bill like this.

The whole intent, I think, is with this amendment, I know, is to make it more saleable, to package up some of these things, to squeeze it in here and let it bulge out there so that it becomes more attractive to enough people so that it passes. We've had this bill -- I've been here now nine years. It doesn't come every year, but it's come up a number of times, something of this nature and last year we had the Hate Crimes Bill, but

as to the amendment, I do have a couple of questions to Representative Tulisano, through you, Mr. Speaker.

SPEAKER BALDUCCI:

Proceed.

REP. WOLLENBERG: (21st)

Representative Tulisano, you delete in line 2, I'm sorry -- you delete the discriminatory practice criminality of this statute, and as I look in all the other statutes we have with regard to discrimination, I find that that's in there. Does that make this somewhat less important than what we have in the other statutes or is it of equal importance and is there some other reason why we don't make it this -- that we don't attach this importance of criminality to it?

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

Through you, Mr. Speaker, the section dealing with the criminal sanctions is really part of the old legislation which was found to be nearly ineffective in dealing with discrimination, in dealing with other groups, other protected classes in our society and our current Civil Rights Statutes which are at least the guides by which we use for writing this bill really became the effective tool for dealing with the issues

of discrimination.

So we're not really saying whether or not this is less important or more important. We're talking about effectiveness and the purpose of the bill in and of itself. The purpose of the bill is to make sure people of a different orientation than others are not discriminated against and the main focus of the bill, the file copy and this amendment continues to do that and so this seemed, although not necessarily in the word it's inappropriate to use superfluous. In my perforatory remarks I did make it clear that it took away from the main focus of the legislation to wit: One, narrow it down from our other statutes. It is not absolutely parallel and not intended to be and if there are to be court cases on it, to let it build its own body of law based on the particulars, especially dealing with individuals, predominantly homosexual, not all, because as you know, the bill deals with all individuals.

And so for that reason we took it out. There was an interpretation and the basic reason -- broadly that was the focus of it. That particular section may have in fact made it broader than the original intent of the author. That's me. And therefore, I thought it was appropriate at this point in time to take it out, yes,

you are right. When we do this, we broaden support, but the initial support broadening and solidification was on the basis that it was narrower than in past years and this reinforces that in the original intent.

REP. WOLLENBERG: (21st)

Thank you, Representative Tulisano.

SPEAKER BALDUCCI:

Representative Wollenberg, you still have the floor.

REP. WOLLENBERG: (21st)

Through you, Mr. Speaker, Representative Tulisano, you said of different orientation. I assume you misspoke. I assume you meant different sexual orientation.

REP. TULISANO: (29th)

Through you, Mr. Speaker, well, a different orientation than either one of us, assuming we know what we are, yes.

SPEAKER BALDUCCI:

Representative Wollenberg.

REP. WOLLENBERG: (21st)

Through you, Mr. Speaker, if you -- Representative Tulisano, if you mean of a different orientation on the broad -- in the broad sense, then this whole bill means something different than just sexual orientation and

that's -- you did say that and if you meant to say sexual orientation, I understand that, that you misspoke, but if you didn't and it's orientation we're talking about here, it's a much broader thing than I thought we were doing, through you, Mr. Speaker.

REP. TULISANO: (29th)

Well, Mr. Speaker, I don't know that I misspoke. I didn't know that in this debate since the bill is only dealing with sexual orientation and that is the definition contained in the file copy, Mr. Wollenberg would have really understood clearly that although I used the word "orientation" I was talking within the context of the bill before us which is to wit: sexual orientation.

REP. WOLLENBERG: (21st)

Thank you very much, Representative Tulisano. I'd like to jump to the new section, Mr. Speaker, which is the section that excludes religious corporations, entities and so on and like to ask Representative Tulisano a couple of questions of that, through you, sir.

SPEAKER BALDUCCI:

Proceed, sir.

REP. WOLLENBERG: (21st)

Thank you, Mr. Speaker. Representative Tulisano,

when we we originally saw this bill, we originally saw a religious exclusion at the end of the bill. I think it probably was then even Section 17 or Section 18 and when I read that and we went through that at public hearing it appeared that this religious exclusion pertains to the whole bill before it, all the sections before, not just employment, but the bill that we saw for the first time Monday, we saw that the religious exemption was only to the employment section. I didn't understand why that change was made, but it's not for me to understand when drafters draft, like Representative Tulisano says, you know, so maybe you could tell me what vision you had that allowed that this should include everything and not just employment. A decision was made to just include employment, I assume, when you changed it, and now you've changed it back. What caused that swing? Was there a great deal of pressure put on for that so it would include the whole thing or, through you, Mr. Speaker?

REP. TULISANO: (29th)

Through you, Mr. Speaker, as you know, although I wasn't here last Thursday, there wasn't much pressure brought on me because I wasn't around to receive it, but this bill has been around for awhile and I'm not so sure that in the drafting and the misunderstanding of

the debate that the amendment which is before us brings it back, as you have stated, to the original intent of the committee and apply to everybody. I'm not sure I know how the change was made. It may have been in something I have said. I will admit that at this point in time or something that was picked up in the committee debate, but it is clear, and I think that you are right, that people want it to apply not only to employment, but to educational facilities, etc., the exemption dealing with religious institutions and therefore I think the amendment before you reflects that concern of the committee, as you have already indicated and it was either through my failure or a misunderstanding of the staff, and I don't think it's a matter of blame, it is appropriate. You have indicated that's what you thought the committee did and that's what we've brought before the assembly at this time.

REP. WOLLENBERG: (21st)

Through you, Mr. Speaker.

SPEAKER BALDUCCI:

Representative Wollenberg.

REP. WOLLENBERG: (21st)

Representative Tulisano, then, would a religious organization, and you've added entity, association,

educational institution or society, whichever applies, who wish to contract with the state for some reason or other, would they be exempt and they can freely contract without concern for sexual orientation with the state, is that right?

REP. TULISANO: (29th)

Through you, Mr. Speaker, that is my understanding of the draft. They can contract, maintain the religious principles and not be excluded from any benefit or beneficence of the state which may be under another section of the file copy.

SPEAKER BALDUCCI:

Representative Wollenberg.

REP. WOLLENBERG: (21st)

Through you, Mr. Speaker, Representative Tulisano, and also any funding that the state may choose to make toward religious organizations and so on would also be -- they could also practice sexual -- discrimination against homosexuals and they could still collect the funds. Is that true?

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

Through you, Mr. Speaker, they may maintain their religious principles as they establish them and still

-- whatever they may be. I don't know any church that actually discriminates or treats somebody wrong, but there may be some, but if their principle requires, as an example, now let's go back outside of this, you don't ordain women in the church, a similar kind of thing, that they can still receive benefits from the state without suffering any potential cutoff.

So I mean the same thing would apply here. For some reason that it is inappropriate that a church, particularly more fundamentalist churches, believes inappropriate to hire somebody and a school to teach because of their orientation, they would not be cut off from benefits.

SPEAKER BALDUCCI:

Representative Wollenberg.

REP. WOLLENBERG: (21st)

Through you, Mr. Speaker. Representative Tulisano, I meant to go a little farther than that and if they have a contracting entity which puts forth for their religion and so on and money that way and it's their custom and so on to do this, they can contract with the state and if they choose, they do not have to employ homosexuals, is that true?

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

I refer you to the amendment, Section 17, lines 31 through I think it's lines 40 and "perform work connected in carrying on the corporation, entity, etc., activities with matters of discipline, faith, internal organization or ecclesiastical rule, custom or law which are established by the religious entity. That is somewhat narrower than you just applied, so I suspect a religious organization who might come under this exemption for those listed areas who might own, let's say, Christian Brothers Brandy Corporation in packaging alcohol in California, those employment things, they could not apply it to that state, to that situation since that is not a matter as outlined in lines 37 through 39.

REP. WOLLENBERG: (21st)

Through you, Mr. Speaker.

SPEAKER BALDUCCI:

Representative Wollenberg.

REP. WOLLENBERG: (21st)

Thank you, Mr. Speaker. Representative Tulisano, how do we determine within this bill what a religious corporation, entity, association and so on, what it is? What is one? Can I be one if I want to?

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

Through you, Mr. Speaker, I guess that's the same kind of question as how do we know when we give them a tax exemption or don't charge them sales tax or anything else. That is, whatever you fit -- if you fit into the definitions that fit through all our statutes or the federal codes for income tax purposes, if you fit into that, you are one.

REP. WOLLENBERG: (21st)

Through you, Mr. Speaker, but, Representative Tulisano, we know in the federal code because they spell it out and we know in other statutes because they spell it out, but here we don't spell it out. Shouldn't we refer to some definition? We do refer to other definitions or else we use the dictionary definition, Representative Tulisano.

REP. TULISANO: (29th)

Through you, Mr. Speaker.

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

Through you, Mr. Speaker, you're right, but Mr. Wollenberg is well aware, through you, Mr. Speaker, that any kind of interpretation would use the

dictionary definition and anybody else who was trying to interpret would look at other state law as it would be defined. I think it's clear what we're talking about, appropriately establish religious organizations in this floor debate I guess makes it clearer and --.

REP. WOLLENBERG: (21st)

Thank you, Representative Tulisano. My only point is that if there's a real interest here in protecting a group as we have protected the groups of color and ancestry and of disabilities and things of that nature, then I would think we would not want any renegade religion applying for this exemption.

If that's not so, if it doesn't make any difference, then it doesn't make any difference and I guess we're getting to the real crux of this. I don't think the whole thing makes any difference, really, but in event, to continue, through you, Mr. Speaker, to Representative Tulisano, a question.

REP. TULISANO: (29th)

Through you, Mr. Speaker, I don't know anything about renegade religions. Religions are religions. People have their own personal beliefs and they do it as their conscience dictates, but let me say that, again, and I'll repeat it, the focus of this legislation is narrower than our other statutes. There

is a reason for it. The reason is that in fact none of us here know the kinds of decisions that came down with regard to race, religion and ethnicity, over the years court decisions and administrative decisions and this is a new area and has traditionally been somewhat separate, but we are forging somewhat new ground and for that we are taking babysteps and we are making it narrow once again and maybe, should it be expanded in the future and the thought appropriate, then they will do it.

God knows we're here every year changing what we did the year before and I expect we'll be here against next year changing what we did this year so that it is different, it is intended to be different and it stands for what it is and maybe in the best of all worlds it might be that way, but this is, as you indicated in your perforatory remarks, a political world, a political agenda and as every piece of legislation before us, we modify it, we attract others, we make compromises and, yes, Mr. Wollenberg, we make amendments, as you have and many other occasions, the last minute to modify things, nothing new in the process, nothing new in the compromises.

SPEAKER BALDUCCI:

Representative Wollenberg.

REP. WOLLENBERG: (21st)

Yes, Mr. Speaker, just to comment. I get the idea that from Representative Tulisano's remarks that this is a trial balloon we're sending up and it may work or it may not. We don't really know, but let's give it some time and we'll come back next year and we'll be able to mandate in and out of it and normally when we have this kind of a trial balloon where we're so unsure of what we're doing and on such seemingly unfirm ground, we set up a task force and we do a study on the thing for a year or two and come back and see if we make more sense of it, but then that's not where we are here today, but, Mr. Speaker, another question, through you, to Representative Tulisano.

SPEAKER BALDUCCI:

Please proceed, Representative Wollenberg.

REP. WOLLENBERG: (21st)

Thank you, Mr. Speaker. Representative Tulisano, you've added a Section 35 to the bill and it replaced some of the sections that were in the original bill, but I'd just like to ask a couple of questions on it. The first, 35-1, indicates that the State of Connecticut does not mean that the State of Connecticut will condone homosexuality or bisexuality or any equivalent lifestyle.

I'm a little confused. We start off the bill by identifying sexual orientation including heterosexuality. Can you tell me why heterosexuality isn't here, Representative Tulisano? Is there some reason why that isn't included?

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

Why it is not included? Because maybe I want to condone heterosexuality.

REP. WOLLENBERG: (21st)

No, it's -- excuse me, Mr. Speaker, through you.

SPEAKER BALDUCCI:

Proceed.

REP. WOLLENBERG: (21st)

It's the lifestyle here, as I understand it, why we can still have the lifestyle, but the state doesn't have to condone it. Is there something wrong with the lifestyle or homosexuality or bisexuality that makes it -- distinguishes from heterosexuality that we don't want to condone? Is there, through you, sir?

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

I think there are enough of people who think that

there is a distinction between activity and status or the mere fact of one's orientation, that the state, and again, it's a political document that we're dealing with here, that the state in fact does support "traditional," and I put that in quotes, or at least is prepared to accept as a standard which those issues which are heterosexual, but there are enough issues that people are concerned, as this bill is primarily focused once again about actions against people for nothing they have done, for their mere orientation, whether it is acting out or not acted out, whether the suspicion of the fact that they are oriented differently than the actor or not, it is the discrimination we're dealing with in here and the focus of this bill is to protect people from the malfeasance and the diatribes that have gone on against them.

On the other hand, there are, again, in this political document, there is no intent here to say that by some way, by passing and expressing our desire to protect people that we say that it is that we all sit here who can vote affirmatively vote for that idea necessarily mean to say we affirmatively vote for that particular lifestyle, and as a political document that is left there to tell people, that is something for each individual to make up for themselves, but the

state is not going to be doing it in that particular area.

REP. WOLLENBERG: (21st)

Through you, Mr. Speaker, a question to Representative Tulisano.

SPEAKER BALDUCCI:

Representative Wollenberg.

REP. WOLLENBERG: (21st)

Representative Tulisano, then perhaps you're making a distinction between the sexual preference and lifestyle or behavior, I assume. Let me assume that for a moment. If you're doing that, could you please give me a definition for homosexuality, through you, Mr. Speaker?

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

A definition of homosexuality?

REP. WOLLENBERG: (21st)

Yes, sir, through you, Mr. Speaker, homosexuality. A definition of homosexuality.

REP. TULISANO: (29th)

I think that has been relationships with -- homosexuality, generally, as I understand it, deals with preference for someone of the same sex.

SPEAKER BALDUCCI:

Representative Wollenberg.

REP. WOLLENBERG: (21st)

Through you, Mr. Speaker, if I may, Representative Tulisano, I think in the OLR Report in the bill they tell us that if it's not identified -- described in the bill that we use the dictionary, we take a look at that and the dictionary says homosexuality is a sexual desire for or relations between individuals of the same sex. I read relations between to mean activity, and I may be reading it wrong, but I -- through you, Mr. Speaker, and correct me if I am.

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

From what Mr. Wollenberg has given to us, I think he's right. That means actual activity. I'm not sure I know what dictionary that came from, but that's how I distinguish lifestyle vis-a-vis as his original question came, orientation. Orientation deals with the definition I gave, I believe, and the activity deals with what I gather the OLR Report has referred to is the actual activity between members of the same sex.

REP. WOLLENBERG: (21st)

Through you, Mr. Speaker.

SPEAKER BALDUCCI:

Representative Wollenberg.

REP. WOLLENBERG: (21st)

Then I take it that you really don't distinguish in a legal sense, but you can distinguish in your mind what you know it when you see it kind of thing, Representative Tulisano.

REP. TULISANO: (29th)

If it's good enough for pornography, it's good enough for this bill, Mr. Speaker.

SPEAKER BALDUCCI:

Representative Wollenberg.

REP. WOLLENBERG: (21st)

Well, Mr. Speaker, you know, I wasn't going to get into what Representative Tulisano brings up and I'm not going to get into it, but I think he makes the point pretty well and you do have the relationship and you do have the activity and it's kind of impossible to distinguish between the two. You can't have one without the other and you describe one in terms of the other, so I'll let it go at that, but it seems to me that we made a false distinction here between sexual orientation and the activity and lifestyle and behavior. You can't have one without the other. He knows that. I know that. For purposes of passing the

bill, we're going to tell people that that ain't so. Well, they can believe it or not.

REP. TULISANO: (29th)

Mr. Speaker, is that a question.

REP. WOLLENBERG: (21st)

No.

REP. TULISANO: (29th)

It sounds like one to me, Mr. Speaker, I'd like to answer it.

REP. WOLLENBERG: (21st)

It was a comment.

SPEAKER BALDUCCI:

Representative Wollenberg, were you posing a question?

REP. WOLLENBERG: (21st)

No, it was just a comment, sir, but I'd be glad to --.

SPEAKER BALDUCCI:

You would like a response?

REP. WOLLENBERG: (21st)

If he wishes to respond, sir, I'd be glad to have him respond.

SPEAKER BALDUCCI:

Would you care to respond, Representative Tulisano?

REP. TULISANO: (29th)

Yes, Mr. Speaker. I really think that the argument that Mr. Wollenberg just made is somewhat specious. I mean it is the same kind of argument to say that one cannot be heterosexual and be celebrate at the same time and the fact of the matter is that what we are trying to distinguish here is that one may be homosexual and still be celibate and the issue here with regard to the bill before us, and let's not use all these little scare tactics to try to get us away from that, is that it deals with orientation and the bill -- sexual orientation and the file copy defines that. The file copy defines what we're talking about. It doesn't mean you had to be active. It means talking about having a preference for someone with regard to homosexuality or the same sex.

It doesn't mean that you have to be active and so let us make it clear that we are -- that what Mr. Wollenberg is saying, isn't it possible to be homosexual and celibate. I deny that, just as it is possible to be heterosexual and be celibate, it is possible to be homosexual and celibate and those are the distinctions, the distinctions, activity, as Mr. Wollenberg said, or inactivity. That doesn't change the fact of your actual orientation.

REP. WOLLENBERG: (21st)

Through you, Mr. Speaker.

SPEAKER BALDUCCI:

Representative Wollenberg.

REP. WOLLENBERG: (21st)

Just -- and a comment. I perhaps should have yielded to Representative Tulisano and he could yield it back to me, so it wasn't a question pending, but just a comment on that. I always thought that celibacy was a status that one chose and it had nothing to do with choosing not to have the relationship with another of any sex and it wasn't the same as homosexuality, but I'm learning all the time.

Section 3 of 35, and Representative Tulisano, a question, through you, Mr. Speaker.

SPEAKER BALDUCCI:

Where in the amendment?

REP. WOLLENBERG: (21st)

Section 35, well, it's -- I'm sorry, line 58. Line 58 of the amendment, through you, Mr. Speaker.

SPEAKER BALDUCCI:

Proceed.

REP. WOLLENBERG: (21st)

Again, it's the disclaimer statute where nothing in this act shall be deemed or construed to mean to authorize and permit the use of miracle goals and

quotas and other types of affirmative action programs, I call your attention to Section 11c and 11d. Some of the affirmative action sections you've removed. I don't think you hit them all. I think there still is affirmative action here, quotas and responsibility for reporting these hirings and the quotas and so on to be acted upon by other agencies. Was that just an oversight, Representative Tulisano? Will there be another amendment coming to do that?

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

Through you, Mr. Speaker, I have to assume that Mr. Wollenberg is -- I mean I don't find any of what he has indicated are in here. There is no other amendments coming in. There is no affirmative action in this bill. There never was any affirmative action to the bill and the disclaimer section is to make it clear that there is no affirmative action in this bill and if there is something that he thinks deals with affirmative action in here, it is not an oversight. I mean it is not in there. At least I haven't been able to find it and we welcome his constructive criticism to provide that for us and so we may correct it in a technical amendments bill or somewhere else down the

line.

REP. WOLLENBERG: (21st)

I just call your attention to 11c and 11d, as I have, Representative Tulisano. You can read it when you get a chance.

REP. TULISANO: (29th)

I just have one more question, through you, Mr. Speaker.

SPEAKER BALDUCCI:

Representative Wollenberg.

REP. WOLLENBERG: (21st)

Yes, Representative Tulisano, why is it that it's felt necessary for the number of disclaimers in this bill? Is there some reason that we are not giving the equal protection to this class that we start out to give and we are told we are giving, but we then draw it back and we say enough is enough and if that's so, can you tell me why you choose to draft the bill that way and why we need this in there, thank you, Mr. Speaker?

REP. TULISANO: (29th)

Through you, Mr. Speaker, there are a number of reasons.

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

One, once again, and I know I'm repeating myself sometimes, it is reassurance and clarification for each one of these, reinsurance and clarification, should there be any question, should there be a word that may be misinterpreted and that's always possible that, you're right, we could have left something in that although we don't see that as that, someone might interpret it to be other than we intended and this is clarification interpretation.

Secondly, a number of false, if you will, I believe false, little pieces of literature have been circulated which interpreted some of the language in the bill to do or was said to include some of these issues, and therefore, in our attempt again for clarification interpretation set the record straight that that is not what this bill is doing and it's not intended to do, and third, to make it clear again, and I repeat again almost every one of the questions I seem to be repeating myself, that deal -- this deals with stopping acts against people, to protect people from others, to make sure people aren't held back from their rights as individuals, as humans that they should be entitled to, not to grant particular rights.

Now some thought, that's what the bill would do. Narrow, very narrow, maybe more narrower than some

people would like it to be, maybe not narrow enough for others, a political document as all documents that we have, compromises, bringing people together on what they can agree upon, making it very clear this is to protect people, not to give them rights they don't already have. It's to enhance the rights they should have as human beings in our society.

REP. WOLLENBERG: (21st)

Thank you, Representative Tulisano. Mr. Speaker, I just -- to sum up, I was saving -- this is a people bill and the need and all that for a debate on the bill and not on the amendment, so I'll be back on that, but Representative Tulisano, got a little emotionally far afield I think when he started talking about the need for people and to broaden and narrow and that'll be I think something we'll discuss when we talk about the bill and not just this. I was a nice prelude, though, and a preview of coming attractions. I'm sure we enjoyed it. Thank you.

SPEAKER BALDUCCI:

Will you remark further on the amendment? Representative Radcliffe of the 123rd.

REP. RADCLIFFE: (123rd)

Thank you, Mr. Speaker. Through you, a question to the proponent of the bill and I'm dealing on the

amendment, but in the file copy we have in lines 306 and 307 that there would be an exemption provided for religious organizations. In the amendment on line 32 it simply says that this shall not apply to a religious corporation, entity, association or educational institution.

Through you, Mr. Speaker, am I to interpret the fact that it shall not apply -- to interpret that as requiring an exemption of some sort for an organization which would meet this criteria, through you, Mr. Speaker?

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

Through you, Mr. Speaker, I really didn't understand the question. If the Representative would repeat it.

REP. RADCLIFFE: (123rd)

I would be happy to. Through you, Mr. Speaker, in line 32 of the amendment it states that this shall not apply to a religious corporation entity or educational institution. The file copy in lines 306 and 307 had talked in terms of an exemption for a religious institution, corporation or entity. Am I to interpret these as synonymous or is there a distinction to be

drawn from the fact that exemption is no longer in the current amendment and therefore would not be part of the bill, through you, Mr. Speaker?

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

If I understand the question correctly, the amendment is broader than the original bill that dealt with the educational institutions only and therefore we had to provide a grant, an exemption for the denial of grants to the education. I think that's the issue that we're dealing with.

This bill says none of it applies to those religious organizations in the first place so you don't need an exemption because they're not coming under the purview of the bill at all.

REP. RADCLIFFE: (123rd)

Well, through you, Mr. Speaker. In this instance, if a complaint were made to the Commission on Human Rights and Opportunities alleging a violation of this act, would it be an affirmative defense that the corporation entity or association was in fact a religious corporation entity or association, through you, Mr. Speaker?

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

Through you, Mr. Speaker, and as a matter of respect, a matter of discipline, faith -- all those attitudes.

REP. RADCLIFFE: (123rd)

Through you, Mr. Speaker, you mentioned in response to Representative Wollenberg that religious corporations are defined for federal tax purposes and other purposes not in our law. There is no definition in the file copy. I don't notice any definition in the amendment. Through you, Mr. Speaker, for purposes of construing this act, would the Commission on Human Rights and Opportunities be bound by the federal definition, be bound by the tax code definition or might they adopt a different standard as to what a religious corporation or entity is, through you, Mr. Speaker?

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

Well, through you, Mr. Speaker, I think that they probably will look to the Connecticut General Statutes for their first guidance. Again, as Mr. Wollenberg originally said, you look at the dictionary definition,

but Section 33-264a of the Connecticut General Statutes does determine how you form a religious corporation of society and I suspect that will be the appropriate guiding matter.

REP. RADCLIFFE: (123rd)

Well, through you, Mr. Speaker, why then is that not defined in the bill if that's the standard that they're expected to apply, through you, Mr. Speaker?

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

Through you, Mr. Speaker, because as in many other statutes there are general provisions dealing with religions in our statutes which are used to apply any time you deal with a religious exemption and it is a matter of statutory interpretation and I think very clear and I guess this debate makes it even clearer.

REP. RADCLIFFE: (123rd)

Through you, Mr. Speaker, one final question on the new Section 35, beginning in line 58. You've indicated, and I guess this is a change from the initial bill because the initial bill could have been interpreted to require affirmative action and in fact I think it would probably have been explicitly interpreted to require affirmative action, particularly

when you consider the reporting procedures that were given to our various state agencies, but through you, Mr. Speaker, why in the amendment is this particular classification, sexual orientation, to be treated differently than others for purposes of our law? Is there no existing pattern of discrimination? Is there no discrimination which had been a matter of statute or a matter of custom that needs to be remedied in the same way as other classifications, through you, Mr. Speaker?

REP. TULISANO: (29th)

Through you, Mr. Speaker, again, I think we're back to my original statement. It is a narrower view of our law. I think there are many people who think there are and believe and that's why we have an employment discrimination provision in the bill that there is a pattern of discrimination going on against people who are homosexual.

However, it is a policy decision, again, and admittedly political, that affirmative action will not be required and therefore that is why there is a distinction between this and other areas. I think that responds to your question.

REP. RADCLIFFE: (123rd)

Through you, Mr. Speaker, then what prompted the

proponent of the amendment to treat this classification differently from race-based discrimination, sex discrimination or others? For purposes of affirmative action, does he believe that in fact there are distinctions to be made between these categories, through you, Mr. Speaker?

REP. TULISANO: (29th)

Through you, Mr. Speaker.

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

For the record, I personally don't believe necessarily affirmative action works for anybody and therefore at this particular -- you know, this is the author of the amendment does believe however, again, as a political document, it has always been and votes have been taken on the floor of this House that there has been no desire for affirmative action in this area. Whether or not we personally believe, some of us who think it works, some of us don't think it works, it's irrelevant, as a matter of public policy, we follow prior precedent and personally don't think that it would be appropriate or work in this case and therefore do not see a need for it.

REP. RADCLIFFE: (123rd)

Thank you, Mr. Speaker.

SPEAKER BALDUCCI:

Representative Jones of the 141st.

REP. JONES: (141st)

Thank you, Mr. Speaker. I too have several questions for the Chairman of the Judiciary Committee, through you, sir.

SPEAKER BALDUCCI:

Proceed, sir.

REP. JONES: (141st)

Representative Tulisano, with respect to Section 17 in your amendment, I need some help in clarification on the fact that Sections 1 through 16 do not apply to religious corporations and entities, etc., with respect to the employment of individuals. I believe the record shows to date that that applies to authorized religious organizations by a test of some standards such as tax exemption or federal standards.

There are issues in a number of so-called church groups today that could involve spinning off or splitting even in certain denominations some members of those churches and to new organizations. Would it be your opinion that such groups have formed would also be religious organizations under this section?

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

Through you, Mr. Speaker, I think that means as long as it's a group of three people as defined in our statute and I think that's what the Representative is indicating. Yes, they would be religious organizations, whether it's a spinoff of a -- you know, it's a Second Congregational Church, for example, that split off from the First in one part of a town many years ago, whatever. I think that's what he's describing, and as such, that's an appropriate religious organization that's protected.

SPEAKER BALDUCCI:

Representative Jones.

REP. JONES: (141st)

With respect to the descriptions within that paragraph specifically looking at lines 37 and 38, you refer to matters of discipline, faith, internal organization or ecclesiastical rule, custom and law. That, I presume, qualifies the circumstances by which a religious organization may in fact discriminate? Is that correct?

REP. TULISANO: (29th)

Through you, Mr. Speaker, that's correct.

REP. JONES: (141st)

May I ask this question then? There is within several churches today a debate as to whether or not those particular denominations will approve or ordain persons who are homosexual or profess homosexual lifestyles into ecclesiastical roles. The question is that if in fact, as in the case of the Episcopal Church where Bishop Spong of Newark ordained a homosexual priest. If that becomes a policy, does that particular religious order then lose its exemption under this section because its ecclesiastical policy recognizes the alternative lifestyle?

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

Through you, Mr. Speaker, as I understand the bill and the purpose and intent of the bill, they will not lose their exemption, as an example, the late Archbishop LeFeuvre of Switzerland who recently died although he was a spinoff of the Roman Catholic Church and believed in the Trinitine Mass and although he did not adhere to what is the predominant or prominent rule of Rome, considered himself to be a Roman Catholic, yet I think he still and his organization would still have been protected under this bill as would, I believe, basically to disagreeing branches, I think what you've

described, of the Episcopal Diocese in New Jersey.

SPEAKER BALDUCCI:

Representative Jones.

REP. JONES: (141st)

Thank you. Through you, Mr. Speaker. A further adaptation of that scenario. It's possible, using again the Episcopal Church as an example, that the church in General Convention might carry its ecclesiastical in interpretation of scripture and faith to a resolution approved by the House of Bishops and the House of Delegates that the homosexual lifestyle was an acceptable alternative lifestyle and that persons who practice such homosexuality should not be discriminated against and other branches within that convention may wish not to hire such people.

Would a resolution passed by a church convention, take them out from under Section 17?

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

Through you, Mr. Speaker, I have a difficult time answering that question because I'm not really an expert in the different between Episcopal and Congregational Churches and I don't mean that with a capital "E", I mean that in the sense of organization

and there is a specialized law dealing with how our civil law recognizes church relationships and I really can't answer that question.

My gut reaction is that within that church that makes them a dissident church and although -- and if they do not adhere, they become something other than what they thought were to be, but that is a very specialized area of law and I don't want to get involved in church organization.

My reaction would be that as if it would say branch of the church, much as there are I guess, two branches of Lutheranism, as you will, in the United States, which have some different rules and regulations than whatever the rule for that group is, is the appropriate rule.

REP. JONES: (141st)

Well, I realize, through you, Mr. Speaker, I realize we may not be experts on church organization, any of us. On the other hand, we are dealing with church organization in this bill before us and it will become part of the statute. So the issue is not exactly trivial.

I think that when you refer to Ecclesiastical rule, custom or law or faith, this brings to my mind the traditional ordination vows that deal with the

scripture, the tradition and the reason within the church. Clearly, I have interpreted Section 17 as excluding from the provisions of this bill in general, churches and church organizations. Apparently, that might obtain, as long as they have their tax exemption and they are viewed as religious organizations, regardless of how General Convention might rule on line 38 issues. Is that about where we are?

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

I think that's about right where we are. There's a general exemption and it tries to be as broad as possible, yes.

REP. JONES: (141st)

Through you, Mr. Speaker, I am curious and several of my constituents have inquired on this and I'd like to -- as a matter of philosophy, I'd just like to get a sense from, through you, Mr. Speaker, from the Chairman once again, why we choose to introduce a discrimination provision in an anti-discrimination bill.

There is nothing, I might say, in preface in the answer to this. There is nothing that I know of in church theology or scripture that distinguishes Jewish or Christian organizations from the world in terms of

civil law. This, therefore, would be a first.

I'm interested in why we would put in an anti-discrimination provision, Section 17, in an anti-discrimination bill.

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

I'm not sure, through you, Mr. Speaker. I understood all of that, but I think there are many exemptions in our law and over the years some have been taken out which reflected or recognized and acknowledged particular -- a particular religious behavior and belief so that I think that within our statutes, and I may have misinterpreted what the Representative said, but we often have recognized and exempted from civil law behavior of church organizations often and more often than not christian Scientists because of particular relationships they have in medicine, we have often included exemptions for them in our statute.

We have in this law, again, and I don't like to sound like a parrot, but the purpose is to make it clear that those issues -- this is an attempt to protect people and it's a very narrow attempt to protect people. We are not trying to step on toes of

very sincerely held religious beliefs. That doesn't mean that in some cases they will be violated. Even under this very narrow law, there are people who have told me it would be a violation of their Canon, but on the other hand, those same people would violate every law we already have, and therefore, we have drawn it as narrowly as possible so as trying not to violate the religious principles of individuals in a very specialized area.

We have done this before in numbers of bills and I participate, even this year we may do something making it clear that we will have to have some very real, good state reason to impose state law on religious organizations. That's in the committee right now for possible debate in the future.

SPEAKER BALDUCCI:

Representative Jones.

REP. JONES: (141st)

Through you, Mr. Speaker, I don't consider this a picayune issue and I'm sure you don't either, sir. This is not an issue of protecting against religious beliefs. It's protecting church organizations, individual's whole religious beliefs, too. They are not protected under this bill or amendment as I see it.

The amendment deals with exempting churches, not

people with religious belief. Now I want to suggest that history shows fully and well-documented that many churches and church leaders over the years have supported civil rights vigorously, have been in the vanguard. Bishops and priests marched in the south when the blacks were discriminated against. It was the church that took a leading role in anti-discrimination in this country. So why is it we want to say the church can discriminate and the A & P cannot or United Technologies cannot, but the churches can? What logic provides that discrimination should become a significant section of what is purported to be an anti-discrimination law?

REP. TULISANO: (29th)

Well, through you, Mr. Speaker.

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

I gather that's a question. Well, clearly, if churches are acting like A & P or acting like Pratt & Whitney, they may not be discriminated. The mere fact they are a church does not bring them into that classification of individuals that the Representative just described and there are actual -- this deals with, as it's part of their belief structure that they may

not do certain things.

In other aspects they may not discriminate again at all. Under current law, however, this exception which we are pointing to, and again, I don't think you're trivializing, but the fact is that this exception is a minor thing as to whether we -- if we do not pass this bill anybody might engage in, and I again will admit, is it perfect? No. Should some of us think it might be better? The answer might be yes, but this reflects the serious concerns of organizations and I do acknowledge it does not deal with the serious beliefs of individuals, but that is not, again, not inconsistent the way we do most of our law, for example, conscientious objectors and things like that, how we interpret them.

SPEAKER BALDUCCI:

Representative Jones, you still have the floor.

REP. JONES: (141st)

Thank you. I believe the issue is very clear and what I was asking. With respect to a number of activities, however, that church affiliated organizations carry out, from the baking of bread and selling it like the A & P, it's clear that there are activities that are quite similar. I assume that if a group of monks are baking bread and selling it, they're

still part of a religious organization. Is that correct, through you, Mr. Speaker?

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

Yes, they're part of a religious organization, yes, Mr. Speaker.

REP. JONES: (141st)

Thank you. I'd just like to clarify one other exchange between Representative Tulisano and Representative Wollenberg. I believe with respect to Section 35, the provision in this section in order not to be gratuitous or fatuous, it has to have some significance, so as I interpret it, it means that the State of Connecticut, and I assume that includes all of us as elected Representatives, are not intending by our action on this bill to condone the practice of homosexuality.

REP. TULISANO: (29th)

Through you, Mr. Speaker.

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

He certainly said it better than I did, yes. That's exactly what --.

REP. JONES: (141st)

Since I believe in the red button, green button theory, I believe the opposite is true. Therefore, if we don't condone it, we must oppose it. Is that true, through you, Mr. Speaker?

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

Through you, Mr. Speaker, that's not necessarily true. I gather you can be neutral or have no opinion.

SPEAKER BALDUCCI:

Representative Jones.

REP. JONES: (141st)

In other words, your position is it's not just red and green. There's a gray in there and we can neither be for not against a particular lifestyle, through you, Mr. Speaker.

REP. TULISANO: (29th)

Through you, Mr. Speaker, I thought we were talking about generally the Chamber as our reference point as the Representative knows there's plenty of grays in here and often a lot of walks. So there is no yeses and noes and sometimes we can be unsure and that maybe with regard to a lifestyle, but again, the bill doesn't deal with the lifestyle. It tries to deal with just

the perceptions of individuals.

REP. JONES: (141st)

There's only two buttons, though. Thank you, Mr. Speaker.

SPEAKER BALDUCCI:

Further remarks? Representative Nystrom of the 46th.

REP. NYSTROM: (46th)

Thank you, Mr. Speaker. A question, through you, to the proponent.

SPEAKER BALDUCCI:

Proceed.

REP. NYSTROM: (46th)

Thank you, Mr. Speaker. Representative Tulisano, in lines 43 through 47 we reference the Commissioner of DCYS in the amendment and we impose some statutory language over the way in which either that agency of the state or child placing agencies would conduct the placement of a child for adoption or foster care.

I note that it references parents who are homosexual, bisexual, but once again we see the heterosexual parent removed from the language here in the bill and yet they're contained in the initial definition of orientation. Why do we do that, through you, Mr. Speaker?

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

I think the problem is, through you, Mr. Speaker, that we're in negatives. We're talking in negatives here and so I guess to reverse it is to make it clear or to make it clear that we don't want them to determine whether or not a person is heterosexual when they're placing a child. I think we're talking in negatives and we ought to be talking in positives.

REP. NYSTROM: (46th)

Thank you, and through you, Mr. Speaker, if that be the case, can you cite any other area of statute where a state agency or a commissioner in state government has such a requirement to fulfill? Is this breaking new ground?

REP. TULISANO: (29th)

Through you, Mr. Speaker.

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

This whole bill is breaking new ground, including this section, yes.

REP. NYSTROM: (46th)

Thank you, and through you, Mr. Speaker, without

this section in the amendment or the bill, since it was originally in the bill itself. It's just been changed a little bit. Is there anything at this current time which precludes state agency or a child placing agency from placing a child with a homosexual or bisexual parent?

REP. TULISANO: (29th)

Through you, Mr. Speaker, not that I know of.

REP. NYSTROM: (46th)

Then, through you, Mr. Speaker, is this section like many others here to make us feel better about the bill? I mean let's just talk in real terms, through you, Mr. Speaker?

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

No, it's not to make it you feel better. It's made to alleviate misinterpretations of what the bill says that have been promulgated throughout the building for the last couple of weeks saying it says certain things. It is making it clear that's not what it says and you may interpret that as making you feel better, I guess that's what it is, but it is, again, the level of confidence in the legislation attempting to make it clear of what the bill says.

REP. NYSTROM: (46th)

Thank you, and one more question on the section. Based on the language contained, there's nothing in here which would prevent the Commissioner of DCYS from in fact placing a child with a parent or set of parents who are homosexual, bisexual, is that not true?

REP. TULISANO: (29th)

Through you, Mr. Speaker, there's nothing that prevents it and the reason, I think, is to do what's best for a child and this reminds me of a debate of a couple of years ago, I think we talked about this two years and they make those choices for the best interest of the child and I don't know that we can -- from up here we're dealing with these kinds of issues, make those kinds of choices.

REP. NYSTROM: (46th)

Thank you.

SPEAKER BALDUCCI:

Representative O'Neill.

REP. O'NEILL: (69th)

Thank you, Mr. Speaker. I have a couple of questions for the proponent of the amendment.

SPEAKER BALDUCCI:

Proceed, sir.

REP. O'NEILL: (69th)

Representative Tulisano, through you, Mr. Speaker, the OLR Report which was written in response to this amendment on Page 3 is referring to the language concerning religious organizations and I assume you have read it very carefully. They said it isn't clear how broadly these words could be construed and then they go through a series of examples. For example, if a church owned an apartment building, could they fall back on this language saying that it was their custom or that it was their bylaws not to rent apartments to gay people? If a church were to hold a public fundraising event, a church supper, could they argue that it was their custom not to allow homosexuals to attend such an event?

Under the wording of the first half of the amendment, it is clear that a religious school would not have to hire a homosexual teacher, but under the second half, could they refuse to admit a homosexual student? And if you could respond to the questions that OLR seems to leave hanging as to exactly what that language means, I guess we might only start in reverse. Would, under the language, they be able to refuse to admit a homosexual student to the school, through you, Mr. Speaker?

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

For the school that is open generally to people at large, I would say they could not.

REP. O'NEILL: (69th)

Okay, so that as I understand the answer then, that the religious school, if it's taking people that are from the general community and not just members of that religious faith would not be able to refuse a homosexual student?

REP. TULISANO: (29th)

Through you, Mr. Speaker, that's my interpretation of that language, correct.

REP. O'NEILL: (69th)

Thank you. If it was the custom, for example, with respect the church supper or fundraising event, would they be able to deny admission to homosexuals to those things?

REP. TULISANO: (29th)

Through you, Mr. Speaker, again, and if it's helpful, I think the same rule applies when it's open to general, and I think the word "custom" should be interpreted in terms of custom as it is a norm for purposes -- as a matter of law, but not law that is necessary statutorily enacted or written down, but the

custom by which is developed for the church practice within its institution. Unless if they discriminate for other people, then I guess that's part of the norm, but if it's -- I think of custom not in terms of what we usually down at the church supper, but how we normally conduct our religious activities within our group.

Now if this church supper is an example, it is only for one member of one religious group, then that is their custom, but if they open it up to everybody, I think generally then they could not refrain, somebody to come in to the church supper.

REP. O'NEILL: (69th)

So, through you, Mr. Speaker, custom does not mean -- and to make sure I pin this point down, the custom does not mean excluding homosexuals. The custom means including only members of one's own religious organization?

REP. TULISANO: (29th)

That's not -- through you, Mr. Speaker.

DEPUTY SPEAKER MARKHAM:

Representative Tulisano.

REP. TULISANO: (29th)

We were talking about -- that's not quite what I said and what we were talking about before we probably

mixed our -- first of all, I think of custom as being the rule however determined and a rule may be done by statute, by legislatively and whether it's in a church in their group body or by a council or by fiat in some churches, in some it's Congregational, but custom, as it's developed over years, custom meaning that which has become a rule, not as to what we usually do, it's customary for me to invite five different people. That's a different kind of custom. I think of custom in terms of a structure that has been established for a group of individuals.

That being the way it is, that defining custom is not necessarily I think the same as what Representative O'Neill then implied, and I may have misinterpreted it, and I didn't mean to, but let me get that part straight and then try to respond, that you reissue the question under those --.

REP. O'NEILL: (69th)

Through you, Mr. Speaker, what I --.

DEPUTY SPEAKER MARKHAM:

Representative O'Neill.

REP. O'NEILL: (69th)

Thank you, Mr. Speaker. The way I understand or what I was interpreting custom to be is a practice followed fairly regularly by the members of that

religious organizations and the custom in particular that I had in mind that is the religious organization had a custom of excluding homosexuals from their church supper, would this language allow them to continue doing so?

REP. TULISANO: (29th)

Through you, Mr. Speaker, I guess it's difficult for me to answer that because I can't perceive it. If that custom excluded homosexuals from lots of things it did, I mean that was its custom -- as part of its structure as you defined it, then I think they would be protected, but they can't all of a sudden decide it's my custom to take you out of my church supper. I can't even envision that happening. I see that as being part of this totality, then the answer would be they'd be protected, but if it's not part of their totality, as you defined it, I don't think they'd be protected.

REP. O'NEILL: (69th)

If I may continue on, Mr. Speaker, going to the -- what I believe the first question, but really the last now that we've been going in reverse order. For example, if a church owned an apartment building, could they fall back on the language "to exclude"? If the church owned an apartment building to exclude people, would that be something that, again, the custom is that

they would exclude homosexuals?

REP. TULISANO: (29th)

Through you, Mr. Speaker, I don't think they would be protecting that. They're offering themselves not as part of their -- and if you read this whole section together, religious entities would carry on by the corporation of its activities with respect to matters of discipline, faith, etc., that they are now offering themselves out in the rental business and that goes back to the monks together who are baking bread or whatever and I think they would fit into that same category and they would not be protected in that instance.

DEPUTY SPEAKER MARKHAM:

Representative O'Neill, you have the floor.

REP. O'NEILL: (69th)

Yes, I believe that I've covered what the OLR indicated, but I have one additional question with respect to this concept of custom and that is if a religious organization were to adopt a rule or a custom today after this bill passes, seeing that the language says that we must have a custom, we must have a rule, we must have something written down or something that we establish as a regular practice, would they be able to adopt that custom now after this passage?

REP. TULISANO: (29th)

Through you, Mr. Speaker.

DEPUTY SPEAKER MARKHAM:

Representative Tulisano.

REP. TULISANO: (29th)

Yes.

REP. O'NEILL: (69th)

Thank you, Mr. Speaker.

DEPUTY SPEAKER MARKHAM:

Will you remark further on House Amendment Schedule "A"? Will you remark further on House Amendment Schedule "A"? Representative Joyce of the 25th.

REP. JOYCE: (25th)

Thank you, Mr. Speaker. I was distracted and I might have missed something here from the questions by Representative O'Neill. I think your answer to his first question, the first set of questions was could a school, a parochial school, for instance, could they reject a student who is a homosexual? I think you said they could not if they accept people from the general public. I think that was your answer.

The other side of that question is what if -- could they expel a student because of homosexual activity, through you, Mr. Speaker?

REP. TULISANO: (29th)

Through you, Mr. Speaker.

DEPUTY SPEAKER MARKHAM:

Representative.

REP. TULISANO: (29th)

If it has no relationship to the school itself, you know, on school time, in a school or something like that because they find out that someone did it privately, the answer would be no, unless, and I mean this sincerely, they expel everybody for sexual activity regardless, in other words, if the rule is equally applied to everybody and there is no discrimination so that they've expelled a heterosexual individual for having sex outside -- an example, outside of marriage, then I don't think -- then I think they would be free to do that, but if they just do it and discriminate, I think it would be inappropriate.

DEPUTY SPEAKER MARKHAM:

Representative Joyce, you have the floor, sir.

REP. JOYCE: (25th)

Let's say, through you, Mr. Speaker, there was the sexual reference or sexual -- maybe sexual harrassment and that type of thing within the school, would there be a different standard if one were heterosexual and the other were homosexual? I mean we're protecting, from what you said, the homosexual activity would be --

could be discrimination whereas the heterosexual activity would not be discrimination, through you, Mr. Speaker?

REP. TULISANO: (29th)

I don't think I said that. What I said was, I believe, and I want to make it clear, that in a case which someone might claim discrimination, and I think that's what we're talking about, if in fact the standard for all people is applied equally based on the rules of that organization and we're dealing with people outside in a church outside this particular group, I mean they would be applied equally and you couldn't claim discrimination for expelling me for my homosexual activity outside of school if I expelled everybody else.

I mean it's a standard we have established for the membership in this school as an example for everybody. Everybody must be celibate. If they find out otherwise, you'd get expelled and that's not a discriminatory act. It's an act that -- in which in fact you can show is not discriminatory because you treat everybody equally regardless of their sexual orientation.

REP. JOYCE: (25th)

Still, it seems to me, Mr. Speaker, and just to

comment on this that even so, it would seem as though because of the distinction between the two groups that discrimination because of homosexuality is considered discrimination against a heterosexual is not in the same category somehow and it would seem to me that it would lead to court cases and it would lead to legal actions that could be quite complicated.

We get an opinion from the Chairman of the Judiciary Committee, but this is not necessarily the decision of a court and I think that I have reservations about this because of this type of thing and because of other things in this amendment and I shall listen very closely for other comments, possibly, to see whether or not I shall vote for this amendment. Thank you, Mr. Speaker.

DEPUTY SPEAKER MARKHAM:

Will you remark further on the amendment? Will you remark further? If not, I shall try your minds. Representative Nystrom of the 46th.

REP. NYSTROM: (46th)

Thank you, Mr. Speaker. For the second time on the amendment, again, on the section dealing with the Department of Children and Youth Services, should this amendment be adopted, at least it's my understanding it's to strengthen Section 18 of the original file. I

would ask if the bill itself has been before the Human Services Committee, through you, Mr. Speaker, to Representative Tulisano.

DEPUTY SPEAKER MARKHAM:

Representative Tulisano.

REP. TULISANO: (29th)

Through you, Mr. Speaker, the file copy doesn't indicate that, but I would like a restatement of why that question was asked. I didn't hear that part.

DEPUTY SPEAKER MARKHAM:

Would you care to restate your question, Representative Nystrom?

REP. NYSTROM: (46th)

Thank you, Mr. Speaker, I would be happy to. Through you, would it be the intention of the sponsor of the bill and amendment that upon adoption of this amendment that the bill be referred to the Human Services Committee which has cognizance over DCYS? It's somewhat part of our rules of procedure in the Chamber, things that we do normally, flow of bills and so forth. Is that your intention, sir, to make such reference, through you, Mr. Speaker?

REP. TULISANO: (29th)

Through you, Mr. Speaker.

DEPUTY SPEAKER MARKHAM:

Representative Tulisano.

REP. TULISANO: (29th)

Just as we normally do, it wouldn't be my request to do that because it's never been done before. It's been the same way effectively, and as we've done all discrimination bills that may even affect every state agency, they have not gone to the Committees of Cognizance when we're dealing with discrimination bills. It's because it dealt with areas of discrimination which clearly belong in the Judiciary Committee.

REP. NYSTROM: (46th)

Thank you. Then, through you, Mr. Speaker, you just stated that this impacts all state agencies. Are we then led to believe that all state agencies will in effect have to adopt regulations to abide by this new statute, through you, Mr. Speaker?

REP. TULISANO: (29th)

Absolutely not, Mr. Speaker. What I was describing was is when we deal with discrimination acts which may apply to state agencies, we do not refer the bills to Committees of Cognizance and this may be, affect the one agency you talked to in some way, we do not refer this discrimination bill to the Committee of Cognizance or I would not suggest it's appropriate to send it to a

Committee of Cognizance.

REP. NYSTROM: (46th)

Thank you. Through you, Mr. Speaker.

DEPUTY SPEAKER MARKHAM:

Representative Nystrom.

REP. NYSTROM: (46th)

Representative Tulisano, are you telling the body of this Chamber that no regulations will be required to be adopted upon passage of this new statute or section of statutes, through you, Mr. Speaker?

REP. TULISANO: (29th)

Through you, Mr. Speaker, I'm subject to being corrected by the Representative. I don't see any requirements or regulations that they adopt regulation in the body of this legislation.

REP. NYSTROM: (46th)

Thank you.

DEPUTY SPEAKER MARKHAM:

Will you remark further on House Amendment Schedule "A"? Will you remark further? If not, I shall try your minds. Those in favor of House Amendment Schedule "A" please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER MARKHAM:

Opposed nay.

The ayes have it.

The amendment is adopted and ruled technical.

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House Amendment Schedule "A":

In line 2, delete "19, inclusive," and insert in lieu thereof: "18, inclusive, and section 35"

Delete section 2 in its entirety and renumber the remaining sections and internal references accordingly

In line 34, delete "(a)"

Delete lines 64 to 70, inclusive, in their entirety

Delete lines 224 to 226, inclusive, in their entirety

In line 277, delete "(a)"

Delete lines 284 to 297, inclusive, in their entirety

Delete line 307 in its entirety and insert the following in lieu thereof: "section 35 of this act."

In line 343, after "commission" insert "on human rights and opportunities"

After line 381, add the following and renumber the remaining sections and internal references accordingly:

"Sec. 17. (NEW) The provisions of sections 1 to 16, inclusive, of this act shall not apply to a religious corporation, entity, association, educational institution or society with respect to the employment of individuals to perform work connected with the carrying on by such corporation, entity, association, educational\ institution or society of its activities, or with respect to matters of discipline, faith, internal organization or ecclesiastical rule, custom, or law which are established by such corporation, entity, association, educational institution or society."

In line 386, after "adoptive" insert "or foster"

In line 387, delete the period and insert in lieu thereof "or in foster care, as the case may be. Nothing in this section shall be deemed to require the commissioner of children and youth services or a child-placing agency to place a child for adoption or in foster care with a prospective adoptive or foster parent or parents who are homosexual or bisexual."

Delete lines 388 to 400, inclusive, in their entirety and renumber the remaining sections and internal references accordingly

After line 1213, add the following:
"Sec. 35. (NEW) Nothing in this act shall be deemed or construed (1) to mean the state of Connecticut condones homosexuality or bisexuality or any equivalent lifestyle, (2) to authorize the promotion of homosexuality or bisexuality in educational institutions or require the teaching in educational institutions of homosexuality or bisexuality as an acceptable lifestyle, (3) to authorize or permit the use of numerical goals or quotas, or other types of affirmative action programs, with respect to homosexuality or bisexuality in the administration or enforcement of the provisions of this act, (4) to authorize the recognition of or the right of marriage between persons of the same sex, or (5) to establish sexual orientation as a specific and separate cultural classification in society."

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REP. TULISANO: (29th)

Mr. Speaker.

DEPUTY SPEAKER MARKHAM:

Representative Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, the Clerk has an amendment, LCO -- well, I thought the Speaker had --. May I yield to Mr. Mintz, Mr. Speaker?

DEPUTY SPEAKER MARKHAM:

Representative Mintz, do you accept the yield, sir?

REP. MINTZ: (140th)

Yes, Mr. Speaker. The Clerk has an amendment, LCO5573. I ask that it -- I call it and I be allowed to summarize.

DEPUTY SPEAKER MARKHAM:

The Clerk has in his possession LCO5573, designated House Amendment Schedule "B". Will the Clerk please call the amendment.

CLERK:

LCO5573, designated House Amendment Schedule "B', offered by Representative Tulisano.

REP. TULISANO: (29th)

The gentleman has sought leave of the Chamber to summarize. Is there objection? Is there objection? if not, please proceed.

REP. MINTZ: (140th)

Thank you, Mr. Speaker. What this amendment does is a technical correction of the amendment that was just passed. In line 26 of that amendment it refers to Section 35. That should have been Section 17 of the amendment and this amendment makes that correction.

I move adoption.

DEPUTY SPEAKER MARKHAM:

Will you remark? Will you remark? Will you remark on House Amendment Schedule "B"? If not, I'll try your minds. Those in favor of House Amendment Schedule "B" please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER MARKHAM:

Opposed nay.

The ayes have it.

The amendment is adopted and ruled technical.

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House Amendment Schedule "B":

Delete Subsection (b) of section 14 in its entirety and insert the following in lieu thereof:

"(b) No state agency may provide grants, loans or other financial assistance to public agencies, private institutions or organizations which discriminate, unless exempted as provided in section 17 of this act."

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REP. TULISANO: (29th)

Mr. Speaker.

DEPUTY SPEAKER MARKHAM:

Representative Tulisano. Representative Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, the Clerk has an amendment, LCO5572. The Clerk please call the amendment.

DEPUTY SPEAKER MARKHAM:

The Clerk has an amendment, LCO5572, designated House Amendment Schedule "C". Will the Clerk please call.

CLERK:

LCO5572, designated House Amendment Schedule "C" offered by Representative Farr.

REP. TULISANO: (29th)

Mr. Speaker.

DEPUTY SPEAKER MARKHAM:

Representative Tulisano.

REP. TULISANO: (29th)

Permission to summarize.

DEPUTY SPEAKER MARKHAM:

The gentleman has sought leave of the Chamber to summarize. Is there objection? Please proceed.

REP. TULISANO: (29th)

Mr. Speaker, the bill deals with ensuring that the provisions of Section 1 through 17 of the file copy do not apply to conduct, the administration of ROTC programs established pursuant to federal law.

I move its adoption.

DEPUTY SPEAKER MARKHAM:

Will you comment? Representative Ward of the 86th.

REP. WARD: (86th)

Thank you, Mr. Speaker. Mr. Speaker, I will support the amendment. I'm a little troubled, though, because when I raised this very issue in the Judiciary Committee I was told it's really no concern. It's kind of pre-empted by federal. I didn't think it made a lot of sense then and I thought that in fact the bill would have resulted in probably the elimination of every ROTC program in this state, pulling away the kid's

scholarships and closing the programs.

I'll support this bill so that that won't occur -- this amendment so that that will not occur. I can't help but wonder what other things we're assured, however, are no real problem in the bill will turn out to be a problem.

REP. TULISANO: (29th)

Through you, Mr. Speaker. That's a question, I'll bet. No? Come on.

DEPUTY SPEAKER MARKHAM:

Will you remark further on the amendment? Will you remark further? Representative Wollenberg of the 21st.

REP. WOLLENBERG: (21st)

Yes, thank you, Mr. Speaker, just shortly and to follow up on what Representative Ward said at the end of his discussion was I wonder too what we haven't foreseen in this bill as far as funds are concerned. Representative Tulisano jumps to the challenge, but that's one reason when you have a complex bill like this and people are looking at it and you're trying to discern what things may or may not be affected by it.

This one comes up. It strikes you immediately. There may be many, many others that have not stricken us that will come up and many people will suffer because of it. I think it needs a longer look than

this. I think we proved the case by this one incident and we better be very, very cautious. Thank you.

DEPUTY SPEAKER MARKHAM:

Will you remark further on the amendment? Representative Belden of the 113th.

REP. BELDEN: (113th)

Thank you, Mr. Speaker. Many times when we're doing complex bills like this and there are a substantial number of amendments, I believe we have an amendment before us now that is not technically correct in that it refers to -- refers to -- unless -- it refers to through section -- unless exempted in Section 17. Under the previous amendment Section 17 really was 1 to 16 and 17 is new because there was another deletion. I don't have -- I'm not objecting the moving forward with the amendment, but I think I want the members of the Chamber to understand that there are occasions in the amendment adoption policy where amendments are adopted that are not technically consistent and normally the Legislative Commissioner's Office, in the marrying of the amendments with the file make the corrections and I want to just indicate for the record with this particular amendment that I believe that the reference on line 22 of the amendment to Section 17 technically should be 16.

DEPUTY SPEAKER MARKHAM:

Will you remark further on the amendment? If not, I shall try your minds. Those in favor of House Amendment Schedule "C" please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER MARKHAM:

Opposed nay.

The ayes have it.

The amendment is adopted and ruled technical.

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House Amendment Schedule "C":

After line 387, insert the following and renumber the remaining sections and internal references accordingly:

"Sec. 19. (NEW) The provisions of sections 1 to 17, inclusive, of this act shall not apply to the conduct and administration of a ROTC program established and maintained pursuant to 10 U.S.C. Sections 2101 to 2111, inclusive, as amended from time to time, and the regulations thereunder, at an institution of higher education. For purposes of this section, "ROTC" means the Reserve Officers' Training Corps."

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DEPUTY SPEAKER MARKHAM:

Will you remark further on the bill as amended?

Representative Jones of the 141st.

REP. JONES: (141st)

Thank you, Mr. Speaker. I have a question for the

Chairman of the Judiciary committee, but before I ask it, through you, Mr. Speaker, I would like to comment on certain parts of the bill. I will read as quickly as I can those parts.

In Section 6e, "Notwithstanding any other provision of Chapter 814 of the General Statutes, complaints alleging a violation of this section shall be investigated within 100 days of filing and a final administrative disposition shall be made within one year of filing unless it's impractical to do so."

Section 9b, "All state agencies shall promulgate written directives to carry out this policy and to guarantee equal employment opportunities at all levels of state government. They shall regularly review their personnel practices to assure compliance."

Section 9c, "All state agencies shall conduct continuing orientation and training programs with emphasis on human relations and non-discriminatory employment practices."

d, "The Commissioner of Administrative Services shall ensure that the entire examination process, including qualifications as free from bias."

Now at this point I would like to know, through you, Mr. Speaker, with respect to the continuing orientation and training programs regarding the

additive provisions of this bill that will be required in all agencies, will the personnel who attend those programs do so on their own time or will we pay them?

DEPUTY SPEAKER MARKHAM:

Representative Tulisano.

REP. TULISANO: (29th)

Through you, Mr. Speaker, I anticipate that will be part of the current training programs and sensitivity training and issues that we deal with already. There will be no extra costs or however they do it now, they will do it, and I mean that sincerely, I gather part of that is an in-house training as we do it now.

REP. JONES: (141st)

I think this body will decide whether there's extra cost, but clearly they will be paid for going to training sessions.

Also, the training programs required will have to be amended, written or in other ways edited and reviewed to assure that all of the provisions of this complex bill are included. In fact the very debates we've been through show that many of the questions that will arise in these training sessions and require a special attention from all state agencies.

I go on in Section 9 -- Section 10, Paragraph C, "Each state agency shall analyze all of its operations

to ascertain possible instance of non-compliance with the policy of Sections 9 to 15, inclusive, of this act and shall initiate comprehensive programs to remedy any defect found to exist."

I go on in Section 11, Subparagraph C, "All state agencies shall cooperate in programs developed by the Commissioner on Human Rights and Opportunities initiated for the purpose of broadening the base for job recruitment and shall further cooperate with all employees and unions providing such programs."

I go on with Section d, "The Labor Department shall encourage and enforce employers and labor unions to comply with a policy of Section 9 to 15, inclusive, of this act and promote equal employment opportunities.l

Going on to Section 14 -- Section 15b, "No state agency may provide grants, loans or other financial assistance to public agencies, private institutions or organizations which discriminate." It seems to me, I would add parenthetically, that for state agency every one of the 35 or so we have, in order to control this provision will require a data base, possibly new systems of data gathering and records with respect to all cases brought before the commission.

Section 16, "All departments, agencies, commissions and other bodies of the state government shall include

in their annual report to the Governor activities undertaken."

Without going further, I think the evidence is clearly on the floor that this act will require substantial state expenditures. Through you, Mr. Speaker, may I ask the Chairman of the Judiciary Committee if he has a fiscal estimate as to all of the costs of all of the data bases that have to be created and all of the agency programs to be undertaken?

REP. TULISANO: (29th)

Through you, Mr. Speaker.

DEPUTY SPEAKER MARKHAM:

Representative Tulisano.

REP. TULISANO: (29th)

Relying on the Fiscal Impact Statement of HB7133 contained at the end of File Copy No. 191, state impact, minimal cost within budget resources, minimal revenue gain. I think the reason for that, and knowing that all the items that the Representative read, the reason it is stated as minimal is because these all exist already for other kinds of activity and it's fairly simple and it's part of the process. It is already going on in all of these agencies already.

DEPUTY SPEAKER MARKHAM:

Representative Jones, you have the floor, sir.

REP. JONES: (141st)

Thank you, Mr. Speaker. They do not exist already with respect to the provisions of this complex bill. I go on to Section 23, "Monitor state contracts to determine whether they are in compliance with Section 4a-60 and Section 17 of this act." That's the old section before amendment, but we know what it is. "And these provisions of the General Statutes which prohibit discrimination."

Now I go to Section 23, Item A-6, "Compile data concerning state contracts with respect to business entities." It costs money to compile data. It requires computer programs to process the data and retrieve it, let alone now turning to the sections that follow in the 20s. These sections, for summary purposes for the Chairman's benefit, include all of the procedures involving cases brought, suits, the Attorney General's actions, the requirement of the Attorney General to defend these cases and provide attorneys. This bill has substantial cost. Mr. Speaker, I move that this bill be referred to the Appropriations Committee. As the Ranking Member of the committee, I believe there are substantial expenditures required.

DEPUTY SPEAKER MARKHAM:

The question is on referral of the bill.

REP. FRANKEL: (121st)

Mr. Speaker.

DEPUTY SPEAKER MARKHAM:

Representative Frankel.

REP. FRANKEL: (121st)

Mr. Speaker, first, I would like to indicate that it is not my intention to raise a Point of Order on the motion. I believe this bill is of such importance that we should go to the merits on it. Such a motion is untimely and our precedents and our rule book so indicate, but I will not press that point, but I will observe that it does exist and we should be mindful of that in debate in the future.

I would only observe that the fiscal note is what we have to rely on and the fiscal note, unless there is evidence to the contrary, suggests that the impact is minimal and for those reasons I believe that the membership should get on with the debate and I would urge the membership to vote no on the Motion to Refer, and, Mr. Speaker, I would at this time ask that when the vote be taken, it be taken by roll.

DEPUTY SPEAKER MARKHAM:

The question is on whether the vote, when taken, should be by roll. Those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER MARKHAM:

In the opinion of the Chair, the requisite 20 percent has been -- 40 percent has been met. The vote will be taken by roll call. Representative Jones.

REP. JONES: (141st)

Mr. Speaker, if I were out of order, I were improperly advised by many senior people of this body. I would like to suggest that evidence has been presented. You read the language in the bill, you hear it and you know how agencies operate, you know what we spend on computer systems to compile data, you know the millions we've invested to conform to requirements. All those programs have to be edited at least, possibly amended. You know the substantial work that will be required. With all due respect to the Office of Fiscal Analysis, I think this body has the judgment to read the language in the bill and have some understanding of what agencies are going to have to go through of what will happen when discrimination cases are presented to the commission and the attorney general unless there are none presented which would imply there's no need for the bill to start with.

If there's no cost involved in implementing the

bill, then one might wonder whether we even need a bill.

I urge support of the motion.

DEPUTY SPEAKER MARKHAM:

Will you remark further on the motion? Will you remark further on the motion? If not, staff and guests --. Representative Belden of the 113th.

REP. BELDEN: (113th)

Thank you, Mr. Speaker. I just think it would be remiss on my part not to stand and indicate that I believe that under our rules that a Motion to Refer to committee is appropriate at any time that a member has a floor and a bill that's before this Chamber for consideration. I don't see anything that precludes that in our rules and I believe that those types of motions are presentable in any time the bill is in our possession and it's before the Chamber.

REP. FRANKEL: (121st)

Mr. Speaker.

DEPUTY SPEAKER MARKHAM:

Representative Frankel.

REP. FRANKEL: (121st)

Not to prolong the debate, I'll be glad to share with Representative Belden the precedents that exist on the timeliness of such matter. I believe they do

exist, but I don't think it's relevant since no Point of Order has been raised.

DEPUTY SPEAKER MARKHAM:

Will you remark further? If not, staff and guests please come to the well of the House. Members take their seats. The question pending is on referral to the Committee of Appropriations. The machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting by roll call. Members to the Chamber please.

DEPUTY SPEAKER MARKHAM:

Have all members voted? Have all members voted? Please check the roll call machine to see that your vote is properly cast. The machine will be locked. The Clerk please take a tally.

The Clerk please announce the tally.

CLERK:

Motion to Refer HB7133 to Appropriations.

Total Number Voting	146
Necessary for Referral	74
Those voting Yea	60
Those voting Nay	86
Those absent and not voting	5

DEPUTY SPEAKER MARKHAM:

The motion is defeated.

Will you remark further? Representative Migliaro of the 80th.

REP. MIGLIARO: (80th)

Thank you, Mr. Speaker. Speaking on the bill, this amendment, I've listened with great interest to the entire debate, you've raised some real good problems. I'd like to start off with the distinguished Representative Tulisano who used the phraseology, this bill is about protecting people. I don't know what we are, but I sure know what they are and they're getting the protection.

We are creating a bill here that gives a certain class rights that we don't have and I read this file frontwards and backwards and it's interesting to note in the file. The emphasis singling out and spelling out every area, particularly in state government of where it's wrong to discriminate and we're using the phraseology "discrimination versus constitutional rights." My rights are being infringed because of this so-called discriminating bill, but it's also interesting to note that nowhere in this bill does it touch on the rights of children or the protection of children.

Thank you, Mr. Speaker. I gave the courtesy to the other speakers to listen to them and if you people don't want to listen, please go outside.

What I'm saying here is something that should be heard and should be said, and for those of you who don't like it, that's your problem, but if we're going to talk about protection, I want protection for everybody, every man, woman and child in this state. That class that your so-called sexual orientation that they should be protected, we haven't even singled out any other ethnic group in any of our laws that ever said whether you be Italian, Irish, Polish, Russian, Asian, whatever nationality, we have never gone to this extreme to single out the protections for those people.

Your ancestors or your father or grandparents came to this country, many of us, and we went through hell, our grandparents did, but at no time, no time, did anybody say let's protect those people from discrimination and let's spell it out in detail like you're doing here.

They cite that the Commissioner of Human Rights and Opportunity, there may be an increase of 34 cases. Boy, that's a lot. I can cite you thousands of cases of other people in this state who are being discriminated against, but we don't seem to care about

that and we don't seem to care about our kids or the safety of our kids. That's another thing.

I'll give you a hypothetical case. I own a three-family house. I live in that three-family house, one of the apartments, and I have children, but I have family values and I feel they should be protected against certain evils and certain things that I frown on and that my religion frowns on.

According to this bill, I cannot deny a homosexual from renting and I have to put my kids in jeopardy of something that I fear could be detrimental to them. Where are my rights? Where are the rights of people in that situation? We don't care because the homosexuals won't touch those kids. Well, you come to Wolcott and tell that when we had a man touch 21 of ours and you'll see how true -- that statement is a falsehood.

And I'd like to give you another hypothetical case, Mr. Speaker, and through you, I'd like to pose a question to Mr. Tulisano.

DEPUTY SPEAKER MARKHAM:

Please frame your question, sir.

REP. MIGLIARO: (80th)

Through you, Mr. Speaker, if a spouse, and this happens a lot, we read about it in the paper a lot, after a few years of marriage or whatever, finds out

that their spouse is a homosexual and files for a divorce. I would like to ask Representative Tulisano, is this discrimination or grounds for a divorce, through you?

DEPUTY SPEAKER MARKHAM:

Representative Tulisano.

REP. TULISANO: (29th)

Well, I guess the question raises at least two and probably more possibilities. If in fact he discovers his spouse that his spouse -- well, first of all, they would not be homosexual -- I shouldn't say that. Presuming they have had a relationship with each other, they then would be bisexual, if they have not had any relations with each other, I gather they could have been -- the spouse could have been homosexual. In either event, they could bring a divorce under, one, no-fault. You don't have to have a reason. You would just get a divorce to do it so there's no discrimination there.

Again, under the bill that we passed last year -- last couple of weeks ago and passed by the Senate last week, adultery, for purposes of divorce, is defined as relations with somebody other than your spouse, whether that be homosexual or bisexual or heterosexual and therefore there is grounds for divorce, specifically

allowed by the statute that we passed a couple of weeks ago.

REP. MIGLIARO: (80th)

Through you, Mr. Speaker.

DEPUTY SPEAKER MARKHAM:

Representative Migliaro. In a case of that type, if the homosexual does not want a divorce and feels that there is no grounds for that divorce, use an attorney, if you were representing the other side, would you insist that this was actual grounds for a divorce by the person you were representing, through you?

REP. TULISANO: (29th)

Through you, Mr. Speaker, again, to reiterate that, in Connecticut we do not necessarily need grounds for divorces so that although the facts may be as you have described them, that there's not need on my part, as a plaintiff, to show one of those grounds. All I have to do show is that the marriage is irretrievably broken down.

On the other hand, again, under the facts I think as you've described them, our current law, as it defines adultery would also allow me as a ground to bring the divorce whether or not the other spouse wanted me to. It was a matter of proof, of course, but

that's the problem.

REP. MIGLIARO: (80th)

Mr. Speaker.

DEPUTY SPEAKER MARKHAM:

Representative Migliaro.

REP. MIGLIARO: (80th)

I don't think the distinguished Chairman has given me an answer because naturally he's going to use another issue. I just looked for a specific answer and to use terminology they use, yes or no, but apparently he doesn't want to answer that and that's okay with me, but that's another case of where flaunting the law or using the word "discrimination" is not clear. I say it's grounds, but I'm not an attorney. I wouldn't want to be in that position, so help me, I wouldn't.

Mr. Speaker, we've been on the floor of this House for many years debating this issue. We've seen it grow, like a cancer. We've seen it come out, minimal. We've seen a lot of people saying, well, we're not going to do this and make exceptions to the rule so that we can gather more votes and mislead a lot of our colleagues and they've done that very well, but I'll make you a prediction. Next thing on the agenda is going to be marriage rights and adoption rights and many other things because you've got a bill to broaden

it on and little by little they'll get what they want.

Another thing that bothers me, Mr. Speaker, and Members of the House, I have to have a new dictionary now and I'm not saying these things to be indifferent or to cause any hard feelings, but years ago you said I had a gay old time, it was fine. You can't say it anymore. Years ago we said that person looks like a fruitcake. You can't say it anymore. Years ago you said, hey, look at that ferry. You can't say it anymore, but they can turn around and commit any indecent act that they want. They can stand out here in the Hall of the House and outside and have dressed up as a Pope, put a sign on their butts, "Sex Experts," that's all right. Desecration, I call it, but they can do that because they're gay, permit it. They can use any kind violent act that they want and get away with it. They can do that.

They can do many things that we can't do and now you've compounded the problem. You've given them a club in their hand. They can use that to exploit people and to go up and make threats and innuendos. You better say, "Watch what you say to me," or make any kind of a gesture that will be deemed a misdemeanor, but we're not giving these same rights to other people.

What ever happen to the Constitution of the United

States? All people are created equal and if they don't consider themselves people, that's their problem. I consider myself a person and I want to protect the rights of everybody. That's what I took the oath for up here, but right away, you're indifferent. You're discriminating because you're not giving them things that are not an accepted social norm in this country. It never has been and never will be.

They can come out and flaunt the system and get away with. They marched in the Halls of this House a couple of years ago and hung banners up there, derogatory remarks, but that's okay, but if we did it, we'd be in jail. Where is the equality? Where is it? This bill turns around and continually gives them rights beyond belief and they spell out each item, item for item, item for item.

There's a lot of things you left out in there, let me tell you. You might as well go the whole route. A bill such as this is unfair and I'll say this, I wish I was a Rep when my grandparents came to this country and the discrimination they had to go through and that you felt as good about protecting your own real people. You didn't do it. You could care less. All of a sudden this is something great. Maybe it'd get you a lot of votes, but the way I count the numbers, 90

percent versus 10, I'll take the 90 any day, if that's what you're counting.

And I have to say something while I'm on the Hall of House, just to clear the air. It may be a little often, with your permission, Mr. Speaker, I'd like to clarify this for the record.

Last week we were talking about the Adultery Bill, and with your permission, Mr. Speaker, I'd like to clarify it. I started to lead up to a point, but I never got to that point and I think we all know why and it was a point for the other guy because he had me chuckling too, but in my religion any act of fornication, any act that you commit prior to marriage, any act, looking at a person of the opposite sex with lust was a form of adultery. I did not mean to infer, that was not my intent that people in here have been going out with other's wives. That was not the intent. But that's what I believed and that's what I still believe and I just wanted that for the record, Mr. Speaker, to clear the air.

Getting back to the bill, maybe I have too many and too strong family values, I don't know. Maybe I believe in right rather than wrong. Maybe I was brought up with the belief that their acts are wrong, they're not clean acts, they're not accepted acts, and

I think they are lack of decency acts. That's my belief.

Now if they want to continue in that form of life, I have no problem with that, but I have the same damn right they have. I don't believe in their way. I will be outspoken in their way and they have no right telling me I can't speak out, that I have to believe that what they're doing is accepted. They'll never get my vote up there to accept that because it's not an accepted right, nor is it an act of common decency in my book, but they can criticize us and call us everything they want that who disagree with them.

In fact, to use that famous terminology, "We're straight." Well, I'd rather be straight any day than bent out of shape, let me tell you.

I do appreciate, Mr. Speaker, giving me the time to say what I have strong feelings on and I would urge my colleagues, when you vote for this, remember, those of you who are not married, those of you who will be getting married and raising a family, every time we pass a law that makes us more permissive and accept and give to the outside the attitude that we accept and condone these types of acts, you're going to make it hard on your family when you bring them up and some day it's going to come back and haunt you and I'm telling

you it's going to happen.

They want to commit acts, fine. I have no problem. Constitutional rights, they've got them. We've had agencies and a Constitution that protects them just as it protects us. If they are being discriminated against, they can go to Human Rights and Opportunity. They can go to many agencies and they can get fine attorneys such as Tulisano to defend them in court. No problem. Why we have to go this route with a piece of legislation that has established a precedent second to none, my grandparents didn't get this privilege and neither did yours in all races, creeds and colors and we talk about protection. Let's look at the Asian people who they're being discriminated against and the Indian, how they're being discriminated against. Why don't we write up a specific bill for every nationality in this country and show that we want to give equality to everybody, not to a selected group?

We're not legislators making laws that are applicable to protect our citizens and our voters. We're here, not me, but some of us, for special interest groups that have a very knack way of twisting votes out of some people and getting what they want. Watch out down the road.

As I said before, and you guys can clap any time.

I'm leaving here. This is my last session, but God help you people.

APPLAUSE

Go right ahead. Go right ahead. I don't have to put up with you any more and I defy you to come in to Wolcott and that's all I say, but I will end up this way, Mr. Speaker, I'm sure they'll have a gay old time when I leave, that's for sure.

LAUGHTER

DEPUTY SPEAKER MARKHAM:

Representative, I might caution you.

REP. MIGLIARO: (80th)

Remember the old saying and it's a saying that always stuck in the back of my head, but it's only applicable to straights. Opposites attract. It sure as hell doesn't apply to them. Thank you.

DEPUTY SPEAKER MARKHAM:

Will you remark further on the bill?

REP. STOLBERG: (93rd)

Mr. Speaker.

DEPUTY SPEAKER MARKHAM:

Representative Stolberg of the 93rd.

REP. STOLBERG: (93rd)

Mr. Speaker, I think this is one of those issues that every member of this Chamber attempts to vote in

terms of conscience and everyone in this Chamber will vote what he or she believes is right. There's no one here advocating a position that they believe is wrong.

I had to work very hard to get back from an address I gave in Boston this afternoon because I felt it very important to express my beliefs on the issue and be counted in the tally that will go up shortly and I believe and certainly hope that this civil rights legislation will pass today and will pass upstairs and will become law and I think it's overdue.

We have debated this many times and perhaps this is one of those kinds of bills that takes consideration again and again before the members recognize that this, even though it's referred to as a Gay Rights Bill, is in many ways a family bill because it says to our children that we believe that all people, all people, are brothers and sisters and their rights to a job, to a place to live must be protected by our laws. That's what I feel this bill does and that's why I am supporting it and I certainly pray that it will pass this Chamber today.

DEPUTY SPEAKER MARKHAM:

Will you remark further on the bill as amended? Representative Fusscas of the 55th.

REP. FUSSCAS: (55th)

Thank you, Mr. Speaker, ladies and gentlemen. I take exception to the distinguished Representative Stolberg's perception of this bill. It's not a bill of conscience. It's not about civil rights and it's not about all people.

Civil rights are contained in the Constitution of the United States and homosexual behavior is not a protected right under the Constitution of the United States. It's not about civil rights. This bill is about public policy, ladies and gentlemen. This bill is about public policy and the sensual -- the central -- I've been reading too much.

LAUGHTER

The central issue, and I think Representative Tulisano made reference to groups of people with a special interest that have been lobbying for this bill and I think that is the public policy issue. Can a minority of people bound together by a common inclination, and I'm quoting, to commit acts of sodomy with members of the same sex, should they be given special rights?

Now we have under our Constitution prohibitions on discrimination based upon, and I won't enumerate them, you know, color, creed, religion, etc., these are called true classifications. A sexual behavior, ladies

and gentlemen, is behavior-based classification. Part of the bill addresses employment. Well, you know, the most common discrimination in the workplace is one that is based upon appearance -- appearance. People who are too tall, too short, too fat, too slim, too bald, dress poorly, wear sneakers, appearance, and of all this special discrimination, obesity happens to be the largest classification for rejecting people in the workplace.

A far greater number of people are discriminated on the basis of obesity and/or their appearance than on their sexual orientation, so why don't we have a bill that prohibits discrimination in the employment on the basis of your appearance?

Now let me just ask you a questions, ladies and gentlemen, if such a bill was to be introduced, AN ACT CONCERNING DISCRIMINATION ON THE BASIS OF OBESITY, how far would that bill get in this Legislature? Maybe Representative Tulisano and I could find common cause to support that, but I think the real issue in the gay rights lobbying is should we, as a Legislature, and as a matter of public policy, give special protection to sexual preferences for homosexual behavior? What's so special about homosexual preferences or bisexual, or for that matter, heterosexual?

Why seek a privilege of having one's aspect of their personality or their behavior -- why seek special privileges or consideration? We are a discriminating society. There are many things in which you have to make judgments. When you employ people you have to make judgments on their moral character, judgments on how often they change jobs and for what reasons. You make judgments on their ability to perform a job. This is all discrimination. There's nothing wrong with the word "discrimination." It has a negative connotation today, but there's nothing wrong. It means to discriminate, to make differences.

We, as human beings, are discriminating human beings. What is so sacrosanct about -- listen, a small minority of people? Why are their rights, behavior-based rights, any more important than an infinite list of behavior-based rights of other individuals?

It's not found in the Constitution of the United States. Here's a bill that's going to, and I quote Representative Jones, here's a bill that's going to outlaw discrimination on the basis of sexual preference and it's not going to cost anything. Now how can that be? And he said it right, if it doesn't cost anything, then there can't be any discrimination.

The estimate -- Office of Fiscal Analysis said, caseload will go up two percent. They can't handle their cases now. Add two percent of it, they'll either handle those two percent or neglect two percent of somebody else's, but the issue really is a public policy issue, Representative Tulisano. Why, through you, Mr. Speaker, I think he's chomping at the bit anyway, through you, Mr. Speaker, why this special class? I mean I know the bill says it's not a special class, but you can create a special class and in the last sentence say it's not a special class. I mean it's kind of contradictory. Why don't we have -- or are you anticipating perhaps, creating other behavior-based classifications of individuals, through you, Mr. Speaker?

DEPUTY SPEAKER MARKHAM:

Representative Tulisano.

REP. TULISANO: (29th)

Through you, Mr. Speaker, the distinction between behavior-based is somewhat specious because religion is practicing -- is behavior-based and the people, as even our private discussion indicated, people do change and may in fact adopt different behaviors as a result of this bill and Mr. O'Neill said it, so that in fact our Constitution in fact supports at least one

behavior-based issue of protection.

The issue of whether or not it's protected in the Constitution or not is, as Representative Fusscas indicated, in many ways not relevant. What we're talking about is public policies, and he indicated that, as to what individuals we believe, because of -- that we determine legislatively there has been some need to step in because of the -- either amount of, viciousness of, whatever we have determined because of the reason we step in and file some protection.

In the past we have done, before we put it in our Constitution, Connecticut different than the federal government. We have put women in. That's not in the Constitution. We put in handicapped people. That's not in the federal Constitution. It is in Connecticut's Constitution. Prior to being in the Constitution, it was a statute.

Often, very often, Legislatures, both national and state determine for themselves what groups of people require certain protections. Alluded to in the prior commentary by Representative Migliaro, I'll be very clear. He said, why don't we take care of all those nationalities. Well, once we did and we passed legislation to do it. The Constitution statement was not sufficient. We required legislation to do it. The

Fourteenth Amendment was not sufficient to take care of blacks, Thirteenth, Fourteenth and Fifth Amendments, take care of blacks initially and then other minority groups that came in, minority meaning color groups coming in. That was not sufficient. We passed legislation.

We often identify needs and then have the right, not only the right, the obligation, if we identify needs, to respond to those needs, to protect people from what we see is invidious behavior on the part of society as a whole.

Now, why -- I mean we are here debating the issue. As a body, have we determined there is invidious discrimination against people who are homosexual and we granted and acknowledged that the major benefits of this legislation, although it is neutral in terms of its definition, the major beneficiaries will be homosexuals, we understand that, but the fact of the matter is do we see, have we recognized perversely through our society that there has been over the years sufficient discrimination against a particular group that needs to be addressed?

I believe that we have. Now you may disagree, but this body today will make that decision of whether or not we have seen assaults and in prior legislation some

time ago we had a special Hate Crime Reporting Unit in the State Police in which these are reported and gathered have been identified and a few years ago I would have agreed with you, maybe even now I would agree with you, that I would have wished somebody would have thought about people who are obese to be protected in this statute and you are right. There are a number of people who may very well some day get together and say for some reason, and there are -- that we are so invidiously discriminated against, behavior to us so badly that we need some special act of the legislature not to do something special for us, not to grant us privileges, but to put us on an even plane and that's what this legislation is all about.

REP. FUSSCAS: (55th)

Thank you, Representative Tulisano.

DEPUTY SPEAKER MARKHAM:

Representative Fusscas, you have the floor, sir.

REP. FUSSCAS: (55th)

I appreciate your comments, but I don't think this body can be discriminating enough to understand the difference between protected groups under the United States Constitution and the Connecticut Constitution and behavior-based groups. That's the distinction. That's the question of public policy.

There isn't an analogy. It's a false analogy to say that individuals, well, I guess the quote is "immutable genetic determinism," race and sex. They have no choice.

Religion is -- the issue of religion is grounded in he very foundation and traditions of this country. Sexual orientation and homosexuality are not grounded in the tradition and the values of America and accidents of birth and disabilities, things over which no one has any control. These are true protected groups.

The bill before us doesn't purport to be a civil rights bill. My question I guess is if you exclude from the provisions of this bill religious organizations, based upon the tenets of their belief, why not exclude individuals based upon the tenets of their belief? Why should a group of individuals who all believe the same have to form a group, an association or be recognized as a religious corporation, charter or whatever it is in order to have the same rights as a religious organization? Why not exclude? I mean what is fair -- what is just in separating, through you, Mr. Speaker, what is just in separating the individual from the organization, the religious organization in which he is a member? Why

can one discriminate and not the other?

DEPUTY SPEAKER MARKHAM:

Representative Tulisano.

REP. TULISANO: (29th)

Through you, Mr. Speaker, I believe that the way we distinguished it is because if there is someone -- and a group in Connecticut is like three -- if we see this as some structure, that we are able to determine -- and I gather this is the way it's been done in the past and my own view is that it is not a mere simple way of seeking an evasion. We do this under our current statutes. You may not discriminate even under those -- for those constitutionally protected rights. Let me go back. Conscientious objectors, a person who goes in to the federal government and says, "I personally do not believe in war," as I understand it, and again, I can stand to be corrected, but is not capable or being able to be determined because his personal belief doesn't allow him to believe in war, to gain conscientious objective status, but if he belongs to a system or a group that holds that and he has held it for some time, I gather then he does qualify and I think it's the same kind of analogy that an individual cannot themselves adopt and we try to make sure they can't avoid the law that way, their own standard and religious practice at

any one time when it fits their convenience and we try to establish a way for an objective observer to determine the truth, the veracity of that statement as to their religious belief.

REP. FUSSCAS: (55th)

Well, I thank you, Mr. Speaker.

DEPUTY SPEAKER MARKHAM:

Representative Fusscas.

REP. FUSSCAS: (55th)

I thank you for your answer, but I have to point out to you that an individual who is a member of an organized religion whose belief, the tenets of his belief is in opposition to war, he, as an individual, has a right as a conscientious objector. The bill before us does not say that. The bill says that the religious organization, corporation, association has the right to discriminate, but the individual, like the conscientious objector, does not.

And not only is this a matter of public policy, this bill, it's also about good an bad law and this is bad law. I think indeed if sexual orientation is such an important behavior to protect, then no discrimination whatsoever, and because of that, I'd like to introduce an amendment.

The Clerk has an amendment, LCO5429. Would the

Clerk please call and read.

DEPUTY SPEAKER MARKHAM:

The House has an amendment LCO5429, designated House Amendment Schedule "D". Will the Clerk please call and read the amendment.

CLERK:

LCO5429, designated House Amendment Schedule "D", offered by Representative Fusscas.

Delete Section 17 in its entirety and renumber the remaining sections and internal references accordingly.

DEPUTY SPEAKER MARKHAM:

What is your pleasure, Representative Fusscas.

REP. FUSSCAS: (55th)

I move adoption, Mr. Speaker.

DEPUTY SPEAKER MARKHAM:

Please remark, sir.

REP. FUSSCAS: (55th)

Thank you, sir. I believe this was drafted in response to your amendment so this is the new 17, the exclusion of religious organizations from the provisions of this very important anti-discrimination bill and certainly, ladies and gentlemen, that is sexual orientation is a class worthy of protection, just like race, color, which by the way, religious organizations can't discriminate regardless of their

belief and I urge adoption.

DEPUTY SPEAKER MARKHAM:

Will you remark further on House Amendment Schedule "D"? Representative Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, I rise to oppose the amendment for a simple reason. I really don't believe that Representative Fusscas is going to vote for the bill, as he implied, if this amendment passes. I note a tone of cynicism, excuse me, in the voice when he proposed this bill. I think it is an undisguised, and I thank him for that, an undisguised attempt to do destruction to this proposal. I stand to be corrected, but is clear, as he has indicated, there are some distinctions, there are some distinctions between race and color, behavior-based, yes. Correcting -- we already correct, take care of religion behavior-based. We already take care of marital status. Behavior-based, it's not so rare as you believe you imply, but this has been of a peculiar nature, different than anything we've ever dealt with, and again, as I indicated, at about 3:00, very narrow design to reflect the concerns of individual. We're walking in a new area. We're charting -- not unlike we've done before, as you might be left to believe, we

have done these things before, but this is clearly crafted to reflect some of the concerns.

This bill, this amendment, would destroy that and I stand to oppose the amendment, Mr. Speaker.

DEPUTY SPEAKER MARKHAM:

Will you remark further on House Amendment Schedule "D"? Representative Wollenberg of the 21st.

REP. WOLLENBERG: (21st)

Thank you, Mr. Speaker. Just to make a few things clear. I remember the last time we had this bill before us in 1989. It seemed to me as though a very similar amendment was proposed and the bill passed the House and went up and the Senate put it on, I guess, and it came back here and defeated. I think that was the history of it, but there was a lengthy debate on this very amendment on whether or not churches, religions should be exempt.

So if I have the money to send my child to a religious school, I may have a choice on whether or not he has to be taught by people who are not otherwise selected and they can be selected out with the Catholic school, but if I don't have the money to go to the religious school and I must go to the public school even though my beliefs are against homosexuality and so on, I have no choice. I go to the public school,

public schools must accepted people in employment who are of the homosexual and bisexual persuasion. That, I think, is unfair and we talked about this two years and this Chamber kind of thought it was unfair too at that time.

I don't think anything has changed. Representative Tulisano said we've crafted and we've molded and we've pushed and we've squeezed and we've let out and we've pulled in -- we haven't done anything more -- nothing. We've tinkered a little because I guess the Catholic Church was a little disturbed with what we had already and Richard worked long and late last night to see if he could correct that and he probably, as usual, has done a very good job at it, but this is not new. This is the same old soup. It may be a little thinner. I don't think so, but it's the same.

In this, the discrimination in this section of the bill flies in the face of what Representative Tulisano talks about as what this bill is to fight against, exactly right square in the face, no question about it. We can discriminate a little bit because the church says that's the only way you're going to get my vote, but then we can't discriminate all the way.

Representative Tulisano would have us believe that's what we're doing with this bill. No so. No

special people on this one. We shouldn't have them. No matter what religion you belong to. We should look in the mirror and be honest. There should be no better rights for someone because he enjoys a certain religion in this regard than the poor soul who doesn't happen to be of a religion that exempts.

This kind of exclusion is wrong, wrong, wrong. This should not be in the bill.

Just to address one other thing. I believe that if this passes, Representative Fusscas probably can vote for the bill and the bill -- because he'll have a little room there -- the bill will not pass. Representative Tulisano knows that. He's very crafty in his -- when he does bill and laws in this Chamber and in this building, he's good at it. I commend him, but this is wrong. There should be no special people, not from what he tells us.

One other thing, just to clarify what was said a minute ago and that was conscientious objectors are, by their personal persuasions, not many of them are able to convince even if they are religious persuasions that they should not be held as conscientious objectors, but they may be held as conscientious objectors even though it's not religion connected. I've done cases in that and that's so.

Thank you. I think you ought to vote for this and then we'll see if we can give Representative Fusscas a little room so he can honor the commitment to Representative Tulisano. Thank you.

REP. FUSSCAS: (55th)

Mr. Speaker.

DEPUTY SPEAKER MARKHAM:

Representative Fusscas.

REP. FUSSCAS: (55th)

Thank you, Representative Wollenberg, but I think I can -- I'd better speak for myself. I just wanted to assure Representative Tulisano that my motives for introducing this amendment were indeed honorable and they were partly based upon a Hartford Courant editorial. I'm always a little nervous about basing judgment on a Hartford Courant editorial, but assuming that what is written is correct, quote, "Discrimination against people on the basis of their sexual orientation is always morally wrong," said the Roman Catholic Archbishop. Well, if it is morally wrong, then the church certainly wouldn't engage in that activity.

So all I'm doing is separating a temptation to do something morally wrong from their religious conviction not to do something morally wrong and therefore this

bill is in perfect harmony with the teachings of the church, and therefore, ladies and gentlemen, feel free to vote for it. Thank you.

REP. TULISANO: (29th)

Mr. Speaker. Mr. Speaker.

DEPUTY SPEAKER MARKHAM:

Will you remark further on House Amendment Schedule "D"?

REP. TULISANO: (29th)

As much as I -- I'd just like to make it clear that I concur with the statements, the quotation contained in the Hartford Courant of Archbishop Whealon as it appeared in the Catholic Transcript. However, although it may be in harmony with the Roman Catholic Church, which is the citation there, there may be some other churches of which it is not in absolute harmony with who would indicate that within their religious practices, remember this bill is very narrowly crafted, we are talking about it's very broadly crafted, very narrowly crafted and which within those groups it would be inappropriate for those purposes to discriminate and therefore it isn't quite the way it's been presented before this body. Thank you, Mr. Speaker.

DEPUTY SPEAKER MARKHAM:

I will just point out for the Transcript that that

is the second time on the amendment, Representative. Will you remark further on House Amendment Schedule "D"?

REP. BELDEN: (113th)

Mr. Speaker.

DEPUTY SPEAKER MARKHAM:

Representative Belden.

REP. BELDEN: (113th)

Thank you, Mr. Speaker. I've been doing my best not to get involved in the debate on this particular issue, but this amendment is really the crux of the matter before us this afternoon. I guess under our civil law, when we passed civil law, normally applies to everyone and we have in our statutes right now religious freedom. It's in the Constitution, protected already. What the files does, as amended before us right now says if you go around bashing gays and you're a nonprofit organization, you can be prosecuted under the law.

Let's say you happen to be the Big Sisters group or whatever, Big Brothers. The law applies to you here. If you're a religious group --.

DEPUTY SPEAKER MARKHAM:

Representative, will you pardon me for just a moment please. The gentleman from the 113th is trying

to comment on the bill. I would appreciate the noise level in the Chamber to be brought to a minimum. Pardon me, Representative Belden, please continue.

REP. BELDEN: (113th)

Thank you, Mr. Speaker. Just recapping. If you happen to be a nonprofit group such as Big Brothers or Big Sisters and you do -- somebody in the organization does some gay bashing, you come under this law that's proposed, but if you're a religious group, I guess you don't. You may come under other laws concerning assault or some of those other things and that's the crux of the issue before us in the amendment that's before us.

Do we pass laws for only part of the people to effect only part of the people or do we pass laws to protect classes? If that's what you want to do. Personally, I don't feel we need to do that and I don't plan on voting for the bill, but if you want to pass laws that only cover part of the people, part of the issues, if you happen to be a religious group, you don't have to comply with these laws to protect this so-called protected class or classes that you're talking about. Then don't vote for this amendment, but if you want to be fair-handed and even-handed, and whatever the law that's passed or not passed today,

then please pass this amendment and vote on the bill which would be even-handed and address all of our citizenry in the same way.

DEPUTY SPEAKER MARKHAM:

Will you remark further on House Amendment Schedule "D"?

REP. FRANKEL: (121st)

Mr. Speaker.

DEPUTY SPEAKER MARKHAM:

Representative Frankel of the 121st.

REP. FRANKEL: (121st)

Mr. Speaker, a question, through you, to Representative Tulisano.

DEPUTY SPEAKER MARKHAM:

Please frame your question, sir.

REP. FRANKEL: (121st)

Thank you, sir. Representative Tulisano, if you could clarify one statement perhaps regarding this bill, the gentleman from the 113th, in his hypothetical, used the example of what was, I believe, phrased as gay bashing. Is there anything in this bill that deals with gay bashing, through you, sir?

REP. TULISANO: (29th)

Through you, Mr. Speaker, to my knowledge --.

DEPUTY SPEAKER MARKHAM:

Representative.

REP. TULISANO: (29th)

Through you, Mr. Speaker, to my knowledge, that suggestion was in the original bill we had a hearing on, but was omitted on the file copy as it is before us.

DEPUTY SPEAKER MARKHAM:

Will you remark further on House Amendment Schedule "D"? Representative Taborsak of the 109th.

REP. TABORSAK: (109th)

Thank you, Mr. Speaker. I'm rising in opposition to the amendment, but really I'm rising to let people know that this bill, the underlying bill hasn't invented religious discrimination, that it exists and abounds in other laws.

One important law, very important law especially to women, was Title 7 of the Civil Rights Act of 1964 and that's where lots of us found some opportunities. That allows religious discrimination. If you are a Catholic school, if you are a Jewish school, you may hire Catholic teachers and Jewish teachers. If you want to hire a Catholic custodian or a Catholic matron, Title 7 of the Civil Rights Act says you can't do that, that those particular occupations don't have a lot to do with your religious tenets.

In our own state we allow nursing homes run by religious or fraternal organizations to discriminate, to allow preference. Representative Winkler has a home in her district run by the Odd Fellows. If you're an Odd Fellow or an Odd Gal, you have a preference at that nursing home. My diocese, the Catholic Diocese of Bridgeport raised a lot of money to open a very good Catholic nursing home in Danbury. If you are a Catholic, we may give you a preference in those homes. So we're not inventing religious discrimination here in the State of Connecticut. It's existed in civil rights laws since 1964. It exists in our nursing home statutes and probably some other places where I haven't noticed it.

DEPUTY SPEAKER MARKHAM:

Will you remark further on House Amendment Schedule "D"? Representative Wollenberg of the 21st for the second time.

REP. WOLLENBERG: (21st)

Yes, for the second time, thank you, Mr. Speaker. Mr. Speaker, I just want to remind the Chamber and I know I don't need to remind them, but Representative Tulisano has talked earlier on about amendments and perhaps we can do this or we can do that next year or another time.

Remember that next year this can be taken out. For those of you who are looking to this as some solace for voting for this bill, this can be taken out next year. So, as we know, as we stay up here and many of us have been here for many years, know that it never ends and we just keep amending in and out of these things. This can be taken out. Once we get the concept through, hate crimes last year, but we'll speak about that in a minute, but these things can change. I just remind you that last year the Hate Crimes Bill that's on the books now, Section 3 says, and this was put in probably to get the votes on that, "The provisions of this act shall not be deemed to expand the civil rights of any person against whom an act described in Subdivision 1 or 2 or Subsection A of Section 1 of this act occurs or is threatened beyond those which existed prior to the enactment of this act."

It said no civil rights today. That was last year. We're back here now saying we were just kidding in Section 3. We didn't dare do the whole bill last year. We're back here with it this year. In debate it was said, this does not include civil rights. This is merely a law to protect victims of crimes. We don't want to do that, perish the thought. We were kidding. We'll do it next year. That can happen to this as well

or any other part of this. Thank you.

DEPUTY SPEAKER MARKHAM:

Will you remark further on House Amendment Schedule "D"? Representative Wollenberg, for what purpose --?

REP. WOLLENBERG: (21st)

Yes, Mr. Speaker, when the roll is taken, I ask that it be taken by roll.

DEPUTY SPEAKER MARKHAM:

A request has been made for a roll call vote on House Amendment Schedule "D"? Those in favor of a roll call please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER MARKHAM:

In the opinion of the Chair, the requisite 40 percent has not been met -- 20. I was hoping. I will restate that, it has been met. Will you remark further on the amendment? If not, staff and guests please come to the well of the House. Members take their seats. The machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting by roll call. Members to the Chamber please.

DEPUTY SPEAKER MARKHAM:

Have all members voted? Have all members voted? Please check the roll call machine to be sure that your vote is properly cast. The machine will be locked. The Clerk please take a tally.

The Clerk please announce the tally.

CLERK:

House Amendment "D" to House Bill 7133.

Total Number Voting	146
Necessary for Adoption	74
Those voting Yea	36
Those voting Nay	110
Those absent and not voting	5

DEPUTY SPEAKER MARKHAM:

The amendment is defeated.

DEPUTY SPEAKER POLINSKY:

Will you remark further on this bill? Representative Fox of the 144th.

REP. FOX: (144th)

Thank you, Madam Speaker. Madam Speaker, I rise to oppose this bill. Whenever this body deems it appropriate to adopt or consider any legislation, there are certain guidelines under which we work and one of the basic guidelines is the need or justification for that legislation.

I would submit to you that that has not been

established in this case. The argument that we hear made is that, of course, I would support this legislation. Of course, I expect you to support this legislation because we wouldn't want anyone to be discriminated against.

The fact of the matter is, ladies and gentlemen, that element of it has not been established. I would submit to you that this legislation has nothing to do with discrimination. This legislation has to do with a particular group of people that want this policy setting body to put its imprimatur on it and to approve it.

It seems to be -- the thought seems to be that if you can make enough noise, that if you can get enough media attention and if you can package what you want in a manner that is as lofty as the concept of discrimination or lack of discrimination, then you will be supported.

If you take a look at the bill that has been presented to us, it puts before us a series of actions that would constitute discrimination. I won't take the time of this body to go through all of those, but take a moment to read and consider them or at least a few of them.

The bill says it shall be a discriminatory practice

for an employer to refuse to hire because of sexual discrimination. Has any evidence been put before this body, the Judiciary Committee or this body that that has taken place.

It shall be a discriminatory practice it says for any association, board or other organization to refuse to accept a person because of sexual orientation. I ask you before you vote on this, has that been established? Is there evidence establishing that that has taken place?

It shall be discriminatory practice to deny public accommodation because of one's sexual orientation. Do we have evidence that that has been established or that that has taken place? It shall be a discriminatory practice for any creditor to discriminate on the basis of sexual orientation. Has there been any evidence to establish that that has taken place? I submit to you that that has not happened.

As I read the record, the only person that came before this body, either the committee -- the Judiciary Committee or any other group, was one person, one person who said that she had lost her job because she was a lesbian. The next obvious question is, give us specifics. Give us the name of that person. No, no, no, no, no, I can't do that. Give us the name of the

employer. Let us attempt to determine if what you're saying is accurate. No, no, no, no, no, I can't do that.

Certainly we have seen the so-called surveys in which it is alleged that there have been certain number of acts of discrimination, no specifics, no names, just conclusions by interested parties, the gay and lesbian group, that draw conclusions that there has been discrimination. Has anyone come forward, once, once, to say that on such and such a date at such and such a time I have been discriminated against? The answer, as I see it, is no and it's for that reason I say this has nothing, nothing to do with discrimination.

The argument is made that those that have been discriminated against are afraid to come forward. They're afraid of the repercussions. They're afraid to say anything. That same group wasn't afraid to disrupt this hallowed hall on enormous occasions since I've been here. This same group was not afraid to line the walkway between the LOB and this building and hiss at anyone that had the audacity to disagree with them, but they're afraid to come forward and give us specifics on discrimination. That's because they can't do it. That's because they can't establish it.

It is argued, ladies and gentlemen, that we've got

to stop the assaults that take place on people that are gay or lesbian. Agreed. But that has nothing to do with this bill. That's an assault. That's a violation of the law. That's a criminal act.

This body even went a step beyond that in the last session and said if you're activity is based on any kind of bigotry, we're going to increase the crime. We're going to make it a separate crime. Assaults, violence have nothing to do with this. This has to do with public policy. This has to do with standards. This has to do with guidelines.

If you come before this body and you want to claim that you're entitled to a special privilege, a special protection because you have been discriminated against, the least we can hope for, the least we can ask, as the public policy setting body of this state is that there be evidence of that fact and I submit to you that has not happened.

I urge rejection of the bill.

DEPUTY SPEAKER POLINSKY:

Thank you, sir. Will you remark further on this bill? Representative Ward of the 86th.

REP. WARD: (86th)

Thank you, Madam Speaker. I will be brief. Representative Fox has said a number of things I would

say and I won't repeat them in fact because he said them better than I could. I would like to point out one thing that I think is unusual in the bill. In our current law under housing discrimination, we specifically allow the person, the landlord, the seller or real estate, to discriminate, to deny dwelling to a heterosexual couple. The statute states that if a man or a woman are not related by blood or by marriage, you may choose not to rent. That's Connecticut General Statute 46a-64c-b2.

So by passing this legislation we've created the public policy statement that if you think as a landlord that that -- I presume that is in the law because you are recognizing the right of someone to say what they thought was inappropriate or perhaps immoral behavior. We've said that if that's the case with unmarried heterosexuals, you can discriminate. If they are unmarried homosexuals, you may not.

So despite the disclaimer provision of the General Statutes that were thrown in here, despite the disclaimer, it seems to me the truth is it is making a statement that it is elevating a particular status. Maybe it's an oversight, but I don't think it's an oversight. That's what the General Statutes say. That's an exception of the law. We didn't repeal that

exception. I think that's why Representative Fox is right that it is not done merely to protect people from discrimination which I submit particularly in the area of housing, there's been virtually no evidence of and I've spoken to any number of large landlords and asked them if it's ever figured into their considerations until, one, they say no, that it just isn't a factor. The factor is can you pay the rent and will you be probably a safe tenant. That's what they look at.

I think that it's here for another purpose. It's here to recognize and to make a public policy statement, the statement that we should not be making. Thank you.

DEPUTY SPEAKER POLINSKY:

Will you remark further on this bill? Representative Mary Mushinsky of the 85th.

REP. MUSHINSKY: (85th)

Thank you, Madam Speaker. Some of the previous sponsors of amendments have suggested that this is an un-American bill, but I would say no. This is an All-American bill. It's about the right of every American to earn a living and obtain shelter and not have to pretend or disguise themselves, pretend they're someone they're not.

Now Americans like to think of themselves as fair

people, but our history book shows that prejudice and bigotry against groups who are different from the majority has been slow to disappear in this country. Some time take your family on a field trip to the Connecticut Historical Society and look it up. Irish will learn that at one time they shouldn't be hired because they are unclean and lazy and vain and superstitious. African Americans shouldn't be hired either because they were only made for menial work, digging ditches and working in the outdoors. And women shouldn't be hired for white collar jobs because they lack intelligence or they're too delicate and the same was once said about the handicapped.

For modern bigotry, you don't need to take a field trip to the museum. You can find it today in some of your constituent mail. For example, homosexuals shouldn't be hired because the next thing you know they'll want to have sex with children as if all homosexuals are pedophiles or another phone call, homosexuals shouldn't get an apartment because they choose their sexual orientation. They could change back if they wanted to when the fact is the evidence is very strong that homosexuality is part of nature and probably should be left along just as we shouldn't try to turn a left-hand person into a right-handed person.

Here are some clues to this. One clue. It's possible in the lab to manipulate sexual behavior and physical characteristics of animals by exposing them to hormones while they're still in the womb. You can actually change their orientation.

Here's another clue. In people, neuro-hormones of homosexual men and heterosexual men react differently to estrogen. Now you can't fake a hormone test. You're either different or you're not. Here's another clue. In the November 1990 issue of Natural History, there's a very interesting article about homosexuality in man's closest living relative which is the chimpanzee. The author speculates that it serves the purpose of diffusing tension in the group. Other evolutionary scientists have suggested that perhaps homosexuality was created by Mother Nature so some in the community could help care for the entire community's offspring. In other words, those that didn't have children could help care for the other children.

So we still don't know why, but there are still plenty of heterosexuality both among chimps and among people that the species is reproduced and if anyone wants to borrow the article, it's illustrated and everything, I'd be glad to share it with you.

Whatever the reasons, and there may be several, some of our brothers and sisters are born different from the majority. They're being fired and evicted or they're unable to admit they are homosexual because they might be fired or evicted.

So let me conclude with this plea to my colleagues. Americans and Connecticut folks want to be a fair and generous people. We have tried to protect those who are different from the majority and assure them equal access to jobs and shelter, just the American way.

Today we have a chance to close one more chapter of bigotry and send it off to the Connecticut Museum. I hope you will join me and vote yes.

DEPUTY SPEAKER POLINSKY:

Thank you, Madam. Will you remark further? Representative O'Neill.

REP. O'NEILL: (69th)

Thank you, Madam speaker. I have a question or two for Representative Tulisano, if I may.

DEPUTY SPEAKER POLINSKY:

Please prepare yourself, Representative Tulisano. Please frame your question, Representative O'Neill.

REP. O'NEILL: (69th)

Representative Tulisano, some of my constuents have asked me regarding this legislation as to whether or

not we would expect to see a large influx of homosexual or lesbian persons moving into Connecticut, looking for jobs, housing or credit once they have the protections set up in Connecticut law which would enable them to be openly homosexual and lesbian and be that way in their workplaces and so forth and we have -- as I understand it, some basis, history of legislation in Massachusetts and Wisconsin and localities and I was wondering if you could indicate to me what the experience there has been.

REP. TULISANO: (29th)

Through you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Proceed, sir.

REP. TULISANO: (29th)

I can't anticipate anybody running to Connecticut for a job right now --.

LAUGHTER

Whatever bill we pass, but let me just say that in fact we have received in the past, not this year, but in the past letters from Wisconsin because there bill is much older, saying there has been no adverse effect on that state from the Speaker of the House, and I again, stand to be correct. I forgot what officer of their General Assembly had written that letter to our

committee, I think it was the last session or the session before, indicating that there had been no adverse effect in on way or the other at least with regard to that and I've heard nothing with regard to Massachusetts.

DEPUTY SPEAKER POLINSKY:

Representative O'Neill.

REP. O'NEILL: (69th)

Thank you, Madam Speaker, so would it be fair to say that there's no reason to anticipate or that Wisconsin certainly has not experienced a mass influx of gay persons to try to take advantage of this law, is that correct?

DEPUTY SPEAKER POLINSKY:

Representative Tulisano.

REP. TULISANO: (29th)

That's correct, Madam Speaker. I believe the law, as it is designed here, is for the people in Connecticut now.

DEPUTY SPEAKER POLINSKY:

Representative O'Neill.

REP. O'NEILL: (69th)

And I just want to make sure we understand. The purpose of this law is to combate pervasive persecution of homosexuals and lesbians to the extent that they're

unable to obtain housing, credit or jobs or they get lower quality housing, credit and jobs. Is that correct, Madam Speaker, through you, that's what this bill is all about?

DEPUTY SPEAKER POLINSKY:

Representative Tulisano, would you care to respond?

REP. TULISANO: (29th)

The bill is designed to protect individuals who are, well, it is neutral as with regards to whether it be homosexual, bisexual or heterosexual, but acknowledging the fact that homosexuals will be the major beneficiary for it, intended to be the major recipients of the benefits of this legislation.

It would protect against housing and job discrimination that seems to be perverse within the society.

DEPUTY SPEAKER POLINSKY:

Representative O'Neill.

REP. O'NEILL: (69th)

Thank you. Well, is it your opinion, Representative Tulisano, through you, Madam Speaker, that in Connecticut there is pervasive discrimination against homosexual and lesbians in those three categories?

DEPUTY SPEAKER POLINSKY:

Representative Tulisano.

REP. TULISANO: (29th)

Through you, Madam Speaker, clearly, in my opinion, now, and again, this is in my totality of my experience not by what has happened in Connecticut from January to this date, but the three or four times I have debated this bill and the three or four times I've been on the General Assembly Judiciary Committee and heard evidence that much evidence of housing discrimination, much evidence of discrimination in jobs and a lot of perverse discrimination was expressed on this particular floor to lead me to believe that yes it does exist.

DEPUTY SPEAKER POLINSKY:

Representative O'Neill, you still have the floor.

REP. O'NEILL: (69th)

Well, thank you, Madam Speaker. I'm left then with another question, Representative Tulisano. If Connecticut is practicing pervasive persecution of homosexuals and lesbians, I'm unable to explain why they have not sought out the protections of the laws of Wisconsin or Massachusetts or those localities which afford them the type of protection that this legislation is designed to afford them.

DEPUTY SPEAKER POLINSKY:

Representative Tulisano.

REP. TULISANO: (29th)

I gather, if I may, and correct me if I'm wrong, I interpret the question to say that why haven't folks gone to those other states for protection? Because lots of people -- for the same reasons people don't leave their homes in floods. Peoples' homes are where they are. People have a tendency to stay where their families are. People want to stay what has always been their home and that is why this law is designed not for somebody from California to come here or New York, but designed for our own domestic population, people who live here for lots of reasons, through friendships, family and otherwise, to protect those.

Now no law, I think, unless -- I should say that. There have been historically -- the Germans came to the United States at one point to avoid the draft. There have been some laws that have required mass migrations, but generally speaking, it has been for economic reasons that people stay where they are. They have a job, if someone has not been disclosed, and they're going to stay. They're not going to run away at this point in time and I just think that is the basis why you don't see major changes. I didn't say it didn't have an effect in Wisconsin. It had an effect

for their domestic population

DEPUTY SPEAKER POLINSKY:

Representative O'Neill.

REP. O'NEILL: (69th)

Well, I guess I would say that's sort of the end of my questions that we have a lot of experience in this country with populations emigrating to the United States and within the United States. The black population that moved from the southern part of this country to the northern part of this country in part to escape the bonds of segregation, even part of the bonds of slavery after the Civil War when the opportunity arose to leave the south.

We have the experience of the pilgrims, and a lot of people since then, who came to the United States, came to the Americas, to escape systematic persecution. Even in our own day we have the experience of people migrating, for example, from the Soviet Union, Soviet Jewry as soon as the visa became available, they will leave because they are the victims of systematic, effective persecution.

It would seem to me that there can be no better evidence of the lack of need for this law than the fact that people, when given the opportunity to go to a place where they have this protection afforded them,

choose not to leave.

You don't have to do statistical studies, you don't have to do scientific research. You just look at what people do. In East Germany people were willing to cross barbed wire and land mines to get away from persecution, to find freedom. All one has to do to go to Massachusetts or Wisconsin is get in a car. The underlying assumption of this bill is that people living in Connecticut who are homosexual or lesbian don't have jobs or have bad ones, don't have housing or have poor housing, don't have credit or have inadequate credit. That's the whole concept of this bill.

To say that they're staying here because their jobs, houses and credit is so good doesn't make any sense. It contradicts the underlying premise.

I would further like to say that we do have some evidence that tends to contradict the notion that this bill is really needed. Representative Fox alluded to it earlier. It was the study that was done by publishing a survey in the Metroliner. That is a homosexual newspaper. It is the major homosexual publication in the State of Connecticut. It has a circulation of some 11,500.

The published the survey in the newspaper. According to the testimony of one of the witnesses at

our hearing, Victor DeLugan, in response to that survey being published, they received a total of 49 responses out of 11,000 people who read and who subscribe to the homosexual newspaper, 49 people felt sufficiently discriminated against to respond to the survey.

In order to get another couple of hundred respondents, the survey was distributed in advocacy places for gay rights and gay bars. Finally, you were able to reach a number of about 246 respondents. Supposedly, the homosexual population in Connecticut is 10 percent of the total, 300,000; 246 respondents out of 300,000.

Of those, of those, only 191 said they thought they had been discriminated against. That's it. Now when Representative Fox says there is no evidence, it's hard to sort of show you the non-evidence, but if you look around, if you ask yourself where have you seen the evidence that newspapers runs advertisements saying, "Homosexuals need not apply for these jobs"? Apartments being rented with notices in the advertisement, "No homosexuals need apply"? I asked one of the witnesses at the hearing, "Have you ever seen such an ad, Mr. DeLugan?" Answer -- no, never seen such an ad. I asked him if he had ever been fired from a job in Connecticut on account of his sexual orientation. Answer -- no.

There is no evidence. There are a couple of hundred people, perhaps a couple of thousand who have advocated this thing, but there is no evidence to support the notion that there is systematic persecution, discrimination against gays and lesbians. It cannot be produced.

If you have 30 or 40 people saying they feel they've been discriminated against for whatever reason, I do not believe that and that alone should be sufficient for us to create this law that would impose this kind of a burden on the landlords, on employers and on creditors.

Please, think about what Representative Fox said. There is no evidence. If you went to court with this kind of a case, it would be thrown out in a matter of minutes. Thank you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Thank you, sir. Will you remark further? Will you remark further? Representative Newton.

REP. NEWTON: (124th)

Yes, Madam Speaker. I rise in support of the bill and after listening to some of the debate on can we prove that there is discrimination against homosexuals and everybody saying no, there isn't, no one comes to testify, and I'm reminded of an incident that just

occurred in California. Had it not been for video camera and maybe that's what the gays and lesbians have to carry around in their pocket now, a video camera to prove that there is discrimination based on one's preference.

So maybe that's what we have to have in order for us to see that there is discrimination based on one's sexual preference and then they need to show it on national television for us to say, okay, I agree with you, there is some problems out there that we need to address and I understand that, you know, we had this debate two years ago and I'm sure that if we asked who condones what homosexuality is or what they do on their own given time, we would all disagree that we disagree with what they do sexually, and as I said before, and I remember them talking about the Adultery Bill I guess last week and Gene said that he probably knew that everybody was guilty in this Chamber on that preference, that when judgment time comes, and I said it two years ago, that God will make that decision. Whether homosexuality is right or wrong, He will make that decision.

So we sit here today and we debate the issue on should we give rights based on sexual preference or what they believe in, but it's a growing population.

People are -- I don't want to use the word "coming out of the closet more," but people are making it more known that they're homosexuals. So there is a population growing that people are saying, "Yes, I'm gay or yes, I'm a lesbian," and they're coming out saying those kinds of things.

So there is a population out there that we ought to be about the business of helping, just like we did on last year, gay bashing, those things do exist in America and they do exist in Connecticut and I'm sure that if this bill is passed today that more people will make it know their beliefs on what they want to do and how they feel about one another and then do we have to wait until we get a lot of lawsuits against the state and against municipalities to say we ought to have taken care of business when we had the opportunity to take care of those things that we need to be about and we need to do.

So, Madam Chairman, I recognize that I do not include gay rights and homosexuality in the same Civil Rights Bill as people of color having discrimination, but I do recognize that there is discrimination out there and for us to sit here and say we don't have no proven records, no one came forward to testify, that's not going to solve the issue and all I can say is that

thank God for video cameras and I'm sure somebody is going to videotape something and we're going to see it on national television on that kind of thing happening and then we're going to say, oh, yes, it does exist and we ought to have done something. Thank you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Thank you, sir. Will you remark further? Representative Rapoport.

REP. RAPOPORT: (18th)

Madam Speaker, thank you. I rise in support of the bill and I know that the hour is beginning to get late, but it's not often that I have been requested, not by one but by several constituents of mine to rise and speak on a bill and so I think it's very important. I think we're at a crossroads here in our debate and discussion in this body on this issue.

It's a simple bill that says that people cannot be denied certain equal rights based on their sexual orientation. I think when I say we're at a crossroads, I think we have an opportunity to either perpetuate a negative cycle or take steps forward on a positive cycle. If we reject this bill, if we say in so doing that there is a group of people who we think do not deserve protection from discrimination, then I think

that we being -- we are perpetuating a sense of isolation, a sense of being on the part of people who are gay or who are lesbians of being others, of being on the outside, of being forced to feel that they need to hide their identity and I think, frankly, we make it easier for ourselves to say that there are those people -- there are those people. They hiss. They act up and that somehow there is not a pattern of discrimination which I believe that there is.

And I think we make it easier for ourselves to put those people in a box and put them in a corner and I think it's wrong.

On the other hand, I think that we have taken steps over the last few years in a positive way, to start to say that that kind of discrimination as violence against people who are gay or who are lesbians is simply wrong and we're not going to tolerate it.

As one of the sponsors, I go back, and it's interesting, Representative Wollenberg raised the issue of the Hate Crimes Bills. I was one of the sponsors, along with Representative Coleman of that bill, and it was a very interesting journey, not a slippery slope or privileged activities, but a journey of understanding that people who have worked on that bill have gone through.

When the bill was first passed, a Hate Crimes Statistics Bill, the issue, I think many of the people who supported the concept supported it strongly in regard to race and regard to religious -- violence against people because of their religion, but we're skittish about the issue about whether people who are homosexuals or bisexuals should be protected.

Once the bill passed and people sat down, not only legislators, not only the groups who are interested, but the State Police who have the responsibility of making this happen and looked at the patterns of who in fact was being victimized by crimes of hatred and violence, it became crystal clear to all of us that sexual orientation had to be a category of the collection of those statistics and they RRES Crimes report was born as a result.

In my own work on that issue, on those bills and on follow up to it and on watching and working with police departments, working in the community, working with groups, working with members of the Anti-Violence Project, I think that it's important that the effort of working on where it happens is also a journey of understanding for us, for people who are involved in that issue. I have met as I have campaigned and in part it was because people were open to talk to me. I

have met couples in my own district who are gay couples who are parenting children, who are struggling as every couple struggles with the issues of children and direction and morality. I have met people that have taken this courageous step, as Representative Grabarz has and people have acknowledged, as my own constituent, Leslie Brett, the Chair of the CHRO has taken the step of saying that this bill is of interest to them as people, not only as an idea, and I think we've made this possible, but frankly, I don't think it ought to take an act of courage for people who are gay to say so and it is crystal clear that one of the reasons that that takes that kind of courage is because of the potential threat of discrimination whether you're an engineer at UTC or whether you're working for state government or whether you're a student at a high school in West Hartford and I say that what we have been able to do in the process of beginning to open this open, well, we're down to our benefit as a state throughout. It will make it possible for people who are gay not to live in fear.

It's interesting, I have not received this year the kinds of letters that I got last year. Last year on the Hate Crimes Bill I got a number of unsigned letters of people who said, "I want you to support this bill.

I can't identify myself. I would be fired from my job." And even in the year since then, more and more of the letters that I've gotten have been signed, have been people who are ready and open and willing to give their names.

I believe very strongly that this bill, in its act of banning discrimination, is the kind of statement that we ought to be making. It is clear to anyone who has talked seriously with people who are gay that there is discrimination, there is the fear and I think we can make a major step forward towards understanding. I think that all of us can grow, all of us can change, all of us can understand and passage of this bill would be a dramatic step in that direction. Thank you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Thank you, sir. Will you remark further? Representative Dillon.

REP. DILLON: (92nd)

Thank you, Madam Speaker. I rise support of the bill and just very briefly it's very, very difficult, certainly given the way I was raised to talk about sex at all and I would expect if in the parish where I grew up if we had a resolution asking us to protect the rights of heterosexuals, people would have voted

against it, the reason being, that sex was just not a topic that was easily discussed and to define someone in terms of their sexuality, heterosexual, homosexual, was simply not discussed.

This is important in a lot of ways. I've watched in New York City continual dialogue of intolerance, of people in the St. Patrick's Day parade turning their backs on the Mayor because he was marching with a gay organization. I've also seen some gays wear T-shirts that I feel were slurs against the Irish and against Catholics. It's been a very, very sad thing to watch.

I'm very proud at what the Judiciary Committee has done, at what the Chancery has done here in Hartford. I'm very proud that the religious community is working together with many of the people in this Chamber to produce a statement which I feel is a healing statement, something which is really a landmark in this state.

It's true that last year people were hissed and it's also true that in this Chamber a lot of our colleagues said things that I think were an embarrassment to themselves and to the prestige of this Chamber. We should put that behind us and this does that. Everyone has behaved very well and we have a chance to move ahead and really behave in a way that

advances our sisterhood and our brotherhood. Thank you.

DEPUTY SPEAKER POLINSKY:

Thank you, Madam. Will you remark further on this bill? Representative Looney.

REP. LOONEY: (96th)

Thank you, Madam Speaker. I rise in support of the bill, Madam Speaker. It is, I think, perhaps an unfortunate part of our human nature that there are some people who seem not to be able to enjoy the exercise of a cherished right without denying that right to some other individuals or categories of individuals that it's as if they believe that they have to convert that right into a privilege and that that privilege must somehow have an element of exclusivity about it.

We've had opponents of this bill speaking earlier today. There have been comments that under this bill, they, meaning homosexuals, will have rights that we, the majority, don't have, but I think what that really translates into in some ways is a desire to preserve the status quo and to exclude those that are not protected under the status quo.

There is a strange bit of a comic, ironic twist to all of this. I think once stated by Groucho Marx when

he said, "I don't want to be a member of any club that's willing to have me as a member." And I think there is a tendency toward that in a number of people, but there's also a destructive quality in this attitude that says that I can't fully be gratified by the exercise of a right unless there is someone else on whom I can close the door and leave behind outside the protection of that right, outside the shelter and the safety of the protection of that right.

As Representative Mushinsky and others have said, ethnic and religious and racial majorities have always after time and struggle grudgingly extended protection to minorities and unfortunately members of former minorities, once they become comfortably enfranchised, sometimes forget that struggle and in turn close the door on those behind them and left outside that sheltering protective umbrella, but Madam Speaker, what we seeing today in this bill is just another step on that long evolutionary continuum to bring more people under that umbrella of protection that everyone who is fair-minded should want to enjoy and to share and for that reason, this bill should pass. Thank you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Thank you, sir. Will you remark further?

Representative Schlesinger of the 114th.

REP. SCHLESINGER: (114th)

Thank you, Madam Speaker. May I ask and pose a question, through you, to Representative Tulisano please?

DEPUTY SPEAKER POLINSKY:

Representative Tulisano, please prepare yourself. Please frame your question, Representative Schlesinger.

REP. SCHLESINGER: (114th)

Thank you. Through you, Madam Speaker, Representative Tulisano, under House Amendment Schedule "A", if I were to direct a camp for let's say young men, a summer camp for young men that's private, but non-religious, would Amendment "A" affect my hiring practices, exclusion rather, under Amendment "A", through you, Madam Speaker?

DEPUTY SPEAKER POLINSKY:

Representative Tulisano.

REP. TULISANO: (29th)

Amendment "A", there would not be an exclusion under Amendment "A" that is limited to religious organizations, entities, etc. I think that's what you asked.

DEPUTY SPEAKER POLINSKY:

Representative Schlesinger.

REP. SCHLESINGER: (114th)

Thank you, Madam Speaker, and I appreciate that honest response from Representative Tulisano and this is one of the problems I have with this particular legislation. If I or some individuals would like to manage something that is as, I think, as important to young men, maybe some boys who have gotten into trouble with the law in the past and they were to start a camp, etc., and there were some homosexual males that would like to be employed at this particular facility, keeping in mind what has happened in the City of New York last year and in other places around the country, I'd have a problem with the fact that this legislation could be used and litigation could ensue as there has in other states, including Wisconsin, over the allowance or actually the direction of hiring practices to be able to -- or rather to force the hiring of homosexual male counselors for those types of facilities. I have a problem with that. I have a problem with perhaps even the Boy Scouts. I have a problem with Girl Scouts or even a camp for young women. I can see that problem and I understand, believe me, I understand thoroughly that not every or not every majority or maybe even not a sizeable minority of homosexuals are pedophiles. I understand

that and I'm very cognizant of that. I think everyone has a right to a lifestyle that they would enjoy. However, I do believe, just as Representative Ward outlined some statutory references when it comes to privacy and allowing certain tenants into your own facilities, the same way in employment, in certain situations, which I don't think that we, and as hard as Representative Tulisano might try, can really check out every situation, whether it be ROTC, whether it be camp counselors, whether it be religious facilities. I just think there are too many and I think this legislation, although it is extremely well-intended, and by God, there shouldn't be any discrimination against any people, I think this legislation can be misused and in some states has been misused and that's why I have to vote no on this legislation, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Thank you, sir. Will you remark further? Representative Thompson.

REP. THOMPSON: (13th)

Thank you, Madam Speaker, with apologies for prolonging the debate. There has been reference to the number of cases that might result as related to this legislation. I'd like to point out in the OFA analysis the Commission on Human Rights and Opportunities

estimates that the number of cases that this legislation will produce will be about two percent of their caseload which is about twice that classification that's currently protected by Connecticut anti-discrimination laws, including cases related to religion, marital status, mental illness, families with minor children, mental retardation, blindness and so on, so in the first year, the number of cases that would be produced already exceeds or it's estimated would exceed statuses already protected under our discrimination laws.

That's just factual information. If I may share with you an anecdotal story from my own experience, a couple of years ago after debating this bill my older sister called me to seek my advice and counsel. One of her children is an actor, someone we're very proud of and Richard had been offered a role in a Made for Move TV show and she was upset by it because Richard would have to portray a young man coming to the realization that he indeed might be gay and she said to me, "You know, Jack, this is probably Richard's biggest break and I'm so afraid that if he accepts this part, even though he's not gay, he'll be branded as gay and it'll hurt him not only in his profession, but in his personal life." My big sister doesn't -- she's usually

giving me advice and I informed her, "I don't think that would be the case. I think most people respect that actors will portray all sorts of roles and this is just one of those challenges that he will meet in his profession," but nevertheless, I think of her as a fairly sophisticated person, but that she should have this fear for her child, not that he's gay, but that somebody might believe that he's gay because he's earning his living by portraying a gay person is a sad commentary on our society. It exists and the reason why I'm supporting this bill is because that discrimination does exists and it erupts into terrible violence and we had not mentioned today the death, the tragic death in Rocky Hill a couple of years ago also, but what was more compelling was the death of the Trinity College student in San Francisco who somebody on the streets of San Francisco thought he was gay and murdered him and the young man wasn't gay, but because a weirdo thought he was gay took his life and that's the kind of mentality I think that produces violence.

So this is a very, very modest message we're sending in protecting the lives and rights of people and for that reason I would support the legislation. Thank you.

DEPUTY SPEAKER POLINSKY:

Thank you, sir. Will you remark further? Representative Young.

REP. YOUNG: (143rd)

Madam Speaker, through you, a quick question for Representative Tulisano.

DEPUTY SPEAKER POLINSKY:

Please frame your question, sir.

REP. YOUNG: (143rd)

Representative Tulisano, carrying on the question that Representative Schlesinger asked you about the private camp having to hire somebody which perhaps they wouldn't have to hire because of that person's sexual orientation. If on the same street there was a camp being run by a religious organization, could they then turn around and refuse to hire the individual at the private camp was forced to hire under the bill as amended, through you, Madam Speaker?

DEPUTY SPEAKER POLINSKY:

Representative Tulisano.

REP. TULISANO: (29th)

Well, through you, Madam Speaker, I think when we debated the amendment, I think we made it clear that the exemption applied, one, and this is what I tried to do when Representative Schlesinger talked to us, applied in the hiring of this area to religious

organizations, as defined in the bill, while carrying on matters of discipline, faith, internal organization and ecclesiastical rule and so -- and from the fact situation that we have presented before us, the operation of a camp by a religious organization, as described, seems to me to be the same kind of camp that Representative Schlesinger described and that kind of a situation.

REP. YOUNG: (143rd)

Through you, Madam Speaker, even though the camp had a religious orientation, as it were?

REP. TULISANO: (29th)

Okay, through you, Madam Speaker, if the camp was specifically for members of religion to, I don't know, learn a particular religious, like a Catechism Camp or something like that, then they could be able -- then they would come under the exclusive.

REP. YOUNG: (143rd)

It seems to me we're dealing with a double standard. I'm not sure how you fix it. I'm not sure what you do, but it does not seem right to me that this bill, as amended, permits certain things in some circumstances and doesn't permit things in other circumstances and if we're trying to deal with discrimination, I don't think we're doing it here.

Thank you.

DEPUTY SPEAKER POLINSKY:

Representative Tulisano.

REP. TULISANO: (29th)

Was that a question, Madam? No.

DEPUTY SPEAKER POLINSKY:

Will you remark further on this bill?

Representative Figueroa.

REP. FIGUEROA: (3rd)

Thank you, Madam Speaker. I rise in support of this bill and I guess I would first state that as a member of a minority group, one of the protected classes that we have been speaking about this afternoon, I welcome and believe that it is necessary to extend the same basic protections that protect me as a Puerto Rican to our gay brothers and our lesbian sisters.

Just what are we doing here? This is probably the most narrowly drawn civil rights bill to be passed in this state, protecting people basically from employment discrimination, housing discrimination or people's right to obtain a license.

What does a person's sexual orientation have to do with a person's ability to hold a job, to live somewhere or to hold a license? I submit to you,

ladies and gentlemen, it has nothing to do with it and currently our laws do not provide redress for that situation.

We have talked about and have been debated whether or not there is evidence that suggests that there is a problem, that there is discrimination. All I have to do is remind the ladies and gentlemen of this body of the murder of Richard Riehl, that in fact bigotry, bias against homosexuals is a reality, a painful reality.

The fact that one person, only one person went to the hearing that we had in Judiciary this year only spoke to the fact that we have had numerous hearings in the past in which a number of other people have testified as to this problem.

It is important to note what this bill does not do. It doesn't sanction or endorse homosexuality. It doesn't grant special privileges. There's no affirmative action. What this bill basically provides is that everybody is entitled to have human decency and respect, everybody is entitled to live in peace, free from harrassment, free from violence and with the ability to work and live free of discrimination.

I would like to lastly mention that the first time that I ever picked up this microphone was two years ago to speak on behalf of this bill. I was proud then to

do it. I am proud now, just like I am very proud to be able to say that the Gay and Lesbian Coalition worked very hard to enable me, as a Puerto Rican, to grab this microphone and address this body today.

I urge passage of the bill.

DEPUTY SPEAKER POLINSKY:

Thank you, sir. Will you remark further on this bill? Representative Jones of the 141st.

REP. JONES: (141st)

Thank you, Madam Speaker. I rise to oppose this bill and I realize the tremendous difficulties with which we are now confronted. On the one hand there is true and honest belief, obviously, among many of our members that there is a civil rights issue here of concern.

On the other hand, there are many of us who believe there is a moral issue that underlies this situation and that represents a watershed public policy decision with regard to a practice of which we do not approve.

I would say this to you, a year ago I happened to be among those who voted in favor of the Hate Crimes Bill. I supported it because I believe in my heart that hatred is a sin and that it's wrong to be bigoted and that this bill in fact at that time addressed a problem that needed to be addressed. I don't feel that

way about the bill before us now. I realize there are many anecdotal experiences reported, but I think the record shows, as Representative Fox said, there's no broad-based evidence in our society today that orientation or preference itself is being discriminated against.

It's the proclamation of homosexuality that I think is drawing the fears and concerns of many. Unfortunately, fear, prejudice will probably always be with us in this frail world.

As one of our Representatives stood up, ultimately God will be the judge of how we resolve these difficulties, but I, as a believer in Holy Scripture, believe that God has spoken about the practice, not about the people. We're taught that we are to love the people, but hate the practice.

I cannot see in the drafting of this bill a consistent public policy bill. I believe that it's drafted poorly. I believe that it has confusion and conflict within it. I believe that it discriminates within an anti-discrimination statute and even though I got to church and am as faithful as I can be, I do not believe that my church should be exempted from appropriate civil law. I do not believe that that's scriptural. I do not believe that the impact of this

bill in our state is wholly neutral morally. I don't believe we can say that we don't condone a practice that is at the root of what we're protecting, that gives me a very real problem.

I believe that in a perfect world we would all respect and have love and fellowship for each other in every way, but we don't live in a perfect world. I can see situations where an employee will be hired simply because a proclamation to the personnel officer that he's a homosexual and the fear of a suit will be an overwhelming issue in the minds of some of the business community, perhaps similarly in housing areas.

I think we need more evidence. I think we need better drafting. I think we need to clarify our own public policy issue that we want to express to people and I think we need to take the discrimination out of the Anti-discrimination Bill. I think we need to establish factually and with a number of testimonies. The public hearing allowed apparently only six people to talk about of several hundred who arrived. I'm troubled about that and I believe that at this juncture, the case for this bill has not been adequately made. Thank you, Madam Speaker.

SPEAKER BALDUCCI:

Will you remark further? Representative Grabarz of

the 128th.

REP. GRABARZ: (128th)

Thank you, Mr. Speaker. I rise actually a little nervously. It's not every day that someone gets to travel to their place of employment, as I did today, to hear their fellow co-workers and colleagues debate the protection of their civil rights and so if I actually appear a little nervous, I am.

I'll be brief, Mr. Speaker. I think the bill has been adequately discussed and I'll certainly leave to the attorneys in the Chamber the occasion to create any doubts or to perhaps resolved some of those doubts.

I'd also like to say that certainly as the first gay man to stand up in this Chamber and to speak on a bill that has to do with gay and lesbian civil rights, that I don't speak for the gay community. Certainly I think my views represent the majority of the views of the gay community, but the gay community is a very diverse group. The gay community, just like any other group that's protected already in the state's civil rights statutes represents a very broad spectrum of individuals, people with a very wide range of personalities and interests and likes and dislikes just like the people that make up this Chamber, just as I am the same and am different from many of the people who

are in this room.

One of the reasons that on December 17th I came out, which in many of the news articles and in much of the discussion became obfuscated by I suppose the occasion of it, was my real deep abiding concern for the growth of intolerance, not just here or in the state, but in this country. When someone who I feel represents the views of one of the candidates in Louisiana last year which are very clear to all of the people who voted for that man and still was able to garner over 600,000 votes, I think that's scary and I don't think that that's an isolated incident in this country.

I think that intolerance is becoming more accepted and I think intolerance is becoming more pervasive. Certainly even in the last military excursion which we saw our country become involved with, whether you agree or disagree with the war, there certainly was a lack of tolerance on both sides for difference of opinion. I think that's kind of scary and I think that there's two perhaps examples of history which might give us a reason to vote for this bill.

One is that in the United States Congress when the discussion came up about whether we needed a Bill of Rights in this country, someone stood up and said that

absolutely we did not need a Bill of Rights, that the rights that would be contained in what we being suggested, the Bill or Rights, were already in the Constitution, that those rights were already protected, just like we've heard in the arguments today. That man who stood up was James Madison and the Congress decided against that. Congress decided to overrule the person who helped to frame our Constitution, James Madison, and decided that we would have a Bill of Rights and that one should be drafted and they went to James Madison and asked James Madison to draft the Bill of Rights and James Madison did draft it.

And certainly we've seen in the entire course of our history that the Bill of Rights has become absolutely essential to liberties that every single person in this room, no matter what your persuasion, whether you're a protected category or not, rights that every single person in this room enjoys today.

Another example, in Weimar, Germany after World War I, Paragraph 175 was added, was actually not added, it was kind of held over from old Prussian Baronial rules and it outlawed homosexuality and the debate throughout the Weimar Republic during the course and length of time that the Weimar Republic was in existence was whether 175 should be removed or not and

it was not a small discussion. It was a discussion that actually embroiled the entire country. Germany at the time certainly became the repository for perhaps the whole history of homosexuality in western civilization.

They decided in the Bahn DeReichstag at the time in Germany in the Weimar Republic that 175 should not be removed, that it should stay in, that there certainly wasn't evidence perhaps as the same has been argued today that it should be removed and it wasn't and during the first year of the Nazi reign, between 5,000 and 15,000 homosexuals were put to death and perhaps during the course of the -- certainly the experience that Germany went through with the Nazis, at least from the records that we've been able to ascertain that remain, over 50,000 homosexuals suffered in the concentration camps and they never thought that 175 would be used, but it was 175 that was used and it was used in such a way that a neighbor could just point to another neighbor and say that they were gay or lesbian and the Gestapo would drag them off.

Perhaps today isn't Weimar, Germany. Perhaps tomorrow won't be Nazi America, but who really knows. Perhaps that protection is needed today to protect us from tomorrow's fears and intolerances and ills. I

certainly fear that. I fear that as a gay man and I think that history certainly tells us that that's a recurring -- just like the programs in Western Europe that homophobia is a recurring hatred in western civilization. We've had some good periods. We've had some periods where homosexuality and lesbianism have actually become popular, actually have become fashionable, Harlem in the 1920s, very popular, certainly became the center of that entire culture for a while, but it changed and perhaps those people who say that we are tolerant here in Connecticut today, if that's true, it'll change. I don't happen to believe that.

The letters that came to my house, based on my coming out, contained a death threat, people who consistently called and said that they hoped I got AIDS and died. I don't think that if that person owned a business that they would hire me. I don't think that if somebody who was gay came to those people who wrote me those kinds of letters that that person will say, "Well, gee, discrimination in employment, it really isn't important. I should hire him." That kind of hatred I don't think is very rare. That kind of hatred is real and I don't think that those people that hold that hatred in their heart are going to bother to stop

at discriminating for somebody for employment. Certainly they intimated to me that they wouldn't stop at physical violence. We know that that's real. We even have statistics. We have hate crime statistics that gay and lesbian people in Connecticut are being beat up simply because they're gay.

Do you think that somebody that goes out in a car and looks for people who are gay or lesbian to beat them up or to name them or perhaps even kill them would be willing to hire somebody? Would be willing to perhaps rent an apartment? I don't think so. I think they should be. I really do.

You know, even if we only have one case of discrimination, I still think it's worth this. As a gay man, I sit in this Chamber and I voted for the bills. We name bridges after people and we spend an hour talking about it. We name boats and we name militias and we do a hell of a lot less in this Chamber than even perhaps protecting discrimination of one person. I think that would be worth it. What's it costing us? I don't think it's costing us a lot. I think it's costing us perhaps the integration of our society here in Connecticut and yes there has been some migration. Certainly San Francisco has become a popular place for homosexuals because they know that

they can be protected. They have a healthy society there which protects its own. I think that's good.

I don't think that everyone would be leaving. I certainly didn't leave. Not everyone chooses to run to the safest spot. Some of us choose to stay right here and fight and I think that that's the case in a lot of states in this country, so I don't think that emigration is an issue. Certainly it is for some people, but there are those of us, including many people in this Chamber, who would rather stay and fight. Certainly I would choose to do that.

I don't know. You know, the camp counselor, I think the basic assumption there is homophobic. It's I'm sure not intended, but I think those arguments in the past have been homophobic. Certainly if we were going to be protecting children based on sexual orientation, then the statistics really tell us that we should be passing laws discriminating against heterosexuals who work in institutions where children are kept. Certainly the most ancient statistics don't prove that heterosexuality is a protection against that. We saw that in a day care center right down the street from here and that certainly has been the case, that certainly has been the pattern.

This is a family bill. I believe very deeply that

it's a family bill. I believe that it's a family bill because of a letter that I got from a senior citizen who said that my coming out inspired him to tell his grandchildren that he was gay. I think that's a family bill. I think it's a family bill because I think it would break my mother's heart if I lost a job simply because I was gay. She believes that I could do anything I want to do. I think most mothers do.

I think my brothers would be disturbed. I think the woman who wrote me from my own district who said that seeing me on television discussing homosexuality was the first time in 24 years that she was able to discuss it with her father and for the first time they were able to sit down and discuss a whole range of family issues. It was an opening of both of their hearts. They were able to share and experience a real love for each other for the first time in a long time that perhaps had remained encapsulated in that one bit of self-hatred that she had or that one bit of misunderstanding or feeling of holding back that he felt.

I hope for her that this bill passes. That's a family bill. Gay people are family members. Gay people are sons and daughters, mothers and fathers, grandmothers and grandfathers. Gay people are your

cousins. I know that there are children of members in this Chamber who are gay and lesbian who have contacted me. Some of their parents who will sit here and vote on this bill both in favor and against it don't know that they are gay or lesbian and I really feel for them.

There are members of this Chamber who fear that kind of discrimination besides myself. There are other family members certainly of people in this Chamber who would pray and hope that we do the right thing today. I just really don't know what to say. This is a very personal issue for me. These are my rights that I have under the Constitution that perhaps certainly while I'm a State Representative may not be violated, but certainly perhaps some day when I'm older will be. I'd like that protection. It's a personal issue to me, yes, it is. You are my colleagues and I would just ask you to consider my family members and to consider perhaps your own family members who have not made that revelation to you and to please support this bill even if it only protects me. Thank you.

SPEAKER BALDUCCI:

Will you remark further? Representative Fusscas of the 55th.

REP. FUSSCAS: (55th)

Thank you, Mr. Speaker. Ladies and gentlemen, I guess I have just one question to the State Representative, Representative Grabarz, and that is passage of this bill, after passage of this bill or when this bill is passed, how is that going to promote tolerance, mutual understanding, mutual respect, and provide a cohesive or more loving society? Making it a crime to discriminate on the basis of sexual orientation, how does that do all the things that you want as an objective?

SPEAKER BALDUCCI:

Representative Grabarz.

REP. GRABARZ: (128th)

Representative Fusscas, I think that sometimes statements can be very powerful. I think the statement that the Catholic Church made this week certainly was a very powerful attempt to heal perhaps some hurt within their own community. I think that that was very powerful. I think that a statement on discrimination by this body would be a very powerful statement to the people of Connecticut and perhaps that why we're debating it so long and that's why we're so concerned about it on both sides because we know that it would be a powerful statement.

I don't think that we can. Certainly passing laws

on race and sex haven't done that in the past. Black people are still discriminated, for example, women certainly are still discriminated against, but I don't think that that should prevent us from making the attempt and I think perhaps at this point by not making the attempt, we're making a statement in the other direction and I think that that's important.

At this time, Mr. Speaker, I'd like to yield to Representative Tulisano.

REP. FUSSCAS: (55th)

Mr. Speaker, I have the floor.

SPEAKER BALDUCCI:

Representative Nystrom, you still have the floor. Excuse me.

REP. FUSSCAS: (55th)

Thank you, Mr. Speaker. I really do appreciate the comments that you have made, but this is a negative bill and I'm not sure that it would serve your broad interests in as a positive manner as you have framed it and I was just curious to know whether or not making it a crime was going to engender more mutual respect, understanding and tolerance and I don't really -- I really don't think so. Thank you.

SPEAKER BALDUCCI:

Thank you, Representative Fusscas. Will you remark

further?

REP. NYSTROM: (46th)

Mr. Speaker.

SPEAKER BALDUCCI:

Representative Nystrom of the 46th.

REP. NYSTROM: (46th)

Thank you, Mr. Speaker. Speaking on the bill, first of all, I do not at this time nor did I, when I read comments from the Catholic Church feel that they were endorsing this bill. In the discussions that I have had with clergy, including my bishop, I can tell you they do not endorse this bill. I can't speak for him, but I can share with you that much.

This bill, in its present form, bothers him greatly because of the unknown events that may follow. The archbishop comments and Representative Tulisano has stated several times during this debate that a lot of papers have been flying around, a lot of rhetoric, things for people to read about the issue. Well, I can tell you his comments were flying around this Chamber and the LOB and they were being used in support of the bill.

One could say that's an interpretation left to the individual. Again, I would state that based on conversations that I've had with legislators and

clergy it was misused, but that's all right for the proponents of the bill. They can do that. We're not allowed to question that, according to the sponsor of the bill.

This bill isn't going to change much. People that I've spoken with from around my district, in my district have been given the impression that if this bill passes, it makes things all right, well, I have to say I'm sorry, it won't. I don't think it will change very much at all.

I am troubled for that first person who is charged under this new law. I wonder if they're going to get a fair hearing. I do not know the woman who is now Chair of the CHRO, but I do know that she has in interest in this bill. In fact, in her public statement she made emphasis that she wanted this bill to pass. I'd hate to be the first person brought before that commission. I would wonder if I would get a fair hearing at this point. I don't know.

I'd like to ask Representative Tulisano, through you, Mr. Speaker, that if a person is charged under this law and the CHRO has determined that in fact they discriminate it and they take it to Superior Court and it's overturned, does that individual have the right to recoup any costs for attorney's fees if they were

falsely accused, through you, Mr. Speaker?

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

Through you, Mr. Speaker, not through this bill or any other anti-discrimination bill that I'm aware of.

REP. NYSTROM: (46th)

And, through you, Mr. Speaker, do you feel there is a place for someone who is falsely accused, which is what a lot of this discrimination discussion has dealt with for someone to recoup the cost of attorney's fees? Is that something that should be appropriate, through you, Mr. Speaker?

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

Through you, Mr. Speaker, when someone is falsely accused without basis in fact and truth, there is a cause of action existing under common law for frivolous suit to maintain and seek recovery for that false accusation.

REP. NYSTROM: (46th)

Through you, Mr. Speaker, you mentioned common law. Could you just briefly get a little more explanation on that? Does common law dictate that that individual is

entitled to recoup their costs for legal fees at that point? Is that what you're stating to the body?

REP. TULISANO: (29th)

Through you, Mr. Speaker, there is a common law, cause of action in Tort which is for damages which may or may not include, it may be more than legal fees for false accusation and bringing somebody to court for it. I mean it's malicious prosecution -- I can't remember the name.

REP. NYSTROM: (46th)

Thank you, Mr. Tulisano. I do have an amendment that would provide that right. I won't call it. I don't think it would be asking much. I think if someone was falsely accused, they should have the right to seek their legal fees to be returned to them, but as I said, I won't call the amendment. The debate is getting long. I'll simply say that I will not support the bill. If I felt the bill really dealt with protecting the rights of persons as individuals, I could do that, but I don't believe this bill does that whatsoever.

This bill protects the rights of peoples and their activities. Activities which many people, and I think the majority of citizens of this state would state objection to. I think this bill violates my right of

conscience and may some day violate my right of association. For those reasons, I will oppose it.

SPEAKER BALDUCCI:

Will you remark further? Representative Mintz.

REP. MINTZ: (140th)

I'll yield the floor.

SPEAKER BALDUCCI:

Will you remark further on the bill? If not -- Representative Wollenberg.

REP. WOLLENBERG: (21st)

Yes, thank you, Mr. Speaker. I'll be brief. I think it's all be said, but I want to say that I'm touched by the plea of Representative Grabarz and I think he's very sincere -- I know he's very sincere in what he said in his plea to this Chamber, but ladies and gentlemen, I don't think he's established the need any further. I was hoping perhaps that we would get that from him. I've been around for eight or nine years listening to the public hearings on this as Representative Tulisano has.

I must have attended different hearings because the case was not made. We've had a few anecdotes from time to time and I appreciate that, but the case has not been made. We can't legislate sympathy any more than we can legislate kindness in this Chamber. That's not

what our job is here and that's what the plea of Representative Grabarz would have us beholden to do.

I don't think myself or many members of this Chamber feel that discrimination is proper, is right, but to wish it weren't so I think is natural. To claim it is not so is hypocracy. It is so and this bill isn't going to change it. This year we have a special bill, not that we have a bill before us that's going to meld into the statutes we already have on discrimination, we have a special bill. It seems to me this issue rises above the other civil laws we have on the books by this special category. I understand why it was done because some of the protected classes did not want it in the civil rights bills as we have them, but as we pass more and more of these civil rights laws, it dilutes the effect of what we already have and if there isn't a crying need for what we're doing, then I believe we're undoing what we have done in the past.

We're diluting, we're watering down the rights of those people, those categories that are already in our statutes and in our Constitution, by the way. This would be the only civil rights category that's not in the Constitution yet, the enumerated ones, but that can come also, but we water down and we dilute what we've already done and Representative Rapoport said why

should they have to invoke that courage for this? Why don't we do it?

Well, there are a lot of us here in the Chamber that have seen courage over the last 30 or 40 years in other categories, extreme courage, in order to have their status placed in civil rights statutes. So I don't think it hurts to have the courage. I think some well won with that courage is much more appreciated, but we can't deny the need for what has gone before, the race, color, religion, ancestry, any one of them. That was clear. It was evident. The case was strong. Those classes should be protected. This is not the case with this very special --. This bill that has been placed on a pedestal above the other civil rights, a status of its own, very special, without the confirmation necessary.

I think the people that have had the courage and have fought hard for those civil rights deserve to maintain them undiluted. We do not extend the field for housing, for employment, for contracting, for any of the areas that we have given or we are given special rights in this bill. We haven't extended that field, but we placed into that field another group now so that into this narrow field we put a broader group, diluting again and denying because there isn't enough to go

around so we're going to have to deny. We're going to have to deny some of those people who had the courage and who fought long and hard for what they have.

Last year we passed the Hate Crimes Bill. The report is in. In 1990 I think there were 86, more or less, hate crimes reported. I think 46 of those were race related, 18 were anti-Semetic, ten were sexual orientation. Five of those were at Eastern Connecticut College. I don't know whether it was the same incident. I'm not told, but one was at another college and the other three or four were spread throughout the state.

This is after the concentration we had and we were told there was a crying need for and I'm not saying -- one person a victim of hate crimes is too many. My point is that there are other things to be done unless the case is proven, but we enacted that. We felt the case was proven last year. That's not the case tonight.

The religious exclusion we've spoken about, flies in the face of the very bill we're passing. Necessary to pass the bill here? Yes. Representative Grabarz extolled the virtue of the church coming out in favor of this -- not in favor of the bill, but taking a neutral stance which we all know is tantamount to

approval. After those many years in opposition, to shift to the middle was certainly tacit approval.

I wonder if the people who are behind that with the church can look in the mirror and be proud that they now can continue their discriminatory practices when others of their group may individually feel very strongly about renting a property to a homosexual, have extreme religious conviction, but are bound to do it or be in violation of the law, totally unfair. Kind of destroys the effect of the law what we're trying to do here today and what we're about to vote on.

The employers or the letters that Representative Grabarz spoke about getting, I've had to over the years kick them away from the door in order to get them in. I've had them, Representative Grabarz, death threats on the telephone, parents, elderly parents of gay people calling me, entreating me. I'm in sympathy with that. I have compassion for that, but when the vote failed a couple of years ago, the proponents weren't really very tolerant as I walked through the tunnel and they spat upon. I was in one of the "PIG 10" with Representative McCavanagh and some of the folks that are still here because I differed, I had a difference of opinion.

I'm a compassionate person, I believe. A shroud was thrown over this balcony with the names of the

people who voted against the bill as the Governor of the State of Connecticut was addressing this assembly. I'm trying to wear that on my sleeve. I'm trying to say it doesn't mean anything. Be tolerant, Wollenberg. Well, I'm trying, but I haven't got over it yet because if the vote today is against this, it will happen again and I will have letters on pink paper with triangles on my desk and I will get the myriad of letters again and the phone calls.

Representative Rapoport talked about courage. I have the courage to stand up here and do this knowing what's going to happen, whether it goes or it doesn't go, whether it's passed or it's not passed. I'm going to get them. Ladies and gentlemen, the case has not been made. Representative Fox said it the best that it's been said here today. I've been on the Judiciary Committee for nine years, it has not been made. We have the anecdotes and I understand the compassion and the sympathy and the kindness that Representative Grabarz is talking about, but you can't legislate it. It's got to come from the heart and each and everyone of you who are going to vote in a few minutes, the next time you tell the gay joke or the lesbian joke, you've just committed a fraud if you vote for this bill because that's this bill. You've got to live it every

day, not just put up red or green today.

A case hasn't been made. It should be defeated. Thank you.

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER BALDUCCI:

Representative Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, I rise in support of this bill. In close to four hours that we've debated this bill, we've gone into detail and talked about what we believe the legal ramifications of various provisions have been, but let me say, Mr. Speaker, that in many ways Mr. Wollenberg is right and let me congratulate this Chamber for the many debates we have had on this issue. Today was one of which I can be proud of this Chamber. There have been times in the past in which I have been a very frustrated person when walking out of this Chamber, but today I am proud of the debate on both sides of the issue, but I must say Mr. Wollenberg was right. He is right in that after this bill passes, should one of us make one of those remarks that we often are prone to do, we're wrong, but we have grown and sensitized ourselves to the fact that that is wrong and just as we did with blacks and Hispanics and other

individuals in our society, we do now with another group who have been the brunt of ridicule, the brunt of oppression, the brunt of discrimination.

It may have not been proven to you, Mr. Wollenberg, but it has been proven to me. You gave us a few statistics before. Within the last six months someone gave me a call in a neighboring town and asked me to get to their police department to report some harrassment that was going on. They never did that themselves. They did it because -- they were willing to call me because I thought I would at least give them the ear to tell someone else that there was a discriminating act, a hate crime, vandalism going on on their property. Before that bill last year, they would not have complained. They did not have anybody to go to. There was no standard for which to rise to and what this bill does, all said and done, and the rights that one can seek out before the Human Rights and Opportunities Commission, it sets a tone and quality for our society, a tone and quality of compassion, a tone and quality of tolerance, an expansion no in diminution of what we have done for other groups, but an expansion of what we have done for other groups.

Certainly we haven't done the best by them either

and there is always more to do, but this is in that building block of our society, a growth in human -- our human development growing, growing to a capacity to meet that which we are capable of.

I do not see it as something that tiers down. I see it as something that's building. This is our chance to add on to that series of building blocks that have gone on for centuries. Man's development does not end with last year or last session. It begins anew and renews itself and grows. I know that we won't solve everybody's problems, homosexuals, gays, blacks, Hispanics, whoever it is, our legislation only creates the aura, the ability for growth and I can tell you, we've come a long way since I was a young man and worked with black people who could not get jobs even though they had college degrees and had to work as soda jerks in a fountain shop because of discrimination.

Not all minds have changes, not all hearts have changed, but we have created a nurturing and things are better. Things aren't the best. And what are we doing here today, we are creating again a new shop for which human development can grow. I repeat that over and over again.

Now let me say that there's been some comment about why this bill was drafted the way it has been, what's

happened in Norwich. I believe in my heart that we have addressed the concerns of numbers of people here. We have purposely made it narrow. We have purposely made something here that allows us as a society to change.

Mr. Speaker, I urge everyone in this society to examine themselves, to rise to the higher occasion on one of those few votes that we have the chance to vote on in this Assembly to do something of lasting and meaningful importance to a great segment of our population. Thank you, Mr. Speaker.

SPEAKER BALDUCCI:

Will you remark further? If not, staff and guests to the well. Members please be seated. The machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members please report to the Chamber. The House of Representatives is taking a roll call vote. Members kindly return to the Chamber.

SPEAKER BALDUCCI:

If all the members have voted, the machine will be locked. The Clerk take a tally.

APPLAUSE

Okay. The Clerk please announce the tally.

CLERK:

House Bill 7133, as amended by House Amendment Schedules "A", "B", and "C".

Total Number Voting	146
Necessary for Passage	74
Those voting Yea	81
Those voting Nay	65
Those absent and not voting	5

SPEAKER BALDUCCI:

The bill as amended is passed.

APPLAUSE

Are there any announcements or Points of Personal Privilege?

REP. FRANKEL: (121st)

Mr. Speaker.

SPEAKER BALDUCCI:

Representative Frankel.

REP. FRANKEL: (121st)

Ladies and gentlemen, it's our intention to take up a number of items which require references only. We do not anticipate voting any additional bills. Those items of references appear on your Go List.

I should, however, like to indicate that it's our

S-316

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SENATE

PROCEEDINGS
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THE CHAIR:

All right.

SEN. O'LEARY:

And let me find that Calendar number. That's --.

THE CHAIR:

Senate Item No. 217, I believe it is.

SEN. O'LEARY:

No. 217 on Page 17, AN ACT CONCERNING DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION.

THE CHAIR:

Thank you very much, Senator O'Leary. The Chair will recognize Senator Avallone.

SEN. AVALLONE:

Yes, Madam President. I would move the Joint Favorable Report and adoption of the bill in accordance with the action taken by the House.

THE CHAIR:

Thank you. Mr. Clerk, do you want to read this in?

THE CLERK:

Yes, Favorable Report, order of the day, Calendar Page 17, Calendar No. 217, File No. 191 and 318, Substitute for House Bill 7133, AN ACT CONCERNING DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION, as amended by House Amendment Schedules "A", "B" and "C".

Favorable Report of the Committee on Judiciary.

THE CHAIR:

All right.

SEN. O'LEARY:

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Favorable Report of the Committee on Judiciary.

The Clerk is in possession of one Senate Amendment.

THE CHAIR:

Thank you very much, Mr. Clerk. In accordance with our earlier understanding, Senator Avallone is going to summarize the bill for us prior to introduction of Senator Somma's amendment. Therefore, the Chair will recognize Senator Avallone at this point. Thank you, sir.

SEN. AVALLONE:

Thank you very much, Madam President. When I came to the General Assembly in 1983, for the first time I voted upon this particular piece of legislation. At that time I recognized all of the issues and decided after the weight of the evidence to not support it. After becoming Chairman of the Judiciary Committee and listening to hour upon hour, days upon days of testimony, reading as much as I could on the subject, my opinion changed and I am very pleased to support this piece of legislation today as I have for the last four years.

Never have I seen a piece of legislation which was so misunderstood. I've never brought a bill out to this General Assembly and explained what it doesn't do more than what it does do, but I think that has been obviated by the work of my co-chair in the House,

Richard Tulisano, and a number of other legislators in this Chamber and in the lower Chamber in attempts to state very clearly what this bill does and doesn't do and that is in the language.

What this bill does, very simply and in a very common sense way, adds to a protected -- the protected classes already in our statutes, Section 1 through 18, the designation of sexual orientation. In our state, under the specifics of this bill, employers and in housing discrimination on the basis of sexual orientation is not allowed.

The Commission on Human Rights and services is the agency which will oversee any discriminatory acts or claims for discriminatory acts under this bill. House Amendment "A" sets forth very clearly again what this bill does and what it does not do. It expands the exemption from the original file copy for religious institutions. The language has been crafted as carefully as one can to make sure that those religious institutions do not have their charters or their creeds violated in any way by this act, that there are specific protections so that this does not apply to affirmative action programs and there are a number of very specific statements.

One of the things that -- the issues that clouded

perhaps my judgment and some others, one of the issues raised early on in this bill was does the State of Connecticut, by this bill, condone a particular activity that is offensive to a particular portion of our community and is really the business of consenting adults and I think this bill -- no, I take that back, I know this bill does not do that. It does not have to state categorically that it doesn't do that, but it does, as it does in other very, very carefully crafted language.

I could only tell you one personal experience. I was asked on a number of occasions why I changed my opinion as to this particular piece of legislation and I'd like to share it with you. I shared it with my caucus earlier. We had a hearing in the Judiciary Committee that started about 10:00 in the morning and went on until about 12:00 or 1:00 the following morning and there was a lady sitting in the front row from the moment we started that hearing to the moment we ended it and she was very emotional. Several times during the testimony was not able to control herself and I could see tears coming down and I could feel that pain that she was feeling sitting in that front row.

One of the things I had always questioned was really was there any hurt out there in Connecticut,

were there any acts of discrimination taking place and this lady convinced me that on both scores there's a lot of pain in the State of Connecticut and a lot of fear of discrimination and perhaps actual discrimination.

She came to me after I closed the hearing. There was nobody left in the place. There were about four or five legislators and she's sitting there all alone. She walks over to me and she said, "Senator, is this hearing over?" And I said, "Yes." I just brought the gavel down after about 15 or 16 hours of testimony. We were all real tired. Thank you for staying and she said, "You know, I sat here. Several times I wanted to come up and testify because, you see, I am a lesbian and you see I have feared for my job and I have feared for my friends and the relationships that I have, but I feel that I really, after sitting here, I have to testify. Would you please reopen the hearing."

So we did and we allowed her to, as one might say, come out of the closet and I don't know that I've felt so close to a person or to an issue that I had been opposed to at any time in my career in the legislature or in politics.

The lady convinced me that there is real pain. She convinced me that there is discrimination in the State

of Connecticut based on sexual orientation and she convinced me, along with others, that there was a need for this legislation.

I'm sure each and every one of you has his or her own experiences in life that would lead you along a certain path as to whether or not to support a bill. This was just one instance that touched my mind and my heart and I thank you for allowing me to share it with you and I would like the amendment to be called, with your permission.

THE CHAIR:

The Chair will recognize Senator Somma.

SEN. SOMMA:

Thank you, Madam President, and thank you, Senator Avallone for your remarks. I would like to move adoption of LCO4982 and ask permission to summarize please.

THE CHAIR:

Go ahead, Senator.

SEN. SOMMA:

Essentially, the amendment would allow a respondent in an anti-discrimination suit to recovery reasonable attorney's fees when a lawsuit is brought that lacks substantial justification. If I might remark further, Madam President?

THE CHAIR:

Please proceed, Senator.

SEN. SOMMA:

The amendment is consistent with the current anti-discrimination statutes. In fact, this amendment would not single out just sexual or discrimination based on sexual orientation, but would apply to all the protected classes that Senator Avallone mentioned and current law now allows a plaintiff, someone bringing a suit, to indeed recover reasonable attorney's fees in the areas of housing, public accommodations and licensure before the CHRO.

So this amendment simply would extend that same provision to the respondents, those that are charged with discrimination and I believe that the amendment is necessary because it will, I think, discourage frivolous or baseless lawsuits against respondents and I think the amendment is reasonable.

Let me just say additionally that substantial justification, that phrase is used in Section 4-184a, referring to administrative procedures and appeals, so it's quite consistent with our statutes and I would only ask the Chamber to adopt the amendment so that in the event that there are baseless and frivolous lawsuits that there be some protection for the

respondent and I believe that this amendment accomplishes that end. I thank you and I would ask for a roll call vote and thank you.

THE CHAIR:

Thank you, Senator. You have now have in front of you an amendment to Senate Agenda No. 217. The amendment number is LCO4982. Would you care to discuss it? Is there any comment on the amendment? Senator Avallone?

SEN. AVALLONE:

Yes, Madam President. I would merely ask that my colleagues reject the amendment. I understand the purpose of this and I respect the Senator for them. I just respectfully disagree. I think that this idea has been discussed not only in this bill and in many other instances in hopes that we could cut down on litigation in our society. We have consistently rejected it and the Judiciary Committee is having a chilling effect on what is the very, very protected right in our society and that is access to the courts.

People should have a right to go in and make their statement and let the facts be decided by a judge or a jury and I believe that this particular kind of amendment would have a chilling effect on it and I would respectfully request my colleagues to reject it.

THE CHAIR:

Thank you very much, Senator. Would anyone else care to remark? Are there any further remarks to be made on the amendment? If not, will the Clerk please make the necessary announcement for a roll call vote.

THE CLERK:

An immediate roll call has been ordered in the Senate. Will all Senators please return to the Chamber. An immediate roll call has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

Thank you very much, Mr. Clerk. The issue before the Chamber is an amendment to Senate Calendar No. 217. The amendment number is LCO4982. The machine is open and you may record your vote. Is Senator Mustone here? Senator Mustone.

The tally is, the machine is closed and the tally is.

The result of the vote:

17 Yea

18 Nay

1 Absent

The amendment fails.

You now have before you Senate Calendar No. 217,

Substitute for House Bill No. 7133. Senator Avallone.

SEN. AVALLONE:

Yes, I would be ready to answer any questions if anyone else has any comments.

THE CHAIR:

The matter is before you. Do you care to comment? Senator Jepsen. Go ahead, Senator.

SEN. JEPSEN:

Thank you. I rise proudly in support of this legislation. As a House member on two occasions I rose in support and we came a little bit short and I'm glad to be here today to do it once again.

I speak in favor of this bill because it addresses discrimination on the basis of status, not specific acts, because such discrimination is widespread, even systematic in our society, because sexual orientation is not protected, unfortunately, by our Constitution, and as such, it is entirely appropriate to address this difficult and important subject in the Congress and in the Legislatures across our country.

I believe that the mark of a civilized society is how well it addresses the needs of those least well-equipped to protect themselves and that across our history, throughout our history each generation has had to stand up and be counted on whether they're going to

protect those most poorly situated to protect themselves, whether it was with the waves of immigration in the 19th and early 20th centuries, whether it was to protect political activists in the wake of World War I or in the McCarthy era, whether it was to protect against religious discrimination really throughout our history, whether it was the Civil Rights struggle to protect blacks and Hispanics, culminating in the 1960s, whether it was the struggle for equality for women in the 1960s, 1970s and today and now we have the issue of sexual orientation.

It really is no different from these other issues and it corrolizing the fact of status as something someone doesn't choose, something someone has and the fact that people, on the basis of discrimination, the basis of this status, systematically face discrimination in our society and let there be no doubt that this discrimination exists.

I know from high school, I know from college, I know from my current life in Stamford, countless gays who fear discrimination in their jobs, in their housing if their identify is know. I know of overt acts of discrimination, whether it's slurs, ugly slurs painted on the sides of houses or on the cars of homosexuals, whether it was the testimony of individuals before the

Judiciary Committee earlier this year, whether it was the letters and the write-ins from countless individuals who are gay and who have faced discrimination in their lives, let there be no question that this sex discrimination exists.

Where I'd especially like to focus my remarks, however, is on the appropriateness, the legal appropriateness of the vehicle we have before us today to deal with this problem. Today in America you cannot discriminate against an individual if you own a diner or a restaurant or in housing, in countless other areas, not because of our Constitution. Blacks and Hispanics and people of religious minorities have the freedom to walk into any diner they want and be served, not because of our Constitution, unfortunately, though I believe such language exists in our Constitution, but because Congress took an affirmative action in 1964, the Civil Rights Act of 1964, which said as a matter of U.S. policy that such discrimination is intolerable.

I mention this because there's a fundamental misconception that if a group is not protected in certain respects in the Constitution, they deserve no protection at all and that simply is not the case. Throughout our history it has been in the U.S. Congress and in the Legislatures where groups facing

discrimination have received the support of the people and it's in the Legislature today that we're dealing exactly with this problem.

All kinds of discrimination, very little discrimination, I should say, is actually protected under our Constitution and it really comes down to us, the legislators, the spokespeople for the people who are going to make these decisions and choices, so I think it's entirely appropriate that we address it through this legislation today. If anything, I personally feel that the legislation does not go far enough. I would prefer a stronger bill. I would prefer the bills that we saw in previous years.

I think, however, the bill before us today addresses the needs of society adequately. It takes into account the difficult situation, ploys by religion and deals with it appropriate and I urge that all of you support it. Thank you very much.

THE CHAIR:

Thank you, Senator Jepsen. Anyone else here want to comment. Senator Aniskovich.

SEN. ANISKOVICH:

Thank you, Madam President. Madam President, I too rise proudly this afternoon and I rise to tell the Members of the Circle the reasons for which I will

oppose this bill. There has been much discussion of this bill throughout the Legislative Office Building and the Capitol over the last several weeks and the members are familiar with the many arguments and the many good reasons for and against this proposed legislation.

However, I rise to suggest that this bill does not correspond to a narrower view of civil rights legislation, that has nothing to do with religious zealotry or homophobia, but has to do rather with an alternate and competing political principle.

Let it be known here that there are many in my district who support this bill and there are many in my district who oppose this bill and beneath the principled speeches that are delivered here, there is a political underbelly that will motivate many to vote one way or another on this bill and I stand proudly before you today and say that I will cast my vote notwithstanding the organizational pressures of any group or any interest on this bill.

I believe that there is a history of civil rights legislation in this country and in this state that says there are certain opportunities, the opportunity to contracts, the opportunity to sue in courts of law, the opportunity to gain employment, notwithstanding one's

race or ethnicity or creed.

I too can share an experience of my own with respect to this bill. I sat with over 15 members of the gay and lesbian community within my districts one evening about a month ago and they told me that they needed this bill because they were fearful. They were fearful of coming out and losing their jobs or their accommodations, but Members of the Circle, as I looked around the room I saw doctors and lawyers and professionals and I thought to myself, we have people in the State of Connecticut and in the United States today and I am being asked to divert resources from those who have been denied those opportunities to another group of people within our society who have endured pain. Do not believe for a moment that I do not believe that there is pain out there. But it is important if not dispositive, that there has been no showing of widespread discrimination for whatever reason.

It is important but not dispositive that this bill has a series of amendments that tell us what its not for no apparent reason. But we all know the reason why those amendments are there. And I do not think we can escape the implications of a bill by adding on pieces as it moves through the legislative process to placate

special interests.

It is important but not dispositive that this bill says it is wrong to discriminate on the basis of sexual orientation unless you are a religious organization. It is wrong to deny housing to someone on the basis of sexual orientation unless your an owner occupied. That's important members of the Circle if not dispositive of how you will vote.

I would like to stop the suffering and the pain endured by homosexuals in this state and in the United States. I think and believe that we would be that we would be a richer society if more people accepted that lifestyle.

However, I believe that the best means of doing that has little to do with legislation, because I do not believe that you can help men permanently by doing for them what they can and should do for themselves. And they can learn to do it for themselves. They can learn through education. And they can learn through leadership. But I am not sure that civil rights legislation, which was intended to give opportunities to people who are denied the opportunities, not to insulate a group who have had the opportunities from the consequences of their behavior.

I think it goes too far to extend our civil rights

opportunity, our civil rights legislation to this group. And so I oppose the bill, not because I am a religious zealant and not because I am a home folk. But there is a competing principle in this state, freedom. And it must always be balanced against fairness or equality. It must always reflect itself in good legislation.

Those who oppose this bill are reasonable, they are understanding, they are merely exercising another principle. They are merely trying to remind us that our legislation must be balanced. Thank you.

THE CHAIR:

Thank you Senator. Senator Morton.

SENATOR MORTON:

Madam president, I rise to support the bill. I rise to support the bill for a number of reasons. I happened to be in 1985 co-chair of the Committee on Human Rights and Opportunities when the first bill was introduced. And I supported it then. And I believe Senator Betty Hudson, former Senator Betty Hudson is in the gallery today. She was the Senate Chairperson of Human Rights and Opportunities.

And I would just like to respond to some of the things that Senator Aniskovich mentioned. Do you really think Senator, that blacks and puerto ricans

would have been able to work anywhere, to be able to be employed anywhere without civil rights legislation? Do you really think they would have been able to live anywhere without the civil rights legislation? I say, no. Because I have been there. I know what it is like to search for a job and to go in and be turned out and see someone come right in behind me and be hired for the same job. I know what it is like to live in a place that I don't want to live in because I can't move into a place that I would like to live in.

So, don't tell me that the Civil Rights Act did not help blacks and puerto ricans and other minorities in way that they could be helped, other than through that legislation. It did, indeed, help them.

This is the only way people are going to begin to accept other people that they don't understand. And if it has to be done by legislation, then let us have legislation. And I think this is the only way some people are going to begin to look at others that are different and realize they may be different, but they are human beings. They deserve an opportunity to work and to have a decent place to live. Otherwise you force them into living like animals with the inability to live in a way that other people are able to live.

This is a just piece of legislation. This

legislation should be passed without any opposition. Your not asking for anything extraordinary. Your asking for things that everybody takes for granted, freedom. Freedom to live. Freedom to work. That's all. Are you planning to find some source of, some ways to take care of people that are going to be discriminated against, continue to be discriminated against and not be able to be employed? Or not have a place to live?

I think we need to pass this bill and I think we need to do it hastily and move along with the balance of business before this Chamber. I urge support.

THE CHAIR:

Thank you, Senator. Anybody else wish to remark on this bill? Senator DeLuca.

SENATOR DELUCA:

Thank you, Madam President. I had not planned on speaking on this bill. But I would just like to clarify what Senator Aniskovich said, which I think Senator Morton might have misunderstood.

I do not believe that Senator Aniskovich was saying that civil rights did not help those people that she mentioned, blacks, puerto ricans and other minorities. I think he said just the opposite. And I think his

point was that we have no outward examples of discrimination, because in my discussions with people who have asked me to support this legislation, I have asked for those examples of discriminations. And as was said here before by Senator Avallone and by Senator Morton, and I believe by Senator Jepson, that they were in fear of discrimination.

I don't think we would be passing laws in fear of, I think we should be passing laws that, that really address real discrimination not the fear of discrimination.

In Senator Avallone's remarks he said that this bill was carefully crafted exceptions. It seems to me when you introduce legislation and have to carefully craft all those exceptions, you understand from the beginning that this an exceptional bill and it does not fit the norm of discrimination.

He also talked about the necessity and I again I repeat, what discrimination? I asked for examples up until two hours ago and I still have not received anything accept editorials and newspapers.

It was also mentioned that this bill is misunderstood. I don't think it is misunderstood. I believe it is understanding that we are passing a law to take away the fear of discrimination from people.

It has been mentioned in housing and jobs. As Senator Aniskovich said, he talked to people in his District. My District happens to be the same type. I happen to have a number of those that I have spoken to and most of them live in homes of 500,000 and up. They have excellent jobs and professionals. And I again there was looking for the discrimination.

I believe that Senator Aniskovich phased it properly when he said, we are not passing legislation to stop discrimination, we are passing legislation to approve a lifestyle. And therefore, I feel as though we should be addressing real issues of discrimination. Therefore, I ask that those in this Chamber thinking likewise to reject this bill, because I feel as though there is no need for it. The rights of people have been protected up to this point. This does not address the problem of discrimination and I thank you for your time.

THE CHAIR:

Thank you very much, Senator. Does anyone else, yes, Senator Larson.

SENATOR LARSON:

Thank you, Madam President. I rise to associate myself with the remarks of Senator Avallone and Senator Morton.

Let me first say that I salute the Judiciary Committee and its distinguished Chairmen, Senator Avallone and Representative Tulisano have witnessed the long struggle over many years that has dealt with a very simple issue of discrimination. And let us be clear about this. This bill deals specifically with discrimination.

I agree with Senator Aniskovich though, I believe that this is another principle involved. It's a simple principle. It is one of human decency. People that we are talking about are not children of a lesser God. People share the same concerns, interests, hopes, fears and aspirations of everyone in this Circle across the state, this nation and the world. But there are always defining moments in history and in the General Assembly. And this is one of those moments.

When those of us that know what it means to be discriminated against. Those of us that have been elected to carry out a responsibility to represent all the people must cast a deciding vote. Let that vote be cast today against discrimination and for human decency.

THE CHAIR:

Thank you very much Senator. The Chair will recognize Senator O'Leary.

SENATOR O'LEARY:

Thank you, Madam President. I rise too, to lend my voice to those that have spoken on behalf of the bill today. I don't think there is any justification in our society for people living in fear. Whether that is fear of discrimination, or fear of hunger, or fear of injustice, or whatever the fear. I rise also to commend the Chairmen of the Committee. That Committee has had some very, very difficult legislation to deal with. Highly controversial matters and time and again the Chairmen of that Committee through patients and perseverance, through a willingness to listen to others has managed to reduce the controversy and has managed to produce landmark legislation for the State of Connecticut, which most of us can accept and I think generally will be accepted unanimously as time goes on.

So I want to publicly thank the Chairmen of the Committee for the excellent work that he and his colleagues have done.

THE CHAIR:

Thank you very much, Senator. Anyone else wish to comment or remark on this matter? Any further remarks? Senator Hale.

SENATOR HALE:

Thank you, Madam President. I think before one

casts his or her vote on an issue like this, if there is some hesitancy or uncertainty, that one needs to explain the reasons behind the vote that is ultimately cast.

I have listened for many weeks to those on either side of this issue. I think think that the, as the majority leader and the President Pro Tem have indicated, the Judiciary Chairmen, both in the House and the Senate, have worked long and hard, have done their usual outstanding job in trying to bring sides together. And I think they should be commended for their efforts.

In my own case, if I went by the mail that I have received, or phone calls that I would receive, the indications are that more people support this bill in my District than oppose it. The problem that I have, have had and continue to have despite the very persuasive and excellent arguments advanced by the National Organization of Women, representatives who have come to see me and others who have lobbied in behalf of the bill. Despite the fact that there is pain in society on the part of homosexuals who have been mistreated and discriminated against. Despite the fact that there is unfairness, indecency, bitterness, lack of tolerance and understanding. And ultimately

anyone who discriminates against a person for any reason, including one's sexual orientation is of course a coward.

But as one who likes to determine in my own mind what it is that our founding fathers would have taken in today's world, I can find it very easy to elevate the status of the protection of the law of one's sex, religion, or color, or race. But I have never crossed in my own mind that invisible boundary between abhorring discrimination and taking a particular status and elevating it to a equal status of those that I mentioned in the eyes of the law.

Maybe someday I will and maybe next year I will, or even next week. But having read every single document on either side that was given to me and listened carefully, and I hope sincerely, I just have not reached that point where I think that sexual orientation should receive the same level in the eyes of our legal system as one's race, or one's color, one's religion, one's sex. It is an indivisible boundary as I mentioned. It is not a finite standard of measurement and it is a very difficult one for me.

And as an aside and sort of ironically, I have been approached by some back home who have said, well you can support this bill because of the church that works

indifferent to the bill, or at best supports the bill. As I told one of my aunts, who is a very devout catholic, if the level of my religion is based upon my agreeing or disagreeing with the church on bills involving abortion, the death penalty and this bill, I better get to confession as soon as this debate is over.

But really, I think advancing where one's religion stands should either be done all the time or should not be done at all. With respect to the Archbishop and his representatives, where they stand is certainly important, but ultimately what I truly believe is what must be persuasive. And so I will vote no hesitantly and with some degree of conflict in my own mind, only for the reason that I mentioned. And I would encourage all of those who do vote no, as certainly those who vote yes today believe, that we must do all we can even if it is not by casting a vote but by our actions, whether we are involved in hiring someone, or voting for someone, or writing a letter of reference for someone, or representing someone in court, or speaking up for someone. We must do all that we can as human beings to discourage discrimination for any reason, even if we cannot ultimately decide that one form deserves the same kind of protection in the eyes of the

law. Thank you.

THE CHAIR:

Thank you, Senator. Any further remarks? Senator Hale. Senator Allen, I'm sorry.

SENATOR ALLEN:

Madam President, I stand here proudly to say that I am going to cast a vote in favor of this bill. And I do that because it is a large part of the reason that I wanted to be here. You see I know that discrimination is real. It was brought to this country in slaves, in chains. You know, it is really interesting to me all through my life, particularly when I was going to high school during the Viet Nam period, when people would come to me and wave their flags and their patriotism. If you want to see and know a people who believe in this country and its ideals, then you will look at black people who knew when the founding fathers stood talking about construction of the constitutional history. When the founding fathers stood and talked about all men being created equal, didn't mean my grandfather. Didn't mean a lot of people. Didn't mean women. And that is not just something from the past. Because every day of my life, every day of the life of practically everyone of color in this country, we meet, in 1991, whether is meets someone standing on a street

corner when someone drives up and because I happen to be black and look more dangerous than someone else, they flip their lock.

I have more trouble than other people cashing a check. Discrimination is real in 1991. It has to be dealt with by people on an everyday basis. So what some describe as abstract are not, unless you don't have to deal with it. Gays and Lesbians face real problems and need real protection. In this bill, and I would like to add my comments, my compliments to the Chairpersons of the Judiciary Committee, and the members of the Committee in crafting, I think, a superbly worded bill. This bills gives them that. In this state when this bill is passed, they will have something that they don't have now, and that is the ability to bring an action before the Commission on Human Rights and Opportunities. And they will have something that they don't have now, which is the ability to go to the Superior Court and argue that they have been discriminated against in housing and employment. They don't have these protections now.

There is no provision now that would protect them if they were denied a rent or a job on the basis of being gay and gay purely. There is no protection and they will have that with this bill. These are real

things, dealing with real problems not abstractions.

This is a concern that I have and this is one that has bothered me a great deal as a brand new Senator, really faced, really my first high pressure lobbying effort. And I was, for whatever the reason, a target of a great deal of telephone calls and mail. And maybe I didn't get anymore than my colleagues, or maybe anymore than I will on some other issues that come up. But it impressed me as my first, and I think that in light of some of the information that I have heard and have been told, it is instructive that note that much of the attitude toward this bill is based on misinformation. We could put down a whole list of things that this bill does not do. But there seems to me to be an apparent, either a deliberate misconception or a gross misunderstanding about what this bill does or doesn't do. It gives protection, real protection to people who need it.

Now the second question is morale. I said that I was often surprised in college to have people who I don't think had much of a concept of what liberty means, to quote the Constitution to me and their patriotism. I am also amused of some of the arguments advanced against this bill on morale grounds. Many of them based on quotations out of context from the Bible.

Now, if we want a real debate, let someone try to quote the Bible in this Circle. Because you will get a debate.

I happen to have been one of those people in the black community who grew up in a family that had the Bible as its morale value. A living document practically in the house. And if anyone wants to debate what these quotes that have been thrown at us mean in the Bible, you got your man. I won't bore you with that debate today. I'll just say that our highest morale order is in the Bible and in most religions, is to love your fellow man or woman. And that love is often described in terms of caring for him or her. That's our highest morale order.

The highest responsibility of a government is to care for those people and protect those people who need our protection. We have here a bill that fulfills both that morale and that civic responsibility. It is a well crafted bill and I would urge its adoption.

THE CHAIR:

Thank you very much, Senator Allen. Anyone else care to remark? Further remarks? Anyone else? If not, I would ask that the Clerk please make the necessary announcement for a roll call vote.

THE CLERK:

Immediate roll call vote has been ordered in the Senate, will all Senators please return to the Chamber.

Immediate roll call vote has been ordered in the Senate, will all Senators please return to the Chamber.

THE CHAIR:

Thank you very much, Mr. Clerk. The issue before the Chamber is Senate Calendar 217, Substitute for House Bill 7133. The machine is open, you may now record your vote.

Senator Przybysz, is Senator Przybysz here? Here he comes.

The tally is, the machine is closed.

The result of the vote:

21 Yea

14 Nay

1 Absent

The bill is adopted

(CHEERS AND APPLAUSE)

The Chamber will please come to order. Mr. Clerk.

THE CLERK:

Madam President, the Clerk is in possession of Senate Agendas #1, #2 and #3 for Wednesday, April 17, copies of which have been distributed.

THE CHAIR:

Senator O'Leary.

JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY
PART 3
652-960

1991

: (inaudible)

REP. MINTZ: Okay. Janice Warren.

JANICE WARREN: Hello, Mr. Chairman and members of the Committee. My name is Janice Warren and I am here to testify in favor of HB7133 because I've been a victim of discrimination based on my sexual orientation.

Several years ago outside of Hartford I had a job with a good company that I liked a lot. I worked there quite a while and started in an entry level position, worked my way up, being promoted, getting positive performance appraisals and receiving pay increases.

As the time went on I became friends with a woman there who kept trying to fix me up with every single man that she knew and I finally let her know that I couldn't be fixed up or didn't want to be fixed up with anyone because I am a lesbian.

This, we thought was pretty humorous and she ceased and desisted from trying to fix me up. Anyway, we went out socially with a group of friends, her boyfriend, myself and the topic came up again. We discussed it and I let her know that it would be inappropriate to discuss this at work because I could in fact lose my job.

She did not feel that that was not really a risk. She felt everybody at work was open-minded and that was not really a problem. We all went back to work as usual the next Monday morning. I was working and the boss came in a little bit later and about an hour after she was in she called me into her office.

I was dismissed without any reason, without any explanation or any kind of reprimand. She really offered no excuse. She offered me a large severance check and a positive reference and sent me on my way. On my way out the door I ran into the young woman and I asked her if she had that morning told our boss that I am a lesbian and she said she had. She started to cry and apologized profusely.

But there was nothing that we could do. Over the next several weeks I called everyone I could, the Connecticut State Department of Labor, anybody they referred me to. I sought legal counsel, I talked to a group in New York that advocates for cases like this and everyone, every single person that I talked to over weeks time told me that there was absolutely nothing that I could do because there is no statute protecting the civil rights of gay people in Connecticut.

I had a job one day and then I didn't have a job. I had no way to support myself simply because I am a lesbian. I didn't do anything other than that. I did my job and I liked my job. That's all.

REP. MINTZ: Thank you. Any questions? Representative Stolberg.

REP. STOLBERG: Just very quickly. When you were told by your supervisor did you ask for a reason?

JANICE WARREN: I did and didn't get a clear answer. Later on I also followed up and did not get a clear answer. There was no explanation given on the pink slip that I received. It was named as lack of work although my position was filled so it wasn't clearly lack of work at all.

REP. STOLBERG: But you are certain of the reason.

JANICE WARREN: The timing gives no other explanation. I had just received a raise and a very positive performance appraisal. Again, I emphasize that no reprimand was given and absolutely no clarity.

I was also in an absolute state of shock at the time. I was not thinking clearly myself which is why I sought legal counsel later on.

REP. STOLBERG: Thank you.

REP. MINTZ: Anyone else? Representative O'Neill.

REP. O'NEILL: Could you tell me the name of the company?

JANICE WARREN: I would rather not. It's changed hands in the time since I've been there and I don't feel that the current owner is responsible for what the previous did.

REP. O'NEILL: Was this a closely held company? Was it a large corporation? What kind of a business was it?

JANICE WARREN: It was a small business with I couldn't tell you the number of employees. I'd have to look it up but --

REP. O'NEILL: Do you know if the person who, I gather the owner is not the person who dismissed you?

JANICE WARREN: Yes.

REP. O'NEILL: Oh, it was the owner.

JANICE WARREN: One and the same.

REP. O'NEILL: Well, okay, so you had no other supervisor above the owner?

JANICE WARREN: Right. Correct.

REP. O'NEILL: What kind of work did you do?

JANICE WARREN: I interviewed people, contacted clients, talked with clients on a regular basis and basically administered people going out to other job sites.

REP. O'NEILL: And since then, I take it you are employed somewhere else.

JANICE WARREN: I am self-employed which is why it is much easier for me to come forward about this discrimination. I have no threat that my current employer can fire me.

REP. O'NEILL: That's, I am too. And I have the same advantage. Okay. I just, had you worked anywhere else prior to this particular time, the job that you lost.

JANICE WARREN: Oh, yes. I had several jobs.

REP. O'NEILL: Had you ever been dismissed previously?

JANICE WARREN: No.

REP. O'NEILL: And have you ever worked anywhere else since then?

JANICE WARREN: Yes.

REP. O'NEILL: Other than for yourself?

JANICE WARREN: Yes.

REP. O'NEILL: And were you ever dismissed other than that?

JANICE WARREN: I was laid off from advertising agency last May so yes, but it was for a lack of work. But the advertising industry is well known to be in a downward turn right now.

REP. O'NEILL: One final thing. Do you have employees?

JANICE WARREN: No. I do not.

REP. O'NEILL: No. Okay thank you.

REP. MINTZ: Anyone else? Thank you. Pat Stryker and then Victor D'Lugin.

PAT STRYKER: Chairman, ladies and gentlemen, I realize that this bill is about hate and it is about preventing hate and gay bashing. It is inclusive of that and I want you to know that I am against all forms of hate against any individual.

We are to love any individual. But we do not have to love or condone lifestyles or behaviors. In this civil rights bill we are presenting a new precedence. To this day, it's been, civil rights have been relative to things we cannot change. I am white, I can't change that.

I am a female. I can't change that. But the way I dress, the way I behave, how I relate to people, my sexuality, those are all chosen by me. When we start legislating on sexual orientation we are legislating on, well, let's look at the word

orient. Orient is to adjust to a situation. So we are legislating something that is adjustable, as a behavior.

If we are going to legislate behavior and I realize that we have excluded some behavior in the violations of part six of Chapter 952, the General Statutes, but I am concerned because we have not addressed all of the homosexual behavior in those statutes.

Most of us, like to think of the homosexual behavior as two gentlemen caressing and loving and caring for each other and that is in part true. But that isn't the whole truth. The actual act, behavior of the penis into the anus cavity is a violent act that tears and rips and opens the individual up to infections such as AIDS.

Are we to allow ourselves, I mean, where do we draw the line for ourselves when we are to come into compliance with this new legislation. It says that we are not to coerce, intimidate or threaten or interfere with the enjoyment of the homosexual behavior. So does that mean that the act of enjoying rain showers which is urinating on each other during the sexual enjoyment, is that what we are going to accept in public places?

(LAUGHTER)

Are we going to address the act of (inaudible) which is defecating during the enjoyment of the sexual behavior? And how about hard balling? Which is the act of the fist in the anal cavity. I believe as you look back at the exclosures you are going to find out that we have not addressed all the actual behavior and again, behavior is adjustable so we could add on or delete from the behavior.

So where does this behavior have, why are we putting this in the same category as things we can't change like the color we are or the sex we are born with. I need to understand if I will be out of compliance if I am to intervene with my son being persuaded or encouraged to quote what we have here in this current legislation proposal is we are not to interfere with anybody encouraging another

person, does that mean that I cannot interfere someone encouraging my son to behave in the acts that I have just mentioned?

This needs to be clarified if we to include this sexual orientation in a bill. Sexuality is taught. When we teach and allow to be taught and when we accept mere presence of this bill that these behaviors are acceptable are we not saying then that we condone the death possibility from this behavior?

We teach our children not to smoke cigarettes. We don't tell them use a filter cigarette and you'll be okay, you won't die from cancer. We teach them not to smoke.

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-- having them still saying that we don't care about our individuals that are behaving in this way that exposes them to to a deadly disease. Do we not care about them? And say no, we're not going to condone this. We're not going to turn our backs on this. We care too much about you to let you die. Sometimes compassion has to be found.

And it's time we all get firm. And I think by the inclusion of a statement that just says, Well, by all of the above we'll put this one same, well none of this means that we really agree with the homosexual lifestyle. Well you know what that is like? That's like the companies, you have a fire extinguisher on the wall.

And you know it's there, and you know what a fire extinguisher is for. You read the label and it even instructs you how to use the fire extinguisher, that's like this law. Well, the fact is if there is a fire, and you as an individual in most companies take that off the wall, and you try to put out that fire, but you die in that fire.

And you did not look at the fine print of a policy that was in the supervisor's desk or you didn't look at the fine print way in the back of this

REP. TULISANO: Mrs. (inaudible)

PAT STRYKER: Let me finish please.

REP. TULISANO: Okay, a lot of people want to talk and a lot of people on both sides of the issue, let's give them a chance, okay?

PAT STRYKER: Okay

REP. TULISANO: No, no

PAT STRYKER: But what you will find out is that the policy says that even though we have this fire extinguisher on the walls, you're not supposed to use it. Because we're not really authorizing the use of it but it's there. Well, are we not saying the same thing? And isn't that, aren't we not being hypocritical? And in our hearts, we'd be putting in that exclusion it's in our hearts we knew.

That this behavior is deadly. And we're condoning it by this law.

REP. TULISANO: Thank you. Are there any questions? Representative Stolberg.

REP. STOLBERG: You did described some aspect of homosexual relations that are particularly violent or perhaps not acceptable. Am I right in presuming you would be equally offended if the same level of violence or negative relationship in a heterosexual relationship?

PAT STRYKER: Absolutely.

REP. STOLBERG: Okay, thank you.

REP. MINTZ: Senator Genuario.

SEN. GENUARIO: Thank you Mr. Mintz. Did you hear the first speaker before you?

PAT STRYKER: Pardon?

SEN. GENUARIO: Did you hear the first speaker before you? The person who

PAT STRYKER: Yes I did, yes I did.

SEN. GENUARIO: Do you think that person should have lost her job?

PAT STRYKER: No

SEN. GENUARIO: Given, assuming that everything she said was accurate?

PAT STRYKER: I can, first thing, if I was that young woman, I would insist like all the rest of us, we have rights on our jobs. But we have a right to have a clear understanding of why we lost our job.

And there is a procedure by which you would have to document the actual performance of an individual, before you would give them an opportunity to improve the performance on the job before they were terminated employment. This young lady definitely has a right to go back and ask why was I

SEN. GENUARIO: Suppose all that was documented and the result was that in fact, without question, she was terminated because of her sexual orientation as she alleges. Should she have lost her job?

PAT STRYKER: The woman should not have lost her job.

SEN. GENUARIO: Should the State give her a remedy?

PAT STRYKER: I think that she, through court, she could go to court and present her case that her her job should be retained because of the fact that she did perform the job properly, yes.

SEN. GENUARIO: Thank you.

REP. MINTZ: Anyone else?

SEN. GENUARIO: Thank you Mr. Chairman.

REP. MINTZ: Thank you. Thank you.

REP. TULISANO: (inaudible)

VICTOR D'LUGIN: Thank you. I am Dr. Victor D'Lugin, Assistant Professor of Clinical Science of the University of Hartford, and a member of the Connecticut Coalition for Lesbian and Gay Civil

Rights, and I am testifying in support of bill HB7133. The Legislation before you is anti discrimination law. The bill uses the areas of language of existing Connecticut Statute to prohibit discrimination based on sexual orientation.

The Bill by specifying the areas of content prohibiting discrimination, therefore, limits its applicability, only to those areas. The Bill protects Gay men and Lesbians, in housing, employment, credit, public accommodation, professional and occupational licensing, state services and state contracts.

It should be noted that even within these areas additional limitations are in fact imposed. Specific limitations are imposed on the bills applicability in housing. The Bill excludes the penal code. The bill does not alter the State's protected class category, does not authorize quotas or affirmative action programs by statement.

The Bill specifically states that it does not authorize the promotion of homosexuality in educational institutions and by direct statement, the Bill does not condone homosexuality or bisexuality. Just as with Legislation, protecting the basic rights of individuals, with regard to race, religion and ethnicity, this Bill does not support, sanction, or encourage any particularly sexual orientation.

In 1989, a prevalent study was conducted to determine the extent of anti-lesbian, anti-guy discrimination and violence experienced in Connecticut. Two hundred and forty six people responded and reported one hundred and seventy five cases of discrimination. Seventy three of these incidence occurring in 1988 alone.

A gay male attorney from the western part of the state reported that his former employer told him he was an attorney, that no matter what his performance level was, he would not be considered for a partnership in the firm unless he was married, or consistently seen in the company of a female. Discrimination was reported in each of the seven areas covered by this Legislation.

A Lesbian in her thirties reported, who worked for a manufacturing company, that despite five years of excellent performance ratings, she was fired when her supervisor learned of her sexual orientation. What was perhaps equally telling to me in this survey, was that eighty eight percent of all respondents indicated that they would expect to be victims of discrimination, if there sexual orientation became known.

Although this Bill does not directly address the issue of violence, a Civil Rights Bill would allow victims of anti-gay violence to more readily come forward to report these crimes, no longer fearing public discrimination if their names became publicly identified. Simply put, as a gay man living in the State of Connecticut, I can be fired from my job, denied a mortgage, refused an apartment, refused service at a restaurant, simply and exclusively because I am gay.

And I would have no legal remedy in the State of Connecticut. I would have to argue, therefore, that under current legal practice, the State of Connecticut is defacto sanctioning this discrimination. The fact that I would not have legal recourse, is not just my judgment, but the conclusion of two separate statements or provided by this bodies Office of Legislative Research.

The OLR states, quote, homosexuals are not considered to protected from governmental discrimination, and do not presently have legal remedy by the Constitutional, statutory, or in common law. The OLR goes on to say that an anti-discrimination statute would be necessary. Many who oppose this Legislation, argue that in fact there would be dire consequences should it in fact be passed.

Over forty municipalities in two states have Gay and Lesbian Civil Rights Ordinances. And none have experienced any of the disruptions opponents suggest. Wisconsin passed similar Legislation nine years ago. In a letter to this body, the Speaker of the Wisconsin General Assembly, answered many of

the critics we hear today. He wrote, quote, it was predicted that Gay teachers would prostitaltized in the classroom about their sexuality.

This did not happen. It was predicted that Lesbians and Gay men would flock to Wisconsin, flaunting their lifestyles. This did not happen. The impact of the Legislation was only what was intended. To quote the Speaker of the Wisconsin Assembly, the result was to protect the basic Civil Rights of those Gay Men and Lesbians who have been victims of discrimination.

The fact is that individual citizens of Connecticut experienced discrimination based upon sexual orientation. This Legislation would provide a legal remedy. While this is profoundly significant, that is all this bill does. I therefore urge your endorsement of this Legislation.

REP. TULISANO: Thank you, are there any questions? Representative O'Neill.

REP. O'NEILL: Three or four, I'd like to talk about the study that you have, I've read references to there being approximately three hundred thousand persons in the State of Connecticut, roughly ten percent of the population who would be Gay. Your study covered, I think you mentioned

VICTOR D'LUGIN: Two hundred and forty six

REP. O'NEILL: Who were those two hundred, I mean not the names, or anything like that, but how were they selected? What was the category?

VICTOR D'LUGIN: What we used was a survey sample and what we did was that we, there's a Gay Lesbian Newspaper that covers the entire State, MetroLine, the Question A was printed in that publication. We received about twenty percent of our responses via that.

We than contacted all Gay and Lesbian Organizations in the State and asked them to distribute that questionnaire to those to their members, some

therefore responding. And than also, questionnaires were available at Gay Bars in the State, throughout the State.

REP. O'NEILL: So this was essentially a self selection process.

VICTOR D'LUGIN: Absolutely, and self reported data.

REP. O'NEILL: Right. Has there ever been a study to your knowledge which attempted to be more scientific in its efforts? That is to say, select a sample of the population and rather than people who select themselves?

VICTOR D'LUGIN: Sure, there have been a number of examples of attempts in doing that in some larger cities. What has been found is that, purposely we have used a questionnaire, that have been validated in other locations as well as doing a validation for here.

And what's been discovered is that in the smaller samples, in which have been randomly selected population, is that the self reporting data is approximately accurate, in relationship to the overall data. Clearly there's a problem in doing random survey, and that's the idea of identification of individuals.

REP. O'NEILL: Have you ever, some of the stuff here for example refers to publishing advertisements for housing and making a statement effectively no Gays need apply, have you ever seen such an advertisement?

VICTOR D'LUGIN: I have never seen such an advertisement. I have, in the two hundred and forty six questionnaires I went over, what I did in fact see numerous times under the housing card that people would write in comments that they would in fact show up to look for an apartment and as part of what they had first perceived was a kind of nice warm conversation, like are you married, you know, do you have children.

The conversation than went on to indicate the fact of well, if you're in your forties, why are you

still single? And so the question was than broached directly one on one, not as part of the advertisement. No.

REP. O'NEILL: Have you, we had testimony from a speaker earlier, have you ever been dismissed from a position which you believe you were dismissed from because you were Gay?

VICTOR D'LUGIN: No.

REP. O'NEILL: Have you ever been harrassed by any of your employers, other than, I mean, something who would try to force you to resign.

VICTOR D'LUGIN: I have been harrassed, I need by virtue of the fact of identified myself by my current employer, to indicate that it's not my current employer. I would not want that to be inferred.

REP. O'NEILL: Have you ever been denied housing, on the basis of being gay?

VICTOR D'LUGIN: I have purposely gone out of my way to construct my life to live in neighborhoods, in which I am very conscious of living inside of a Gay ghetto.

REP. O'NEILL: Have you ever been denied credit?

VICTOR D'LUGIN: Not to my knowledge.

REP. O'NEILL: Thank you.

REP. TULISANO: Representative Wollenberg.

REP. WOLLENBERG: Yes sir. I'm asking you some questions, the Connecticut Coalition Lesbian Gay Civil Rights, you're part of that.

VICTOR D'LUGIN: Yes.

REP. WOLLENBERG: And some of the materials we have, have said that this Bill would add sexual orientation to the list of categories such as race, religion, age, (inaudible) and so on. Which may not be used as basis of discrimination. It really

doesn't do that, doesn't it just add it? I'm wondering why it doesn't just add it to all those laws we have. Why is this a completely new law?

VICTOR D'LUGIN: I'm not sure in concerning the actual drafting of the Legislation, I mean the drafting of the Legislation is different than it was in '89.

REP. WOLLENBERG: Yes.

VICTOR D'LUGIN: And the drafting I gather was the result of first to answer it in terms of content, the drafting was in order to have in one location, all that material. The second part of the answer is that we were requested to do that by the Chairman of the Committee.

REP. WOLLENBERG: I understand his reasoning, I wondered if there was some other reasoning.

VICTOR D'LUGIN: I would conceive of Representative Tulisano on that.

REP. WOLLENBERG: I can ask you the questions on that.

VICTOR D'LUGIN: You're not going to ask me why Representative Tulisano drafted this way, are you?

REP. WOLLENBERG: Oh, I understand that too. I can ask him the questions on the floor. But I thought if there was someone here who help draft it perhaps. Well, let's let's, you're here to testify on the Bill, let's look at the bill. Section One indicates that sexual what it says, that sexual orientation means having a preference. Can you talk to me a little bit about the preference? Is there a preference to be homosexual or not to be, or heterosexual or so on? What, how do I interpret that preference language?

VICTOR D'LUGIN: I think the idea of the language than, perhaps the easiest way to understand the language was actually provided just in the end of January by the Office of Legislative Research which did a memo concerning the discussion of the issue of preference. And in their memo, they defined it as having an innate predisposition, pause, members of the same sex. Or in bisexuality to either sex.

REP. WOLLENBERG: Is that what I'd find in Webster?

VICTOR D'LUGIN: Under the word preference?

REP. WOLLENBERG: Yes.

VICTOR D'LUGIN: I have no idea.

REP. WOLLENBERG: Do you think I might

VICTOR D'LUGIN: I think that the word pre

REP. WOLLENBERG: Is this something that was generated by OLR to satisfy this?

VICTOR D'LUGIN: No I don't think so because what OLR did in fact, was in fact to review the literature of the subject, and to deal with the question as to whether or not the term preference is usable. The problem with term preference, are you including the concept of choice?

REP. WOLLENBERG: Yes, exactly.

VICTOR D'LUGIN: And, uh, would appear to be that's not my area of expertise, but it would appear to be that the summary of the research, a heterosexual man and I'm quoting from the OLR, a heterosexual man a woman does not become heterosexual by preference. There is no option, no plan. Becoming heterosexual is something that happens, an example of the way things are.

Likewise, no one prefers to be bisexual, no one prefers to be homosexual. It is the way things are.

VICTOR D'LUGIN: Well, they did. I think it's very interesting, I have not, I've only had less than twenty four hours to look at it. But it's very interesting five page memo in which they summarize all the research that they were able to identify on that issue.

REP. WOLLENBERG: Do you know who requested that memo?

VICTOR D'LUGIN: Yes I do. The Honorable John Wayne Fox.

REP. WOLLENBERG: Moving forward, there seems to be three areas in that Section One, sexual orientation means having a preference for heterosexual, homosexuality, and bisexuality. And than, the other, having a history of such preference. Can you explain to me what that means.

VICTOR D'LUGIN: I would assume that that that was, I'm not sure what exactly that means. I'd more comfortable if you'd ask me about the third one. The second one

REP. WOLLENBERG: Could it could it mean that there has been a change, and

VICTOR D'LUGIN: Well, when we use the word change, Representative Wollenberg, I mean, the idea is of whether I am engaging in behavior or not engaging in behavior. And whether I would self identify as being Gay or not. I think what the Bill is attempting to do is that regardless of that, the Bill would cover that.

REP. WOLLENBERG: Let me just, you just struck something there. Whether you're engaging in the behavior or not. Is this a Behavior Bill?

VICTOR D'LUGIN: What I find interesting about the Bill is that it does not cover behavior at all.

REP. WOLLENBERG: Well you just just brought it up. I was unaware of that, but

VICTOR D'LUGIN: That my lead to my identification or not. The Bill does not protect any of my behavior, as a matter of fact, the Bill specifically excludes whatever behavior including by the way significant amounts of the behavior that the previous speaker mentioned.

REP. WOLLENBERG: Specifically as Section 19 or so, that the State of Connecticut does not condone.

VICTOR D'LUGIN: No, in the statement that excludes the penal code from coverage of that, which is line 21 I believe.

REP. WOLLENBERG: Okay, the third, being identified with such preference, can you tell me what that means?

VICTOR D'LUGIN: Surely, if someone in fact misidentifies me, to use the analogy or the example of religious identification, you happen to see me go into a church on a rather regular basis, you might therefore, assume that I am whatever that church happens to be, a Catholic Church. The fact is, that it may turn out that I'm not, but if you discriminate against me, based upon that belief that I am Catholic, than our discrimination code on religious belief would in fact be covered. And that would be similar in this situation.

REP. WOLLENBERG: So, that this this protects that as well.

VICTOR D'LUGIN: Correct. Similar to people testifying here today. And I assume that there'll be a number of people who are testifying here today, who support the Bill who are not necessarily Gay men or Lesbians.

However, there are other people in this room who might in fact because of their support of this Legislation, might in fact leave this room believing that they are. And, than, this Bill would cover them if they were discriminated against based upon that assumption.

REP. WOLLENBERG: If we, if we may go the enforcement of this

VICTOR D'LUGIN: Okay

REP. WOLLENBERG: I think we're asked throughout this bill that CHRO is asked to enforce this. And, it seems to me when I read this, there would be additional staff required and things of that nature for CRO to take on this task, is that so?

VICTOR D'LUGIN: Well, I what I found interesting is that I don't know if the fiscal study has been done. I happen to have, I happen to have right, I have with me, sorry about that sir.

REP. WOLLENBERG: It's okay

VICTOR D'LUGIN: I have with the physical impact statement that was done in '89 in which the question of enforcement was the same as currently and the summary of that statement, that was done, concerning the physical impact statement for the bill last time, in fact indicated that there would be, in quote, the Judicial Department could experience potential minimal costs, CHRO could, and the General Fund a minimal gain by virtue of Florence Levy. The overall impact therefore being minimal.

REP. WOLLENBERG: We're hearing from CHRO people, and from victims who are applying to CHRO, that they can't handle what they have now.

VICTOR D'LUGIN: Sure.

REP. WOLLENBERG: So, it kinds of disagrees with that.

VICTOR D'LUGIN: And I again, this is the eighty nine impact study, and I don't know about a ninety one

REP. WOLLENBERG: I think they were here in '89 telling us the same thing, and than we get a study impact.

VICTOR D'LUGIN: I believe that they're going to be a couple of people to testify from CHRO shortly, so you might ask them.

REP. WOLLENBERG: Going to Section 19, that's the one that says the State of Connecticut does not condone homosexuality, bisexuality or any equivalent lifestyle. What does that mean, how does it, equivalent lifestyle fit in with homosexuality. Either we're talking about homosexuality, bisexuality as a lifestyle or not, in the first section it seems to me.

VICTOR D'LUGIN: I am not clear as to what that Section meant, I haven't look at it.

REP. WOLLENBERG: In Section 20, there seems to be some exclusions. Why is that?

VICTOR D'LUGIN: I have them numbered by line, so I'm sorry

REP. WOLLENBERG: Okay, Line 316.

VICTOR D'LUGIN: I think that the exclusions that you're referring to, is that the housing exclusion?

REP. WOLLENBERG: It seems to me that bar any religious or denominationalists

VICTOR D'LUGIN: Oh yes, the religious exemption. And I'm sorry, what was the question? Why?

REP. WOLLENBERG: What is the purpose of this?

VICTOR D'LUGIN: I think the purpose of that inclusion was in fact to make some people more comfortable with the passage of a Legislation quite clearly.

REP. WOLLENBERG: What people?

VICTOR D'LUGIN: I think that that as first of all, individuals in the Chamber based upon our debate two years ago, as well as large segments of a Connecticut population.

REP. WOLLENBERG: Any particular denominations?

VICTOR D'LUGIN: Well I mean, if I, yes, the Roman Catholic Church.

REP. WOLLENBERG: Catholic schools?

VICTOR D'LUGIN: My information would relate it to the testimony two years ago of the Connecticut Conference of Bishops. What their direct authority is I've absolutely no idea.

REP. WOLLENBERG: Is there any rationale for this? Why shouldn't homosexuals and bisexual people be able to teach in in parochial schools?

VICTOR D'LUGIN: Well, if you're asking me to defend the exclusion statement, Representative Wollenberg, the only thing that I would defend it on is a notion of freedom of religion and that I think that we do have a question or a problem there. I believe that the exclusion being included in the Bill, this is a political process. I think we're all very well aware of that. And I think that as part of that process, what has been shown is some reasonable willingness to in fact include some degree of accommodation and I think that's one example.

REP. WOLLENBERG: But is that fair?

VICTOR D'LUGIN: In terms of

REP. WOLLENBERG: If a homosexual applies to a parochial school, should they be able to say you can't teach our children but you could teach the public school children down the street?

VICTOR D'LUGIN: I think it's unfair and therefore, unfortunate, that we need to pass a Gay Rights Bill. I mean, I think it would be a much better situation, if in fact, I didn't need to collect data that indicated the fact that a hundred and seventy five incidence of discrimination have occurred. So, in that context, I think it's very necessary to establish some form of legal remedy.

REP. WOLLENBERG: I just want to ask you about those incidence to it. Were any of those incidence homosexual activity when homosexuals, or was that all other than homosexuals, or was it heterosexuals acting upon, or against homosexuals, your study?

VICTOR D'LUGIN: I'm not sure, I'm not

REP. WOLLENBERG: Well, what was, was that all were those all those cases, we're they heterosexuals who victimized homosexuals or?

VICTOR D'LUGIN: From the information collected on the survey, one can not determine that precisely from the way the questions were worded, if responded yes, it would have been heterosexuals and not just discriminating against homosexuals. There was

about ten percent of the sample who were in fact heterosexuals who were being perceived as being Gay or Lesbian, and were discriminated against.

REP. WOLLENBERG: You gave a very good answer to the exclusion which I believe is so, and The Hartford Courant ran an article this morning that saying that the Catholic Bishops do not plan to attend today, and I assume that that's which their reasoning is, is you have excluded them so they don't really care anymore.

VICTOR D'LUGIN: I am, I don't even assume that my level of expertise goes to understanding the hierarchy of the Roman Catholic Church.

REP. WOLLENBERG: But you said it was, you said it was political and it is, as this whole process it, and we must satisfy some groups. Are there any other groups that you could think of, that we ought to be trying to satisfy so we can get this Bill passed?

VICTOR D'LUGIN: Well, I think that, I think that one could have pointed to the (inaudible) exemption as well.

REP. WOLLENBERG: While we're on that, I have a question on that, the Bill seems to say that if, if I own a four family

VICTOR D'LUGIN: And its owner occupies and

REP. WOLLENBERG: Yes, but it says that if the owner occupies the other units, so do I understand that I must occupy the other three units?

VICTOR D'LUGIN: No, you must be living, following the same language that's used on the two family owner occupied, it would be the idea that one of those four units I occupy, if I own the building concerning (inaudible)

REP. WOLLENBERG: I understand, but that's not what the Bill says. And I'm wondering if there was some reason why the Bill says that the owner must occupy the other units.

VICTOR D'LUGIN: Okay

REP. WOLLENBERG: Was it, was it probably meant to be two family and not four?

VICTOR D'LUGIN: I would assume that my understanding of the venture is that one of those four would be owner occupied.

REP. MINTZ: Do you know the line? Thank you.

REP. WOLLENBERG: It ends by saying, one thirty two says, if the owner actually maintains and occupies the other such living quarters as his residents.

VICTOR D'LUGIN: And I would assume, that therefore, it was directly copied from the two family one and I would assume the intent and therefore a change that would be possible would be one of those other units.

REP. WOLLENBERG: But do you assume that maybe there's an intent and we could amend to say it's two and not four?

VICTOR D'LUGIN: No, I believe that we have

REP. WOLLENBERG: I have no idea, I didn't write the bill, we heard it, we know who wrote the bill.

VICTOR D'LUGIN: The idea is, well, than I think we should as Representative, no, the intent was

REP. WOLLENBERG: Knowing Representative Tulisano his ability of drafting, I would, I could imagine it we could look at this and the court case could say, but you have to occupy the three, and Representative Tulisano everybody had the problem.

VICTOR D'LUGIN: Representative Wollenberg, my understanding of the exemption is that it is for three and four family housing in which the owner occupies one of those units, does not require you to occupy all three.

REP. MINTZ: Thank you. Representative Arthur.

REP. ARTHUR: Yes, the scenario you presented was a forty year old man or woman, I'm not sure which you said, went to rent an apartment, I assume, or

living accommodations, and as this discussion went on, why aren't you married, why don't you have children and so forth, if in fact you got to the point where, by either direct question or you up forward said yes, I'm homosexual.

And the owner of the apartment didn't say anything but you did not gain rental of that apartment, is that an offense under this bill?

VICTOR D'LUGIN: I would assume that what would would be required is following the CHRO procedures. Given that scenario, I would assume that there's (inaudible) fact. And that it would require some more overt action, just because I'm denied an apartment, doesn't necessarily mean it has anything to do with my sexual orientation.

I would assume that it would require by the rules, the regulations of CHRO, that in fact, there be some overt evidence that that took place.

REP. ARTHUR: Such as?

VICTOR D'LUGIN: Such as a direct statement on the part of that individual.

REP. ARTHUR: That I do not?

VICTOR D'LUGIN: Yes

REP. ARTHUR: And if I don't make that statement, than I'm not violating this Statute?

VICTOR D'LUGIN: I feel very very comfortable that the rules governing procedure in CHRO gives us a number of examples in terms of that. That would be the same thing in issues of men or women being discriminated against, based upon sex or on race, that yes, that's a difficult issue. I'm prepared to leave it in the rules of CHRO as they apply in other similar situations to apply here. Whatever level of rule of evidence they require.

REP. ARTHUR: You said you personally live in an area that I assume a neighborhood where most of the people there are homosexuals. If I went there, might it be that I would denied, not being a homosexual? A rental?

VICTOR D'LUGIN: I live in an apartment house with ninety nine apartments. I would suggest that, no, a significant number of the population in the apartment house is not Lesbian or Gay.

REP. ARTHUR: In the case of harrassment, are we talking about verbal harrassment, you said you had I don't know seventy seven incidences in the survey data that you got back.

VICTOR D'LUGIN: Concerning the issue of harrassment, which is not covered by this bill, that deals with violence and harrassment and we had nine hundred, eight hundred and ninety four examples of harrassment and violence but that is not covered by this Legislation. This (inaudible) of discrimination.

REP. ARTHUR: I was wondering, I won't pursue that if

VICTOR D'LUGIN: If you wish

REP. ARTHUR: That was a question that came up, but your data said some, I thought seventy seven responses that talked about harrassment.

VICTOR D'LUGIN: If I did, what I indicated was the fact that seventy three of the incidences of discrimination occurred in 1988 alone, and that there were nearly nine hundred examples of self reported data of harrassment and/or violence, making that two separate categories.

REP. ARTHUR: Let's talk about the seventy three than

VICTOR D'LUGIN: Sure

REP. ARTHUR: that were discrimination, would you enlighten me and perhaps all of us, what what was specific things that were specific types of

VICTOR D'LUGIN: Sure, the largest single category was employment discrimination, and that was overall twenty one examples in 1988 for and a total of sixty one reported for including prior to 1988. The employment discrimination seemed to follow two patterns, and it was the pattern of being fired

from a job after ones sexual orientation was in fact found out, or promotion issues, ones sexual orientation was found out.

I think that that's why I picked and I really did try to be somewhat reasonable, picked the two examples from that. One was an issue of perhaps you can stay with law firm but you're not going to be a partner. And the other one was a direct dismissal that was involved. We didn't find many people who seemed to be able who or and I could understand why, who didn't claim, that they were never hired.

Because I think that that would be an issue of knowledge or disclosure, there were some in that category. But most of it dealt with being terminated from a job or issues of promotion. Housing discrimination was also present, eighteen examples, housing discrimination and that would be the rental example that was given.

Public accommodations actually was the second largest category in 1988 with 19 people reporting that, that usually involves being asked or told to leave a restaurant. And, that was the most common example of public accommodation, discrimination, the most prevalent one. I think that for all the time, also prior to 1988, some indications of credit and licensing discrimination as well.

REP. ARTHUR: Let me speak specifically about employment, the person, the previous person testifying, it was my mind it was never clearly indicated that she was told and therefore, if you used your Housing example, that she was fired because she was a Lesbian, would you have a case?

VICTOR D'LUGIN: I think what's interesting about the CHRO Rules, and I am not going to claim that I am familiar with detail of CHRO Rules and we could ask them, that there would be some procedure. I mean I think that the example that Ms. Warren gave is interesting to me in the fact because she was never even permitted there was no reason to even begin to pursue it.

So, what investigative functional, what additional information could be gathered that might substantiate or disprove her claim? Stopped, because wherever she turned, it was either a question of having no jurisdiction or no legal remedy, so whatever additional information, like being responsible to indicate why someone was hired, there was no reason to pursue it.

REP. ARTHUR: In her testimony, maybe I misunderstood her, I did not hear her say that she was told she was fired because she was a Lesbian.

VICTOR D'LUGIN: But not being able to pursue that either through a private attorney or through CHRO, both of which indicating to her she said, that there is no legal remedy so there's no reason to pursue this, we couldn't find out what in fact if called to answer what in fact that employer would indicate. And there might be other reasons. But the point is, without a legal remedy, there's no way of finding out.

REP. ARTHUR: But, we just talked about housing and now you're making a different distinction between those two, I believe, your classification is being biased or discriminated against. In one case you agreed that unless the definite statement was made than you didn't think you've had, although you would use CHRO, in this case you said that you think you would have a case even though nothing was ever said to that fact.

VICTOR D'LUGIN: Okay, than I must clarify that Representative Arthur. What I'm suggesting is that without having such Legislation, we can not proceed in terms of the rules of evidence that CHRO would require. So given the hypothetical example of the Housing one, or the employment one, we would need to follow whatever the CHRO Rules are for gathering that evidence. And I'm not familiar with that.

And so we might have a strong case or there might be a weak case, but we're not even permitted to find that out. As to what would constitute the grounds of discrimination, without having a remedy available.

REP. ARTHUR: If in fact you had that, what what (inaudible) of evidence you would have to prove that you are in fact homosexual, and I will just leave that question up. Well, I could use the same, I can become a streetwise and go and say I'm heterosexual, and I'll use it to say that they didn't give me an apartment because I'm homosexual.

VICTOR D'LUGIN: And I think that that could occur in terms of many of the other categories, we protect people based upon marital status, we protect people based upon religious belief, we protect people on categories in which there could be some confusion or duplicity. I don't see many other people being honest and really not attempting to be facetious.

I don't see many people running around the State of Connecticut claiming to be Gay and Lesbian in order to afford them this special and unique privilege. And I really do mean that.

REP. ARTHUR: Thank you.

VICTOR D'LUGIN: Thank you.

REP. O'NEILL: Just one follow up question. The, your, I assume because you're actively involved in this organization familiar with or have contact with a substantial cross section of the population, the Gay population in at least Hartford or in Connecticut. Is that true?

VICTOR D'LUGIN: I would say that it's a significant contact. I would not say cross sample representation.

REP. O'NEILL: The question that I really want to get at is, is it your impression that in general people who are gay are unable to obtain employment, credit and housing?

VICTOR D'LUGIN: I think that what is my impression and substantiated not just by our own survey, but surveys done in other cities and well as nationally, is that there are significant difficulty in having free choice of employment and there is clear difficulty in terms of upward mobility.

Yes. I can say that there's necessarily, absolute rigidity in not being able to get a job. But the question becomes the idea of significant limitation based upon the type of occupation, type of career and than significant limitation in terms of upward mobility.

REP. O'NEILL: Because the the thing that crops up, and it's kind of screwed around, but very simply is, if you look at the Fortune 500 Corporations, I don't think you see to many black faces, I don't think you see many female faces or Hispanic faces or people who are blind or physically handicapped or mentally retarded or mentally ill, although somebody might argue that point sometimes. But

VICTOR D'LUGIN: Certainly not me in this hearing.

REP. O'NEILL: But, but I'm told that out of that five hundred, there probably are if not ten percent at least a couple of dozen that may well be people who are Gay. If you look at professions, you mention lawyers and so forth. The number of lawyers, black lawyers, we recently had a lengthy excurses exchange rather, of about black judges on the Superior Court Bench.

I would, you know, and they're not that very many. And so on. It seems like, to the extent that we could tell, even after twenty five years or in some cases more, of proactive anti discrimination laws and things like that, seems like that has not changed very much. And yet, I get the impression that I've had a much easier time in finding a Gay Professor in a college or a Gay Teacher in a suburban high school than I would finding a black one.

And, I'm just wondering who genuine, given the fact that you sent out thousands of, I'm here doing the arithmetic in my head, thousands of these surveys and you got back only a couple of hundred. I guess, my fundamental question that I thought it was two hundred and forty one, you got two hundred and fifty or so out of potentially thousands. You had this in the newspaper that has a substantial circulation in the population of perhaps three hundred thousand.

Although, that's not all adults, I guess, that would include children as well to have, that to have that general trend, it's ten percent. But, the point is, that that seems like a relatively small number of people, and it just, and again, in comparison with the problem that I know women have and black people have in our society, it does not, somehow, it does not seem that way. Maybe I'm missing something.

VICTOR D'LUGIN: I think there are two point that I would respond to that. I do not believe that that that the question becomes relative discrimination. I can understand why we would need to look at that in terms of issues of priority, but I have a problem with that because I also believe that the core of the question is based on the stereotype concerning principally by the way Gay men more than Lesbians.

And that is, this notion of being relative economically secure. And therefore, this impression of more likely to find in certain occupations. All the information we have is that that is essentially not true. That Gay men and Lesbians all are about equally distributed economically except at the top.

But the more important point I think in response to your question that I find the necessity of such Bill, that even if I happen to be University Professor, or a suburban high school teacher, of the examples you used, and if I am black and I am fired, I have recourse. Currently, if I am fired from that suburban teaching post, or I am fired from the college teaching post, because I am gay, I have no legal recourse.

So even if you were to find me there, I am living with the possibility very real of being terminated and not having any recourse to engage in. That's why I mentioned in my statement the idea that eight eight percent of the respondents proceed in fact that they would be discriminated against, if in fact, there orientation became known.

So I think that there is a difference between the two categories. I wouldn't have any remedy in that situation. And I don't mean this purely facetiously, but, I just fundamentally would you prefer, if you had a choice, to be black in American society and have all these recourses or to be Gay?

VICTOR D'LUGIN: I will respond to the question assuming it wasn't facetious and it wasn't a question I think is, I could possibly respond to.

: (inaudible)

SEN. GENUARIO: Thank you Mr. Chairman. Do you think the exception for the four family owner occupied house is a reasonable exception in this bill?

VICTOR D'LUGIN: I believe that it's a reasonable exclusion in this bill if it will create a situation in which there's possibility of the bill passing.

SEN. GENUARIO: Let me take the small employer situation. Suppose there's a small business with one employee, an owner and one employee, owner decides to expand, works very closely with his employees, wants to hire another person and the owner is personally repulsed by the concept of homosexuality, for whatever reason. Whether it's inherent, whether it's learned, whether it's based on religious beliefs.

And that employer decides that he does not want to hire somebody because of his personal feelings as a result of the sexual orientation of a potential employee. Should that person be guilty of a crime, should that employer be guilty of a crime?

VICTOR D'LUGIN: I would ask the same question if I was particularly repulsed by somebody's religious beliefs and I refuse to hire them because of their religious identity. If I was particularly repulsed by a particular ethnic group and I refused to hire them, if I was particularly repulsed by a particular racial group, and I refused to hire them, should I be punished?

And whatever that answer is, I would say that it should be the same answer, based on what the sexual orientation.

SEN. GENUARIO: One of the theoretical questions that gets bandied about when a Bill such as this comes up, and I don't think we'll ever have the answer to it is whether or not the sexual orientation of a person is a learned learned pattern of conduct or a learned orientation, or whether that sexual orientation is something that is inherent. Is it possible that the same debate can arise in regard to the --

(Gap in cassette switching from 2a to 2b)

-- were the offense that somebody has with regard with one sexual orientation, that it is inherent, somebody maybe inherently offended by it. And if that were the case, is that a legitimate distinction from the examples that you have given?

VICTOR D'LUGIN: I, all that I had seen, read and heard concerning anti-gay attitude and anti-gay belief deals with the idea of it being a learned process. And it being a learned process by being in an environment that is anti-gay and anti-lesbian. So it's very difficult for me to answer that question.

I can, I mean if I look back in terms of attitudes toward the treatment of women, toward the treatment of African Americans, toward the treatment of different ethnic groups, we could also at a certain point of time of argue that there seems to be something innate or intrinsic and that hatred.

I think we've come to a point where we no longer accept that either as being true or as being valid grounds.

SEN. GENUARIO: Thank you very much.

VICTOR D'LUGIN: So I have a problem with that.

SEN. GENUARIO: Thank you Mr. Chairman.

REP. MINTZ: Going back to Representative Arthur's analogy, would this Bill cover the situation where a heterosexual was discriminated against by a homosexual based on the heterosexuals sexual orientation?

VICTOR D'LUGIN: Absolutely. It's very clear in the preface to the statement in the first section of the statement that what is being protected is sexual orientation. Orientation is defined, homosexual, bisexual and heterosexual.

REP. MINTZ: Thank you.

REP. WOLLENBERG: Thank you Senator. I think we come down to this very often, but the activity again and the behavior if I can, if I own the four family and we've got an amendment now that says, I only have to live in one of the three

VICTOR D'LUGIN: And I was here all the time

REP. WOLLENBERG: I think this is an example you know how anxious we are as some of us are to do something you know and we're willing to give up a lot you know, the religion and all this kind of stuff to get the Bill passed and you've said that and I don't disagree with that. That's the way politics is.

But if I am renting it to you in this four unit complex and I live in one, it's five units

VICTOR D'LUGIN: Right

REP. WOLLENBERG: and I live in one, and I observed what I consider a homosexual activity and so on in the hallway or on the front steps and I try to evict you, can I do that?

VICTOR D'LUGIN: My answer to you would be that if I were to find an example of public sex on my property as a landlord, do I have the right of eviction. And I believe that in Connecticut the answer is yes, therefore, I would have the right of eviction. I would not be, it would not be relevant

as to whether or not it was a two men, two women, or a man and a woman. Public sex is illegal in the State.

REP. WOLLENBERG: Well supposing I I observe it in the hall where it's not public necessary and I only have the landlord, I'm the only one who has access to that hardly be called a public place

VICTOR D'LUGIN: I would suggest that I don't know what the landlord rights are and I would assume that a significant amount of that is municipal. But if a, and I do believe that hallways are considered public

REP. WOLLENBERG: Well this is, this is an antiroom I'll say, no admittance only landlord

VICTOR D'LUGIN: What I'm suggesting Representative Wollenberg is that whatever would apply concerning public or these semi public activities in this alcove that only I have access to that would apply for grounds for eviction based upon behavior would apply equally in terms of gay or lesbian with this once this legislation is passed.

So the answer to your question is that if in fact a man and a woman were engaging in some public in some sexual activity in a space that I as a landlord had a rightful access to and if that was grounds for an eviction, there would still be grounds for an eviction, if it was two men, two women, or a man and a woman.

REP. WOLLENBERG: But, and you're saying if it's a crime

VICTOR D'LUGIN: No, I'm saying based upon landlord rights, which I believe it's much more elaborate than issues of crime

REP. WOLLENBERG: So you think that I can put in the lease that any homosexual activity that is well, does it have to be public?

VICTOR D'LUGIN: You might be able to put into a lease, any sexual activity since I wouldn't want you to discriminate against heterosexuals.

REP. WOLLENBERG: This is another drafting part of the drafting art of Representative Tulisano I understand it very well. Supposing there were a a riotous situation in the apartment you occupied, and police were called and bells rang and things and I went up you know as the landlord and there was homosexual activity going on there would that be protected?

VICTOR D'LUGIN: Is it protected if there was a heterosexual sexual activity going on?

REP. WOLLENBERG: I I assume so.

VICTOR D'LUGIN: If it would be protected for a heterosexual than it would be protected for a gay couple or a lesbian couple.

REP. WOLLENBERG: So that what we're doing here is we are saying that the behavior and the activity must be condoned.

VICTOR D'LUGIN: No, we are not. We are saying that the same standards will be applied as to what is condoned and what is not condoned as with a heterosexual couple.

There's lots of sexual activities heterosexuals engage in that is not condoned. And is grounds either in your example for eviction or criminal prosecution. The only thing that is being said here is that the same would apply.

REP. WOLLENBERG: When we have yes I did time okay

SEN. AVALLONE: I think the area can be covered not only through this person but a lot of others I'd like to give as many people a chance to testify as possible. Are there any other questions? Thank you very much.

VICTOR D'LUGIN: Thank you.

REP. WOLLENBERG: Thank you, it's been very informative.

SEN. AVALLONE: I just want to make a couple of comments. I haven't been in the room the entire time, but I have been listening in another room. I want to commend you as an audience for respecting the people who testify and the people who listen to the testimony. This, our rule say that we can not go beyond one thirty because the House of Representatives will be in session and we can not conduct public hearings while the House of Representatives or the Senate is in session.

So, I've allowed the testimony and the dialogue to continue for the first couple of individuals because I thought it was a very excellent dialogue and as a prerogative to the Chair, I allowed it to continue. I would ask you to try not to repeat again and again those things which have been discussed before.

If you have something new, please bring it to us but we do have a limited amount of time and we will try to continue to move this along.

REP. MINTZ: Yes, Pastor Earl Imswiler. On deck will be Father Christopher Rose.

PASTOR EARL IMSWILER: Thank you, members of the committee, I thank you for this opportunity to come and testify. I am Reverend Earl Imswiler and I represent concerned ministers of Connecticut, a coalition of approximately a hundred and fifty Protestant churches in Connecticut. And I'm here to speak against Bill Number HB7133.

It is my understanding from reading through the bill which I have a copy of that this bill would attempt to codify a way of life which is a choice and according to the Judeao Christian Standard an immoral choice.

And therefore, we have treated the homosexual person as a victim and by passing this law we would turn the process on its head and should a person have a conviction or a stance or a strong opinion, that he or she does not want to do business with or rent to a homosexual, we would make that person a victim if we passed this law.

We of concerned Ministers have a statement which I'd like to read or at least summarize concerning the area of homosexuality. First of all, we believe the Judeo Christian Ethic clearly positions that heterosexual activity within marriage is the core of our society and is God's plan for procreation and for the ongoing of all mankind in society.

We also believe that a person who has a gender identity conflict should not be judged or hassled for that. But the acting out of that lifestyle is in violation of the Judeo Christian Ethic. We also believe that the Judeo Christian Ethic clearly includes practices of sodomy, same gender sex, cross generational sex, multi partner sex, sexual sins fornication adultery homosexuality as being repugnant and abomination to God.

We believe that a person wishing to discontinue this type of lifestyle, this sexual activity, should be treated with compassion and love and therapy and a willingness to be freed from their sin and temptation and a willingness to be loved and encouraged in their in their desire to move out of this practice.

We also believe that homosexuals, regardless of the fact whether they are willing to retreat from this homosexual lifestyle or stay in it, should not be bashed, should not be ridiculed, should not be judged and should not be treated in an improper way. We do believe that there are certain reasons for this, many of them based in horrific emotional damage in their past and should be subject to the healing love of God.

We also believe that those who embrace the Judeo Christian standard represent and who are opposed to homosexuality represent overwhelming majority of mainstream American Christianity and are not to be called homophobies, gay bashers, or fundamentalists fringe persons as a lot of times the homosexual political lobby would like to label us and even some of the more liberal churches which are out of the mainstream of thinking in Theology.

We also believe that the predominant scientific evidence proves that homosexuality is not a genetic, biological or hormonally transmitted but a environmental and trauma influence behavior. We also believe that there are new and valid surveys which clearly state that homosexuality, the percentage of homosexualities in our society in America are as small as point 0 seven percent to point three percent and not the ten percent that we hear taunted by many organizations.

And finally,

: Summarize

PASTOR EARL IMSWILER: This is my final statement. We believe that homosexual preference does not constitute a legitimate discreet or insulary majority equally qualifying for the same specific protections and benefits of Blacks, Hispanics, Nacarians, Handicapped or other minorities. And finally, I just like to close with a quote from John F. Kennedy, his 1961 inaugural speech.

He said that there is an illusion that Government gives rights to individuals, and he said that is not true, God gives rights to individuals. Thank you.

SEN. AVALLONE: Representative Stolberg.

REP. STOLBERG: That may well be but one of Government's roles, Pastor, is to protect those rights under certain circumstances when they're threatened. I have two questions. One, do you have a church?

PASTOR EARL IMSWILER: Yes I do.

REP. STOLBERG: What is the size of your congregation.

PASTOR EARL IMSWILER: Okay, my congregation is about two hundred and fifty people and I'm in Windsor Locks, Connecticut.

REP. STOLBERG: In your pastoral duties, have you encountered homosexual members

PASTOR EARL IMSWILER: Yes sir.

REP. STOLBERG: of your congregation and have you done pastoral duty with them?

PASTOR EARL IMSWILER: Yes I am. I've counseled them intensely, some of which have decided to leave the lifestyle and some have not.

REP. STOLBERG: Have any indicated that it's not a question of choice of leaving a lifestyle?

PASTOR EARL IMSWILER: Some say they have difficulty, but when they read the Judeo Christian standard, the Bible, they see that in many instances God clearly indicates that according to their Christian conviction that it is abomination to God.

REP. STOLBERG: Second question, you referred to your church and the mainstream and than commented on other liberal churches that are outside the mainstream, could you elaborate on that?

PASTOR EARL IMSWILER: Okay, I'd be glad to. I represent what we call either the Angelical Wing of the Protestant Church. I also am ordained with the United Church of Christ which is a liberal organization which has is a dying minority of past traditional standards, and many of those persons do endorse the homosexual lifestyle and I do not, and I think their Theology is a little bit weak in this area.

REP. STOLBERG: Is there any value judgment you impart to being inside or out the outside the mainstream as a church?

PASTOR EARL IMSWILER: I guess I have.

REP. STOLBERG: Do you think two thousand years ago Jesus Christ was outside the mainstream of his church at that point?

PASTOR EARL IMSWILER: I think he was very criticized by Scribes and Pharisees, but, he was the mainstream, that is the mainstream.

REP. STOLBERG: Well, perhaps became the mainstream, at that time he certainly wasn't the mainstream.

PASTOR EARL IMSWILER: Okay.

REP. STOLBERG: Thank you.

REP. MINTZ: Representative Genuario.

SEN. GENUARIO: Thank you Representative Mintz.

REP. MINTZ: Oh, thank you sir.

SEN. GENUARIO: Did you hear the first speaker

PASTOR EARL IMSWILER: Yes I did

SEN. GENUARIO: Pastor? Do you think the first speaker should have lost her job?

PASTOR EARL IMSWILER: Okay, I thought you're going to ask that. And it's a legitimate question. I would like to turn that a little bit and we don't know a lot of the evidence there, we don't know what that employer conviction was. Let's say that employer had a personal conviction that to continue to employ this person, and again we don't have all the evidence, I think there should have been a lot more discussed there.

SEN. GENUARIO: We'll let's assume

PASTOR EARL IMSWILER: Okay

SEN. GENUARIO: Let's assume that the employer discharged the employee because and only because of the sexual orientation and otherwise and that otherwise the employee performed her duties in exemplary fashion. And let's assume that the employer had a strong distaste for lesbian persons.

PASTOR EARL IMSWILER: Okay

SEN. GENUARIO: On those facts.

PASTOR EARL IMSWILER: You gave a lot of assumptions, I'm going to give one more. Let's assume that that employer had a personal, religious conviction that

homosexuality was repugnant to God and that in order to to be continuing employing this person that that employer would be propagating that particular sin.

What is the employer going to do? Is he going to wrestle with God, and say God I'm gonna have to wash that standard away? Or is he going to say to that person, I have a personal conviction and I need to stand for my rights, and I'm going to have to let you go, unless, you are willing to get some help in this area.

SEN. GENUARIO: Let me ask, let me take this a little further. I think your answer is pretty clear if it's a religious conviction on the part of the employer, he certainly justified. Let's assume it is not as a result of a religious conviction, what is your answer? Should the employer be entitled to discharge the employee?

PASTOR EARL IMSWILER: Okay, now that's assumption that I'm not permitted, I can't really respond to but I'd say that the employer than should not have let the employee go.

SEN. GENUARIO: Thank you very much. Thank you Mr. Chairman.

REP. MINTZ: Senator Jepsen.

SEN. JEPSEN: I'd like to briefly zero in on a couple of your statements that I was trying to follow. On a couple of occasions you said that, under certain circumstances, gays should not be judged or hassled at one point, and another point you mentioned that they should not be bashed.

I'd like to focus if you could articulate the distinction of when they should be bashed or not, or when they should be hassled or not, or when they should be judged or not.

PASTOR EARL IMSWILER: Okay, I think I understand your question but (inaudible) tell me. I don't believe in bashing at all, I think that's wrong. I think a person needs to be treated with respect as an individual.

SEN. JEPSEN: Do you think that discharging someone from employment, or not allowing them to run an apartment is a form of bashing?

PASTOR EARL IMSWILER: No, I do not.

SEN. JEPSEN: Thank you.

PASTOR EARL IMSWILER: Where do I go from here?

SEN. JEPSEN: Under what, just continue response, under what circumstances do you think that it's permissable?

PASTOR EARL IMSWILER: Okay, the problem, we have a collision here of standards and of morality, as we do with any law, but it's more blatant here. If you say that a person who owns an apartment can't restrict or an employee can't restrict those he hires, than what do you do with his rights when he has a conviction, a religious conviction, that this is wrong, and to continue to have someone living in his apartment or working for him would be a propogation of what he feels deep down in his heart is wrong.

SEN. JEPSEN: What if you're a manager in a large corporation and you have oversight over a number of employees, and you have those kinds of religious convictions, and you discharge an individual under your employment, you know, for your religious convictions even though corporate policy is an overall may make no statement on that?

PASTOR EARL IMSWILER: I would say that the corporate policy has to be the guidelines, and the person can't make an individual value judgment unless the corporate policy enforces with whichever way it goes.

SEN. JEPSEN: What would, in the absence of a corporate policy, and without a law such as this, what would be the discharged employees recourse?

PASTOR EARL IMSWILER: The discharged employees legal recourse, if there was no

SEN. JEPSEN: In other words, there was no corporate policy that prevents it, there's no law that prevents it and a middle level management person imposes their personal, as you pointed out, religious beliefs to discharge a person.

PASTOR EARL IMSWILER: They probably wouldn't have any.

SEN. JEPSEN: They wouldn't have any. Thank you.

REP. TULISANO: I guess, and I don't mean to belabor this, but just to go a little further, the real issue is an individual's personal beliefs and religious beliefs as to whether or not if they abhor a homosexuality as violating Gods rule and therefore, we should have we should subordinate public policy to that personal policy as it relates to their God. Is that, that person and his God.

PASTOR EARL IMSWILER: I think I understand what you're saying.

REP. TULISANO: Is that, do I summarize how you think we should react to? My question while you were talking, all I could think of was a fundamental Ashia Muslum who thinks we are all heathen who are sitting over here not knowing any of us either and making certain decisions and feeling they abhor us and shouldn't employ us.

Other one, our law would protect us in that situation cause we are Christian for those of us who are Christian, or for those of us who are Jews, that would protect them also. All of whom may be frowned upon and not be hired. Say we were in Deerborn, Michigan, or certain places around Los Angeles.

I mean, who does that, how do we justify doing what you say in this area, and doing contrary in the religious area? Why, why should we make a distinction? That person has fundamental lease also.

PASTOR EARL IMSWILER: Fundamental what?

REP. TULISANO: Religious beliefs also, the Sheik does.

PASTOR EARL IMSWILER: Well, first of all, we're, I'm not a Sheik

REP. TULISANO: No, I understand that

PASTOR EARL IMSWILER: And we are not a government based on Sheik standards. We are a government based on a Christian Judeo moral ethic.

REP. TULISANO: Okay, thank you.

: Thank you very much.

: Anyone else?

: Any other questions? Thank you very much.

PASTOR EARL IMSWILER: Thank you.

REP. MINTZ: Father Christopher Rose and than Mary Ann Presimarita.

FATHER CHRISTOPHER ROSE: Nope, good afternoon, my name is Father Chris Rose, I'm the Commissioner on the Connecticut Commission on Human Rights and Opportunities, and that's the official agency which is charged with recommending government policy in the Civil Rights area.

Joining me at the desk today is Commission Council Thorpe A. Murphy and I've asked him just to be here to answer any technical questions that I can not answer after the testimony. I'm also a Pastor of an Episcopal Church here in Hartford, Grace Episcopal Church on New Park Avenue.

And I've come here today to urge on behalf of the Commission the passage of Bill HB7133 which is an act concerning discrimination on the basis of sexual orientation. Sexual orientation as defined in this bill ought not to be used as a means for judging, passing judgment on somebody, on the basis of either housing, credit transaction, employment discrimination or in public accommodations.

This bill has been kicking around in Connecticut for more than ten years and the fact that we continue to ignore passage of this bill I think

perpetuates a grave injustice against the segment of our population. I'd like to call your attention, specifically, to two concerns that have been raised by many people about the sexual orientation bill before us this session.

The first is that this bill parallels the current statute, it's not part of the current statute that's enforced by the Commission. It's a totally separate statute and it extends protection from discrimination to persons as defined in the bill based on sexual orientation. But it does not, and I repeat clearly, does not authorize or permit affirmative action as required for some other protected classes.

And make no mistake about it, this bill does not require that the State do anything to promote hiring on persons based on their sexual orientation. It merely prohibits the discrimination and provides an avenue of redress. And secondly, the Human Rights Commission feels that this law would provide a laudable deterrent, while not increasing our caseload appreciably.

Data from at least two other states which have this law Wisconsin and Massachusetts would indicate that we could expect less than two percent of the Commission's current annual caseload of fifteen hundred cases, that would be approximately thirty additional cases per year. And even with this generous estimate of thirty cases, we feel that we can reasonably deal with those extra cases given the current staffing that we have.

Now, a relatively small number of cases filed does not necessarily mean discrimination doesn't exist. Since the Civil Rights Laws in Connecticut were passed in the forties, a number of protected classes have been added. And in some periods in that, better than forty year history, various groups have been more represented in our statistics.

But just to call your attention to one particular thing, in the last fiscal year, six percent of the Commission's cases dealt with housing discrimination. And yet I would hardly think that there's a person here in the General Assembly

who would assert that housing discrimination isn't going on on the basis of race or national origin when we can look at the statistics of the end of the 1960's and say that the cities in Connecticut are more segregated today than they were than.

And I think this Legislation would have another positive effect. The Hate Crimes Bill was passed last year, that was good, but protection is not extended to persons who might seek redress under the Hate Crimes Bill, they might suffer a greater penalty by losing their job, or their home, should they go public and make a complaint rather than the person who is the perpetrator the Hate Crime.

Let me close by saying as a Christian Pastor, that protection under the law from discrimination based on who you are, what you believe, what you stand for, or whatever, or whoever God created you to be is only the just, moral, and fair thing to do. And it is not, inconsistent with the teachings of the Judeo Christian Bible.

You can not as you well know legislate morality. Section 19 of this bill clearly underscores that this bill in no way condones any lifestyle or any type of sexual activity. We are free to either like, dislike, disagree with anyone we wish. But more than a decade of experience as one of Connecticut's CHRO Commissioners, leads me to believe that the role of government is merely to protect the rights of the individuals and to redress the suffering and the loss of individuals who are the victims of discrimination.

To quote The Hartford Courant in an editorial from two years ago, the State can not legislate private attitudes, it can say however, that discrimination is wrong, and it can offer the opportunity for relief. In summary of my official remarks, the Connecticut Commission on Human Rights strongly urges you to vote in favor of this bill from a public policy standpoint, it's the right thing to do.

Now that I've closed by official remarks, I'd like to call to your attention this document which was circulated I believe to all the members of the committee which has within it, supportive

statements from most of the major Christian and Jewish Denominations in Connecticut for this Legislation. I'd also like to comment as the Pastor of the Church, Grace Episcopal, that welcome the Dignity Group to it.

Three or four years ago which I'm sure you all saw on television, I am not a Gay man, my church is not a Gay Church. We were approached and we felt that we ought to offer just simple Christian hospitality. The result was a number of threats to my person, to our church, since that time, and since speaking out in the '89 session of the General Assembly, I've received this type of mail from concerned religious persons.

This one in particular, I have a little boy, was sent to my house from a religious person. One of the women who was identified on television as being Gay when they came to Dignity lost her home as a result. The last time when you took your vote on the Gay Rights Bill after I spoke out before you in favor of this testimony as you took your vote, my personal vehicle was vandalized and spray painted and that's a member part of record of the Hartford Police Department.

Thank you and I'd be happy to answer any questions that you have.

REP. MINTZ: Senator Genuario.

SEN. GENUARIO: Thank you Mr. Chairman. Father, do you think the exception in the bill that is before you regarding the four family owner occupied house is a reasonable exception?

FATHER CHRISTOPHER ROSE: I would believe that it is consistent with both the federal law which provides that same (inaudible). Also, with Connecticut law, which provides that exemption with familial status, that is families with children. The rest of the protected classes would be two or more.

So I think it's not inconsistent with some of the present coverage.

SEN. GENUARIO: What's the justification for that type of exception?

FATHER CHRISTOPHER ROSE: I would say, I can't speculate, I wasn't part of the people who originally drafted that. I would speculate that the smaller the number of people living with you in your own dwelling would want to have some sense of autonomy over who you were living with immediately next to you.

SEN. GENUARIO: How about the small employer? Hypothesize the situation, we have a small business, two or three people and you have an owner who honestly for whatever personal or religious beliefs is offended by homosexuality. Should that person be mandated and required to extend employment to a person whose lifestyle offends him?

FATHER CHRISTOPHER ROSE: If he has three or more employees, it should be. I can't, for the life of me, see what a persons sexual orientation would have to do with the performance of their duties in the workplace. And in so far as that had nothing to do with their performance of their duties, I can't see what problem it would be.

I think there are a lot of people that we may not agree with that work for us, agree with our political opinions, we all have our firmly held beliefs and opinions, and that ought not to get in the way in the workplace.

SEN. GENUARIO: Thank you very much.

: Wollenberg.

REP. WOLLENBERG: Maybe you can answer the CRO question I had, CHRO question

FATHER CHRISTOPHER ROSE: Sure

REP. WOLLENBERG: before about the cost.

FATHER CHRISTOPHER ROSE: Would you repeat it?

REP. WOLLENBERG: Is this going to cost something

FATHER CHRISTOPHER ROSE: We don't believe so and I'm the Chairman of the Case Management Review Committee which is in the process of restructuring

the way we process cases at CHRO. You may have seen some of our proposals we had made at recent meetings, we're working diligently to reduce the present backlog at the Commission.

We're trying to frontload investigations in order to prosecute those cases which are most likely to find a cost finding.

REP. WOLLENBERG: Do you anticipate any more business because of this?

FATHER CHRISTOPHER ROSE: Well as I said in my written testimony, we expect based on the experience of other states, approximately a two percent increase of cases, in some cases, like

REP. WOLLENBERG: Is that substantial or not?

FATHER CHRISTOPHER ROSE: That would not be a substantial increase.

REP. WOLLENBERG: Would it mean, it would mean an additional workload?

FATHER CHRISTOPHER ROSE: Yes.

REP. WOLLENBERG: You can absorb that within

FATHER CHRISTOPHER ROSE: It's thirty cases

REP. WOLLENBERG: Thirty cases

FATHER CHRISTOPHER ROSE: Is what we're estimating, per year

REP. WOLLENBERG: cases, per year?

FATHER CHRISTOPHER ROSE: Right. For example, in Wisconsin, there are there were fifty eight hundred complaints filed in fiscal year '89, of those, there were roughly I believe eighty or ninety, ninety seven cases which is less than one percent of the cases.

REP. WOLLENBERG: If ten percent of the people, about three hundred thousand people, are gay or lesbian, and you anticipate only thirty violations a year

FATHER CHRISTOPHER ROSE: How do those figures wash, and I was just hearing one of the previous witnesses testify that he had found a hundred and seventy five instances. The way that I would respond to that is, in no way does a particular population reflect the number of discrimination complaints filed.

For example, I believe the recent census found a population of two or three hundred thousand black people in the State of Connecticut and of that population, fifteen hundred complaints were filed totally at the Commission, probably less than that of course are complaints based on race.

So, I don't think there's a direct correlation between size of population. The other thing I would like to point out is that, just because someone may be the victim of discrimination, they may not want to pursue the recourse.

REP. WOLLENBERG: Oh, I think that's true in any of the criminal laws we have.

FATHER CHRISTOPHER ROSE: Right.

REP. WOLLENBERG: Or the civil laws. I don't think we can go sue our neighbor

FATHER CHRISTOPHER ROSE: Sure

REP. WOLLENBERG: everytime he throws his trash over in
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our yard.

FATHER CHRISTOPHER ROSE: Not just for that reason

REP. WOLLENBERG: For whatever reason

FATHER CHRISTOPHER ROSE: The, socially, they may not want to identify themselves further as gay.

REP. WOLLENBERG: Heaven sakes.

FATHER CHRISTOPHER ROSE: Clearly from the kind of stuff that I got in the mail here, and if anybody

wants to read it you're welcome to. One would not want to identify themselves as even being in favor or friendly with a gay person.

REP. WOLLENBERG: See, I know it's my fault because I'm a Representative and I choose that, you know.

(cass 3)

But, when we did this a couple of years ago, I was, I think I was a victim of a number of things. MetroLine had the ten pigs, I was one. We were spat upon as we walked through the tunnel with Representative Stolberg was happened to be with me. There were things put on my desk in my office here.

FATHER CHRISTOPHER ROSE: I think that's inappropriate.

REP. WOLLENBERG: I can fill that bag. You know.

FATHER CHRISTOPHER ROSE: Sure, I'm sure you could.

REP. WOLLENBERG: You know, I can fill that bag, so you're you're not, you know, you haven't gotten a lot of correspondence by comparison. So, you know, I'm just wondering about the people, the thirty people, who were looking to do something for here.

And don't get me wrong, I'm in sympathy with the discrimination, but I think our job is also to take a look at what we're doing with laws here at the Capitol. And who is affected by these laws. And we have many, many pressing things and this is pressing even it's one, I don't totally (inaudible) of that.

FATHER CHRISTOPHER ROSE: That's correct.

REP. WOLLENBERG: But the time and effort we spend on this for the return of the thirty as opposed to some of the other some of the time and energy we expend on other things for hundreds and thousands of people in the State of Connecticut, I think it's totally disproportionate.

And I think that's something that a Representative must take into consideration.

FATHER CHRISTOPHER ROSE: Representative I'd like to respond to that in two ways. I am appalled with you that when the Housing Hearing was held just a month ago, there was a handful of people in this room. When some of the most dire poverty in this nation is two blocks from this room and people are suffering in a terrible way.

And I see it because that's where my church is. Okay?

REP. WOLLENBERG: And when we have drive by

FATHER CHRISTOPHER ROSE: I don't understand all the interest whenever you bring up sex, it seems to be a great thing to get angry about, but let me just say that, in terms of the United States of America and all of these laws which we enforce, that they enforce protection for minorities. Okay?

And we could go through with any minority, be it Jewish, Black, Hispanic, and say well you're too small to protect, and I think as long as there's one person who is going to be the victim of this kind of behavior, we owe it to our society, we owe it to the principles on which this country was founded to extend protection to that individual. I don't think it's a question of that.

REP. WOLLENBERG: Where's my law? Where's my law?

FATHER CHRISTOPHER ROSE: Where's your law for what sir?

REP. WOLLENBERG: I was discriminated against I think when I was spat upon and when I was made a pig in the MetroLine and all those kinds of things and the shroud was thrown over when the Governor, the balcony, when the Governor was making his address to the Legislature

FATHER CHRISTOPHER ROSE: What what were your protected class?

REP. WOLLENBERG: Me. You said if there are one, if there's one person, and I think I was discriminated against, where's my (inaudible)

FATHER CHRISTOPHER ROSE: I don't justify that behavior.

REP. WOLLENBERG: Don't we get to that though, don't we get to that. That I have a right to a law to protect me.

PHILLIP MURPHY: Representative Wollenberg

REP. WOLLENBERG: Yes

PHILLIP MURPHY: You've mentioned the figure of a ten percent population, the effect of the law while the Commission may envision that we may see only thirty cases, we do not intend and we have not said that that would be the extent of the discrimination, that's that (inaudible) going on in the State of Connecticut, there could be much more.

One of the effects of the law hopefully or two of the effects would be one deterrence and two education. That as a result of the Legislature making a public policy statement, that discrimination, because of sexual orientation, is illegal in the State of Connecticut.

A number of the corporations and other businesses in the State, would adopt policies consistent with that statement of public policy which will create an environment where this middle management person that was discussed in some of the questions earlier, would not take the action that he or she would feel free to take now because of a person an individual sexual orientation.

REP. WOLLENBERG: Excepting we do have laws that cover cause for termination and things like that also. I mean I don't think

PHILLIP MURPHY: There's no just cause eviction law on the termination

REP. WOLLENBERG: The Professor left, but I think that probably if he was terminated at the University of Hartford, if he has tenure, I think he can make a lot of trouble for the University of Hartford, and not once say I'm gay.

PHILLIP MURPHY: Except that very few people have tenure, professors may, but most people do not.

REP. WOLLENBERG: Whatever it is. But I still want to go back to the Constitution. Where's my law? You said, that if one person is, we've got to have a law. Where's my law (inaudible).

FATHER CHRISTOPHER ROSE: Go ahead and propose one, you're a Legislature.

REP. WOLLENBERG: No, wait a minute, wait a minute. How far do you think that would get?

FATHER CHRISTOPHER ROSE: This hasn't gotten far in ten years.

REP. WOLLENBERG: Oh, I think it has. Oh, I think it has.

FATHER CHRISTOPHER ROSE: I don't think so.

REP. WOLLENBERG: A great ways. Well

: Neither here nor there.

REP. WOLLENBERG: No, I'm done.

: Representative Lawlor.

REP. LAWLOR: I just wanted to add one thing in answer to Representative Wollenberg's question where's this law? We discussed this a moment ago when you were spat upon, you were the victim of an assault and those persons could be arrested. When you received letters in the mail that is considered harrassment under our laws.

And if you knew who sent it to you, you could legitimately file a complaint and have them arrested. You have those protections not because you are a member of a particular class, or race, or creed, but those laws protect everyone in this state.

REP. WOLLENBERG: Exactly and when we passed the biased law last year, the Hate Crimes Law, I said exactly that, cause there were laws to take care of this,

we needed a super law to take care of someone, not me, where's my super law than, Representative Lawlor, because that's what we did last year. We made a super law and I think that's what we're doing now.

We're making a super law, and I don't think we should discriminate either. But I think we should not pass super laws, special laws, and set out special groups of people. I believe that by doing these kinds of things, instead of letting it evolve, and it takes a long time, yes it does.

It took a long time for us to get race into the Statute, and so on.

: You bet.

REP. WOLLENBERG: A real long time, longer than ten years. It takes a long time, but it takes time for those things I think to settle out and to melt in with things. I think it's happening. I think if you pass a law like this, people are going to be backed into a corner and I don't think it helps a lot.

I think we have to do it through understanding and education, not through a super law, not through a special law for a special small group of people, thirty a year, thank you.

REP. MINTZ: Any other questions? Senator Jepsen.

SEN. JEPSEN: Just very quickly. I'd like to flush out a point that Representative Wollenberg brought up and I think, is it Phil, that you started to address. Alright, even though HRO might address only twenty, thirty, fifty cases a year, don't you think that the class of beneficiaries of a law like this goes well beyond the cases that are brought before you Commissioner, and can you comment briefly on that?

FATHER CHRISTOPHER ROSE: Absolutely, that was right in my written testimony I referred to that. There's a lot of (inaudible) effect that would say that it was wrong to discriminate against people because of sexual orientation.

REP. MINTZ: Representative O'Neill.

REP. O'NEILL: This has a criminal component and I don't remember off hand the regular discrimination. The one that has a long list. Is that also a Class A misdemeanor?

FATHER CHRISTOPHER ROSE: In regular? In

REP. O'NEILL: Right.

PHILLIP MURPHY: Not all of the provisions have a criminal opponent. The ones that have a criminal component for race, sex, religion and discrimination also have a criminal component for sexual orientation discrimination in the bill. So, the provisions that now have criminal components for sex discrimination or race discrimination also had a criminal component for sexual orientation.

REP. O'NEILL: No, I was asking about the law that you currently enforce against race, sexual or other discrimination? There's a criminal component to that law.

PHILLIP MURPHY: For some aspect of the law, yes.

REP. O'NEILL: What, what is that penalty?

PHILLIP MURPHY: It's the same as is

REP. O'NEILL: Class A misdemeanor?

PHILLIP MURPHY: Right, in the two or three sections that have criminal components in the bill, and there are several sections in the laws that we now enforce that have criminal components. The Housing Law and the Public (inaudible) law both have

REP. O'NEILL: In your knowledge how many people have been convicted of those crimes?

PHILLIP MURPHY: I can't recall in the years that I've been with the Commissioner there were some cases in the sixties but I can't recall.

REP. O'NEILL: How long have you been with the Commission?

PHILLIP MURPHY: Since 1970.

REP. O'NEILL: So in the last twenty years, you can't recall a single episode of the use of that criminal statute?

PHILLIP MURPHY: We'll I think there've been episodes but (inaudible)

REP. O'NEILL: In your tech, thank you.

REP. MINTZ: Anyone else? Thank you. Alright, it's now one twenty four, the House has been called into session. Mary Anne, I think we have five minutes. Mary Ann Presimarita, you're

MARY ANNE PRESIMARITA: Mary Anne Presimarita and I am Director of Connecticut Citizens for Decency, and we vigorously oppose any proposed Legislation that would protect or help advance the Gay Rights Movement. No where in the language of the Gay spokesman, is there any repudiation of sexual practice.

Rather they continually urge people to come out of the closet and demand public acceptance of their lifestyle. You, as our Legislatures, have lots of responsibility to protect all the citizens of Connecticut. I have given most of you a copy of the latest which is very relevant to what I'm talking about, the latest AIDS Survey this came from Centers of Disease Control.

And, you have a copy of it right there I believe. And I would like you to follow along with my statement. The AIDS Surveillance Report, this is December 1990, page 5, reports the total cases of AIDS in Connecticut, eighteen hundred and forty one. One page 6 you'll find a breakdown, Hartford, Bridgeport and New Haven. Do you have that book there in front of you?

AIDS cases reported by age, still the homosexual, ninety two thousand cases and the total of one hundred and fifty seven thousand cases, a hundred and forty thousand are men. I'm not going to go

into all of this because we don't have much time. But I want you to, I'm going to just quote something from MetroLine.

A survey that was taken, the reason why we're so against this Gay Rights Bill, one of the reasons is this will only continue the spread of AIDS because of the behavior. And on page 18 of their book, they had a Hartford AIDS Survey Report. This survey conducted by the Hartford Health Department last year had revealed some alarming trends among local gay men and lesbian regarding safer sex.

In the past six months, thirty two percent of the hundred and twelve male respondents had allowed a man to ejaculate in their mouth and a whopping ninety three percent of the female respondents reported never using ventral dams. What I'm trying to say is, we are not going to stop the spread of AIDS until you stop the spread of homosexuality.

And these laws, this law in particular, will only advance the Gay Rights Movement. It will add, it will, can not, Gay Rights Laws cannot escape the impress of the public acceptance of the practice of homosexuality and I have with me today a witness, a witness a former, maybe you would like to say it yourself.

JOANNE HIGHLY: I came from New York today to speak. I'm Joanne Highly and my husband Ron, we had an organization there that helps people get free of homosexuality. We've been working there for thirteen years. We've seen many many people who have not only come out of homosexuality but who have become absolutely as I have been totally freed from that.

I've been married thirty four years. I have a daughter. I was Lesbian for ten years from ages thirteen to twenty three. I've counseled hundreds of people in New York City. And we find the condition to being of one of arrested developments because of dysfunctional families, of repressed childhood emotions not connected to the mind driving a person to a false identify, and the desire for same sex partners because of the strenuous nature of relating to those unlike us.

This is an addiction we believe, a disorder, and must not be recognized as simply a preference. It's damaging to the people trapped in this addiction as well as to society. We harm the ones who are held in this deception of sexual confusion when we call that confusion a bona-fide lifestyle and give them the inherent rights thereof.

We see any promiscuous sexual practices and even committed sexual unions outside the created design of heterosexual committed marriage as threatening to the very foundational structure of family in society. We call you to see a double minded aspects of this bill in saying that in no way does the State condone homosexuality and yet the bill gives special privileges beyond the rights which are inherent to all citizens.

Special privileges based on a lifestyle you do not condone. Special privileges which infringe upon the rights of citizens whose lifestyles you do condone. We've seen hundreds of people set free from homosexuality. There have been thirty eight marriages and engagements within our ministry in the past seven years. If you could have seen the antics of Queer Nation, a Gay Activists Group, that descended on our ministry to stage a demonstration last fall, you would be convinced.

We saw the pain of these people and we understand it because we've been there. But, such flagrant blocking of others rights to seek help is a hallmark of the gay movement. They seek rights of their lifestyle but don't want others to have similar rights. They harrassed our grip on five occasions until the police were called to protest our rights to assemble.

Perhaps you saw what happened in New York City, in the way of demonstrations on the evening news at St. Pat's Cathedral and at Grand Central Station. And that was done in a city where a bill such as HB7133 had already been enacted. Such Legislation does not decrease demands by gay activists, but rather increases them.

Consider what a Pandora's Box you will be opening. Our pleas and interest of the person who is homosexual. The more this addictive deception is reinforced, the greater the bondage and separation from reality. For the sake of these people and for your State of Connecticut, we implore you to defeat this bill.

MARY ANNE PRESIMARITA: And I just like to add one statement before she she finishes. That they ask us not to discriminate and yet in their own magazine, an add for sex partner, no fats please. They are discriminating against people who are obese. Do you have any questions? Do you have any questions?

SEN. AVALLONE: No I don't believe there are any questions.

MARY ANNE PRESIMARITA: I didn't want any questions.

might be an amenable bill to modify if you thought that was appropriate, but there is another bill. Mr. Wollenberg.

REP. WOLLENBERG: Yes, thank you. I was interested in your comments about gifts and so on. In these days of all agencies running short of money or needing more money to carry out their task. Do you see that unless you get some of these that you're going to have a difficult time carrying out your task?

LOUIS MARTIN: It's going to be difficult whether we get some or not but there are sources of funding out there for agencies such as this. We just want the ability to seek some of those funds out.

REP. WOLLENBERG: This was on a bill that we had last week. We intend by HB7133, which was the gay rights bill to give you additional work appeals will be taken, complaints will be made to your commission. Do you see that as any problem? Will that slow down the process further with more business going to your committee without more money?

LOUIS MARTIN: Based on our best estimate, we don't have any hard data as to how many complaints that new legislation is going to generate for the agency, based on experience of other agencies around the country that have similar legislation, we don't at this point anticipate an additional workload that's going to be burdensome.

REP. WOLLENBERG: Would 100 be burdensome?

LOUIS MARTIN: No, 100 would not be burdensome.

REP. WOLLENBERG: How many complaints do you have now annually?

LOUIS MARTIN: Approximately 1500 every year.

REP. WOLLENBERG: 1500? And you could just make it 1600 without any problem?

LOUIS MARTIN: Well, I wouldn't say without any problem. The 1500 is certainly a problem, but 100 more 200 more a problem, 100 more probably not a problem.

REP. WOLLENBERG: Well if the fifteen you have now are a problem and you add a hundred does that, from what I hear you saying maybe the problem becomes less?

LOUIS MARTIN: No, the problem I think becomes, first of all we don't anticipate 100 cases, we anticipate 30 to 50 cases that will be testified to in that bill. I think 100 cases with our new efficient case processing system we're trying to put into place I think it's not going to be a problem.

REP. WOLLENBERG: O.K. so you're doing O.K. now?

LOUIS MARTIN: We're doing better as we start to implement some of the changes and some of the changes in the bill that's being proposed will go a long way towards to even doing better.

REP. WOLLENBERG: O.K. so money won't be a problem for you then? And personnel and things that money buys.

LOUIS MARTIN: If the current Governor's recommendations of appropriations comes through we will not have a problem.

REP. WOLLENBERG: When would you become current?

LOUIS MARTIN: Become current? We anticipate becoming current before June of 1992.

REP. WOLLENBERG: O.K. can you tell me what current means?

LOUIS MARTIN: Current means that there are, that the current inventory of cases is no greater than one year's worth of cases. That is if we were down to 1500 cases and that we were processing every case that came in the door within that timeframe.

REP. WOLLENBERG: So, and that's the time it takes to handle the cases is a year? You turn over 1500 in a year?

LOUIS MARTIN: Yes.

REP. WOLLENBERG: To conclusion.

JOINT
STANDING
COMMITTEE
INTERIM
HEARINGS

JUDICIARY
1-264

1990-1991
INDEX

aak JUDICIARY December 18, 1990
11:00 a.m.

PRESIDING CHAIRMEN: Senator Avallone
Representative Tulisano

COMMITTEE MEMBERS PRESENT:

SENATORS: Blumenthal

REPRESENTATIVES: Godfrey, Grabarz, Lawlor, Levin, McCavanagh, Nystrom, Ritter

REPRESENTATIVE TULISANO: Mr. Lawlor, Mr. Grabarz, join us, please. Thank you. Thank you ladies and gentlemen for accepting our invitation. This is a Committee meeting by invitation only. The purpose deals with "Hate Crimes" and we do not have a set agenda as to particular legislation, are asking you what we can do besides passing criminal laws as we have been doing in the past, to deal with the problems of bias and bigotry in this State, which is our main concern at this point in time. (HB 6265) (HB 7133)

We are looking for new approaches if you have them. If there are improvements in current law we are looking for your input. It is the Chair's opinion and I gather from this morning's paper, others, that areas in anti-Semitism, racism are beginning to become more common, even though we have passed legislation in the recent past, dealing with those issues.

So our first speaker will be Martin Budd from the Anti-Defamation League.

MARTIN BUDD: Senators and Representatives, thank you for inviting us to share our thoughts with you. We have copies of our remarks here for you and for the record if that will be of any assistance.

REP. TULISANO: That is very helpful.

MARTIN BUDD: My name is Martin Budd. I am Chair of the Board of the Connecticut Anti-Defamation League. With me today is, to my right, Joe Nathan, the Assistant Director of the Connecticut

Anti-Defamation League. Bob Leikind, the Director of the League is unable to attend today and ask that I extend his apologies.

As you know, during the last few months there have been a number of very disturbing anti-Semitic attacks against Jewish institutions. Two have involved the desecration of synagogues. A third involved the repeated vandalism of a Jewish cemetery in Hartford, the motive for which might have been anti-Semitism.

These incidents have caused great distress to the Jewish community, but we are also mindful of and grateful for the tremendous showing of support and sympathy from citizens across Connecticut. We believe that this outpouring of concern reflects more than a desire to lend a helping hand to Jewish neighbors. It suggests that there is genuine concern over the impact that bigotry has had and is likely to continue to have on our community.

For 77 years, the Anti-Defamation League has dedicated itself to combating anti-Semitism and other forms of bigotry. To that end, we have been in the forefront of the struggle to extend the protections of the Bill of Rights to all Americans. The League has also been among the principal advocates for the development of multicultural educational programming as a means of facilitating greater understanding and tolerance. We have also labored for decades to expose the advocates of hate, be it the Ku Klux Klan, the Skinheads, or racist or anti-Semitic demagogues. The League has also been a pivotal force in the cultivation of improved relations between the faiths. Underlying all these efforts is the desire to enhance our democratic institutions and cultivate a nation which is hospitable to all people independent of race, religion, ethnicity or creed.

In Connecticut the ideals championed by ADL are facing a number of challenges. This year, 1990, has witnessed a significant increase in the number of recorded anti-Semitic incidents. This is a matter of deep concern to the Jewish community, but we believe it is far from being just a Jewish problem. Intolerance towards African-Americans, Asians, Latinos, and Homosexuals, among other

populations, is being reported with increasing frequency. Indeed, acts of intolerance appear to be increasingly commonplace.

It would be wrong to say that expressions of bigotry have achieved widespread legitimacy, but it would be naive to think that the undercurrents of prejudice are not a part of our world. People who desecrate a synagogue or firebomb a building at a Jewish camp get their ideas from some place. What distinguishes them from other people who may harbor anti-Semitic feelings is that they act upon those ideas in a manner intended to cause hurt and fear. If these ideas did not have currency in the first place, it would not occur to people to act on them.

There is no simple answer as to why bigotry remains a potent force in our society, but it is worth making a few observations. Connecticut is a state which has a remarkably diverse population. Our citizens come from places as diverse as Cambodia, Japan, Puerto Rico, El Salvador, Pakistan, Egypt, the Soviet Union, Poland and South Africa among many other places. Indeed, in one Connecticut school district 56 languages other than English are spoken by the students.

Recent demographic studies indicate that the trend towards diversification of our population is increasing. Today 11% of Connecticut's citizens have been labeled "minorities", according to a report issued by the Connecticut Department of Education. By the year 2000, however, the Institute for Educational Leadership reports that 6 out of 10 entrants to Connecticut's workforce will be minorities. These statistics reflect the changing demographic profile of our state. In particular, there has been significant growth in the numbers of people from Asian and Latino backgrounds.

Our changing profile has undoubtedly contributed to the large number of reported incidents that have been perpetrated against African-Americans, Asians, Homosexuals, Jews, Latinos and others. Nowhere is this phenomena thrown into sharper relief, unfortunately, than at our colleges where students are brought together in the artificial environment of the campuses and suddenly find themselves

relating to others who they understand only through the stereotypes they have learned of each other. The tensions that have resulted at schools across Connecticut have been reported widely and point to a clear need to develop creative responses.

Over the past few years, the Connecticut General Assembly has undertaken a number of initiatives aimed at discouraging acts of prejudice. The Hate Crimes reporting statute was a first and important step in this direction. Last year's hate crimes initiative was a valuable addition to this legislative scheme and was a further indication of our common commitment to fight back against hate crimes.

Prejudice and its by-products, however, are far too pervasive and insidious to be so easily overcome. While there are no simple answers, there are things we can do. I, therefore, welcome this opportunity to share a few thoughts.

First, at the end of March, the Anti-Defamation League in conjunction with the State Police and the Municipal Police Training Center will be sponsoring a one-day training program for senior police officers from around the state. It will review existing hate crime laws, the phenomena of hate crimes, issues regarding working with victims of hate crimes, techniques and issues in investigating hate crimes, and the concerns of constituencies most affected by hate crimes.

Additional training sessions of this kind would insure that police officers across the state were equipped to handle many of the sensitive issues brought up by hate crimes. How this might be accomplished could be a subject for legislative inquiry.

The General Assembly could consider legislation aimed at facilitating greater consistency in the reporting by police departments under the Hate Crimes Reporting Act. A review of the 1989 data suggests that not all communities may be reporting with equal consistency. Amendments to this law might focus on developing uniform standards for reporting hate crimes as well as guidelines for when reporting is required.

The promulgation of civil liability provisions for those found responsible for hate crimes would not only add to the deterrent force of the current hate crimes scheme, but might also facilitate remedies for their victims. The ADL model statute includes language calling for punitive damages and attorney's fees, a copy is attached. We believe that legislation of this kind would serve the public interest.

Across Connecticut teachers and school systems are showing increased interest in diversity training programming. The Anti-Defamation League's own multicultural education training program, A World of Difference, has been received with great enthusiasm. This reflects a growing appreciation for the need to educate our young to live in our richly diverse society.

The General Assembly can facilitate the growth of multicultural education by setting aside a small pool of funds, which can be allocated through grants to school districts interested in training the staff in multicultural educational techniques and materials or by requiring that a greater amount of existing funds be used for this purpose. This last suggestion may be among the most important as it strives to address a root cause of the acts and attitudes that tear at the fabric of our democratic way.

I hope that these suggestions have been useful. The leadership that the Judiciary Committee has taken in studying the issue of hate crimes is reassuring to all of us who share in the commitment to build a more tolerant America. And please be assured that the Anti-Defamation League is available to work with you to achieve that end. Thank you.

REP. TULISANO: I just have one question. This program that you, the cultural education training program?

MARTIN BUDD: Yes.

REP. TULISANO: How long a time period is that program? Is it a lengthy program?

MARTIN BUDD: It is done in segments for classes. It's a (inaudible) and it can be a varying length that can fit a full semester course just devoted to that, or it can be in segments that are available to be included in a social studies course.

REP. TULISANO: Thank you. Mr. Grabarz.

REP. GRABARZ: Thank you, Mr. Chairman. You suggested uniform reporting. Is there a model that you are suggesting or do you have a specific suggestion as to how we may acquire uniform reporting?

MARTIN BUDD: One of the concerns is, it is not clear that everyone in the community in the State through our towns is reporting. One possibility and we haven't given a lot of thought to this, but one possibility is to require a quarterly report that would even be negative so that you would at least make the town police aware that this is an obligation and then the people at the state police department could check if towns would not even put in a negative report.

On the other hand one hesitates to increase the amount of paperwork and so some question as whether this should be annual, semi-annual, the nature of it ought to be, but that is the nature of the suggestion.

REP. TULISANO: Thank you very much. Steven Gravon.

STEVEN GRAVON: Good morning. My name is Steve Gravon and I am Co-Chair of the Connecticut Lesbian and Gay Anti-Violence Project. Thank you very much for having us here this morning to further discuss hate crimes and particularly as it affects the gay and lesbian population in Connecticut.

There is no greater violation of our human and civil rights than violence or the threat of violence. And violence against minorities - including lesbians and gay men -- because of fear, hatred and prejudice has increased dramatically in recent years. According to a 1987 study sponsored by the U.S. Department of Justice on the response of the criminal justice system to hate bias crimes and I quote: "The most frequent victims of hate

violence today are Blacks, Hispanics, Southeast Asians and gays and lesbians. Homosexuals are probably the most frequent victims."

Daily, lesbian and gay citizens are harassed, threatened, assaulted and attacked just because of their sexual orientation. A 1984 study of anti-gay violence conducted by the National Gay and Lesbian Task Force in Washington revealed that nearly one in four gay men (24%) and nearly on in ten lesbians reported having been punched, hit, kicked or beaten at least once in their lives because of their sexual orientation. Forty-two percent had been threatened with physical violence. More than 9 out of 10 had experienced some sort of victimization, harassment, threats or assault - simply for being gay or lesbian. And more than eight out of ten claimed to know of other gay people who had been similarly victimized.

Although the passage of Connecticut's two Hate Crime Bills, the first on reporting in 1988 and the second on increased penalties in 1990, began to address this issue, we must bear in mind that there is a serious under reporting of anti-gay incidents. The NGLTF has discovered through its surveys that more than 80% of incidents of violence go unreported. In Connecticut, the Lesbian & Gay Anti-Violence Project reported 99 incidents of anti-gay violence and harassment in 1989, while the Connecticut State Police reported only 13. And 12 of these were on college campuses.

Victims of anti-gay violence are reluctant to report these incidents to the police for several reasons, fear of exposure and discrimination if their names are made public; fear of reprisals, a lack of faith in the criminal justice system, and fear that the police will be indifferent or even hostile.

The fact that gay men and lesbians are denied full civil rights protection accorded other citizens further increases their vulnerability to crimes and violence. In order to decrease hate crimes against gay people, we must first allow victims to come forward without fear of discrimination. Without a Gay Rights Bill in this state, we are not even sitting here today on an equal basis with other

communities covered by hate crime laws. Therefore, it is imperative that we first address a very basic need for Connecticut's gay and lesbian community, the passage of a comprehensive Gay Rights Bill.

In addition, we also suggest the following. We need sensitivity training around gay and lesbian issues for state police and local police departments. There are currently successful programs taking place in many cities around the country. In some cities there are gay and lesbian liaisons to the police department and City Hall.

An increased sensitivity would also help address the serious issue of under-reporting of hate crimes. By increasing police awareness of our diverse and multi-cultural society, we can ensure that local police record and report all hate crimes in a consistent and sensitive manner.

This public hearing is a start on the dialogue that needs to occur throughout Connecticut. We suggest other forums to discuss hate crimes and how victims can use this law to seek redress. The Judiciary Committee could hold public hearings throughout Connecticut. There could also be town meetings and meetings between police, communities affected by hate crimes and the general public.

These suggestions, however, have all dealt with the symptoms of hate crimes. If we are serious about decreasing the number of crimes of hate in Connecticut, we must deal with the causes as well. We must confront the prejudice and bigotry which act as the root causes of anti-gay violence. We must further education around the multi-culturan and diverse society in which we live. This needs to be done not only through our laws, but in our schools, our workplaces, our religious institutions and within our communities and neighborhoods. Only by addressing the ignorance and fear that allows bigotry and prejudice to grow will we ever hope to begin the elimination of anti-gay and anti-lesbian violence.

We look forward to working with all groups that have worked together on the Hate Crime Bills and with other communities affected by hate crimes. The unique nature of the lesbian and gay community is

that we are part of every other community. We are Black, Hispanic, Asian, Native American, White. We are Jewish, Protestant, Buddhist, atheist, Catholic. We are women and men.

We will continue to work on our suggestions and any others that are presented here today or in the future. Or find the answers if they are not here today.

REP. TULISANO: In terms of one of the first suggestions, you talked about the sensitivity training that exists in some municipalities. Can you get us some background information on what they do and how they operate?

STEVEN GRAVON: We have thick files from Boston, Seattle, New York, etc. We would be glad to get them.

REP. TULISANO: Mr. Stolberg.

REP. STOLBERG: Can I make another recommendation. As you know there have been a couple of demonstrations within the Chambers of the Legislature. I, as you know, am a supporter of the legislation, I think that does not help our effort and I would urge all those who share my desire to get the legislation passed to work in constructive engagement. This is the year that we should make an effort to really respect each other, even if we disagree with the position that some legislators may take and work to convince them.

REP. TULISANO: Mr. Grabarz.

REP. GRABARZ: Thank you, Mr. Chairman. You mentioned some national studies in your discussion about the increase in hate crimes and violence. What are we talking about in Connecticut? What kind of an increase (inaudible) and what kind of crimes (inaudible)?

STEVEN GRAVON: In Connecticut we have been reporting statistics since 1988. For 1988 we reported in the anti-violence project 251 incidents of anti-gay violence or harassment. We continued this, however, in 1989 and we were only able to send out a one page report and we recorded 99 incidents of

hate crimes. We, however, feel that there is no decrease in anti-gay violence. For 1990 we have not sent out a report yet and it will not be going out until early 1991. But we have no indication that hate crimes, in Connecticut, against gays and lesbians are decreasing at all. If not, they are increasing.

We have numerous examples through our phone calls to the Anti-Violence Project and through the gay and lesbian media. There have been incidents, some of the most publicized have been in New Haven, including drive by shootings, severe beatings that required hospitalization of victims. We have had numerous phones calls from people who do not want to leave their names and will not for fear of reprisal and discrimination. We have also had incidents on campus which may be some of the most disturbing because this is where we should be teaching tolerance and the specific examples in May of this year were in Central Connecticut State University where a man was brutally beaten while his friend was held back with his teeth smashed in which required surgery and then the following day when they had a demonstration to protest this hundreds of students jeered and yelled anti-gay epithets at the demonstrators and threatened violence against them.

REP. TULISANO: Mr. Wollenberg.

REP. WOLLENBERG: Is there any further breakdown when these events occur as to whether or not the reason behind it is the orientation or whether it is the behavior?

STEVEN GRAVON: In all indications that we have it is absolutely the perception that someone is gay or lesbian. Typically anti-gay violence occurs at or near gay and lesbian bars, community centers, restaurants, book stores, establishment or by the simple perception that someone may look gay or lesbian, this includes attacks on straight people. Constantly we have attacks on straight people merely because they were perceived to be gay or lesbian. That is still considered to be anti-gay violence.

REP. WOLLENBERG: But there are no studies that you know of that distinguish the behavior versus the orientation.

STEVEN GRAVON: I am not exactly sure what you mean by behavior.

REP. WOLLENBERG: Acting out in some behavior. If I come up and punch you in the nose and then you punch me back. If I happen to be Polish or something, I am saying that because of my orientation and being a Pole he hit me. No. Does it go any further than that?

STEVEN GRAVON: No, what we do have is when we receive calls it is that they are usually uninstigated attacks. These are attacks either driving by gay bars and yelling anti-gay slurs, or talking about vandalism at gay bars. We are talking about people just being attacked for just walking down the street, or for responding to the question are you gay or lesbian as in the case of Central Connecticut, the student was asked are you gay at which point he said yes. And at that point they were followed outside and beat up. There was no previous incident between these two parties.

REP. WOLLENBERG: Are there any studies that go a little bit further and explore the association of gay to gay and so on, such as a family situation where the husband and wife, we have all kinds of studies done on that violence and reports of that violence and who was the protagonist and so on and we remove people from the house. Is there anything like that within the community itself?

STEVEN GRAVON: Within our community we are dealing with issues that may be considered domestic violence or so-called domestic violence which I think you are referring to. These studies we are presenting here do not address that issue at all. We are talking about attacks on people because they are perceived to be, or are actually gay or lesbian in public. These are merely public attacks on people.

REP. WOLLENBERG: So that is what it is limited to.

STEVEN GRAVON: Right. Just like the ADL report which includes anti-Semitic attacks. I am sure the ADL report does not include inter-Jewish problems so to speak. We are talking about attacks on the community from the threat of the outside.

REP. WOLLENBERG: I don't know that.

STEVEN GRAVON: Well, I am familiar with the studies and I know that is how they report it. Our methods are the same as the ADL's.

REP. WOLLENBERG: Thank you.

REP. TULISANO: Thank you very much.

STEVEN GRAVON: Thank you.

REP. TULISANO: Professor Paul Bock.

PROF. PAUL BOCK: Chairman Avallone, Chairman Tulisano and members of the Judiciary Committee, good morning, thank you for inviting me to this important meeting on hate crimes. At the outset I offer you my full support.

I am particularly heartened because you are looking to expand your Legislative efforts to include alternative approaches, especially education. I concur with enthusiasm. I offer a simple recommendation that is aimed at helping higher education in our common fight against hate, bigotry and harassment. And this recommendation is, use all of Connecticut's qualified human resources, including Asian-Americans. Break down invisible barriers and glass ceilings that exclude Asian-Americans from decision making roles.

This recommendation is do-able. It is fair an long overdue. It benefits everybody. It is important to Asian Americans and it will not cost one extra crime. The rest of my testimony merely fills out the details.

But first, for the record, my name is Paul Bock. I am Professor Emeritus at the University of Connecticut, Storrs, where I taught hydrology for 22 years, and served as founding President of the

UConn Asian Faculty Association and served as faculty advisor to the UConn Asian American students Association.

However, I speak here as President of the Asian American Council of Connecticut, a four year old statewide umbrella organization devoted to the betterment of the Asian American community in Connecticut.

AACCT members come from diverse backgrounds, Chinese, Japanese, Filipino, Korean, Vietnamese, Cambodian, Laos, Hmong, Nepalese, Asian Indian, Pakistini. We are especially proud of our Caucasian members. We come from many different sources.

Asian Americans are the fastest growing minority in the United States and perhaps in Connecticut. In 1980 there were about 21,000 Asian Americans in Connecticut and we represented only 7/10 of 1% of the state's population. Estimates suggest that in the 1990 Census which is about to come out about April 1, 1990 Census will perhaps show more than a doubling of these numbers.

Asian Americans are a miniscule minority stereotyped as the model minority with whiz-kids as children. Both stereotypes patronize and mislead and have been used against Asian Americans and against African Americans and Hispanic Americans brothers and sisters.

I understand this is one of the few times that this Committee or any Committee of the General Assembly has ever extended a direct invitation to an Asian American to hear and consider an Asian American viewpoint. The AACCT, and I personally, thank you, Mr. Chairman. So this may be an historic occasion where a person such as myself representing an Asian American viewpoint. You may think I came from one of the moons of Jupiter and landed in front of you.

I believe, Mr. Chairman, that you and your Committee have the vision and the will to begin the steps to examine Connecticut's record of disenfranchisement of its Asian American citizens and to correct it. May I, from an Asian American

perspective, give a brief history and a few Connecticut statistics that illumine just one corner of the hate and bigotry problem.

European settlers discovered America, nearly decimated the native Americans, took away their lands, broke up their families, confined them in desolate relocation areas, reneged on treaty rights and denied them the right to vote until 1924, that's a one sentence history of native Americans.

Our founding fathers counted a Black man as three-fifths of a white man, condoned slavery, denied women the right to vote. After the abolition of slavery, Blacks and Hispanics fought and are still fighting for equal social, economic and educational opportunity. About 140 years ago Chinese immigrants arrived on these shores to mine California gold but later built the Western part of the Transcontinental Railroad. As a result of the National Economic Depression of the 1870's Congress enacted the 1882 Chinese Exclusion Act which suspended Chinese Immigration and denied all persons of Chinese Ancestry already residing here the right of U.S. Citizenship.

My father and my mother, Chinese immigrants, where denied rights of citizenship - including the most basis right, to vote - until 1953 when this racist act was finally repealed. Enacting other laws this country restricted other Asian immigrants to alien status.

During World War II, when I was in High School and then in the Navy, our country incarcerated over 100,000 Americans solely because of their Japanese ethnicity. It took this nation over 40 years t issue an official apology and reparations to Japanese-Americans for this shameful act. During this War the 442 Combat Unit, composed of Japanese American soldiers became the most highly decorated Unit in America's fighting history.

In 1982, Vincent Chin, a Chinese American in Detroit, Michigan was killed by two white, out of work, auto workers. Chin was clubbed to death by a baseball bat. They thought Chin was Japanese and they blame him for their unemployment.

History repeated itself seven years late in Raleigh, North Carolina when another white man with a baseball bat ran down and clubbed to death Jim Loo, a Chinese American.

In 1986 the U.S. Commission on Civil Rights reported on racially motivated violence, harassment and intimidation against citizens and residents of Asian descent. Let us talk about Connecticut.

One year later, on the night of December 3, 1987 at the University of Connecticut, 8 Asian American UConn students on a yellow school bus were spit on, harassed, called "chinks", "gooks" and "oriental faggots" by UConn white students including at least two white football players. White student onlookers stood by, many encouraging the attackers. Spit, tobacco juice, and beer covered on of the women victims from hair to shoes.

At the dance hall in Tolland one of the football players took down his pants, waved his penis at an Asian American couple as he danced around them. The Asian American women hid in fear in a darkened closet. UConn officials attempted a cover up. The UConn president took over five months to acknowledge that an incident had occurred. He deplored it. One football player was discharged from campus for one year. The other football player was thrown out of the dormitory for one year but was permitted to play every game. He did not lose one second of eligibility. Had the Asian American students not protested, the racial incident would have been successfully buried by the UConn administrators.

As a direct result of the Jim Loo murder and in response to the rising tide of violence against Asians. Last year, 1989, the Washington-based organization of Chinese Americans formed the Anti-Asian violence Task Force.

Mr. Chairman, I have cited a brief history of bigotry and violence against Asian Americans. But there is another kind of "Hate", far more subtle, like an undiagnosed virus, that claims many more victims.

Mr. Chairman, please look at the members of this Judiciary Committee. What do you see? There are no Asian-Americans. Mr. Chairman, as far as records can tell, there has never been an Asian American member of any Judiciary Committee. And as far as I know, there has never been an Asian American appointed to any advisory committee of this Judiciary Committee or any predecessor Judiciary Committee going back as far as oral history can tell.

Mr. Chairman, I must report to you, that my research reveals that this Anti Asian American virus has infected nearly the entire body of Connecticut Higher Education, from head on down. Here are some recent read-outs of the vital signs.

There has never been one Asian American member on the Governor's staff, the General Assembly's Education Committee, the Commission on Human Rights and Opportunities, the Board of Governor's for Higher Education, the Board of trustees if any of the 22 public institutions of higher education with one exception the Board of State Academic Awards, the Board of Directors of the Student Loan Fund, the Board of the Connecticut Talent Assistance, the Staff of Connecticut Department of Higher Education at any level, from custodians to the Commissioner, at any level, except one and he quit a couple of years back.

Mr. Chairman, I report to you that no Asian Americans has ever served on any advisory committee of any of the above boards with a few possible exceptions in technical fields, computer hardware, or manipulations, something like that.

Mr. Chairman, I submit, that the State of Connecticut has indeed erected barriers, invisible de facto barriers, blocking Asian Americans from serving on boards and committees of the Legislature and the State's public institutions of higher education. Asian Americans are shut out, have been shut out throughout Connecticut history.

The only thing new about this, is the conspiracy of silence. But we Asian Americans are beginning to break that silence. Jews, Blacks, Hispanics, and

women have fought and are winning the battle for college seats and the right to sit in committee rooms and board rooms. So too, now, decades later, we Asian Americans are beginning to petition for our rights to equal access to the American dream.

Mr. Chairman, I want to briefly talk about the University of Connecticut where I worked for 22 years. It is the flagship State University. The recruitment and hiring of the best possible faculty and professional staff is as important to the mission of the University as, say, the recruitment of Huskie Basketball Team. In both cases, we should try to recruit the very best we can.

I will present a few facts about employment and hiring. I refer to interview rates and employment rates of Asian American applicants for professional jobs at UConn for the 12 months ending July 31, 1988.

Asian Americans interviewing for faculty jobs at UConn are interviewed at one third the rate of white applicants, one fourth the rate of Black applicants and one half the rate of Hispanic applicants. These Asian applicants are hired at one fourth the rate of white applicants, one seventh the rate of Black applicants, and one eighth the rate of Hispanic applicants.

Chairman Avallone and Chairman Tulisano and members of the Judiciary Committee, how would you feel if you were an Asian American facing these odds applying for a faculty job? You literally would be facing a Chinaman's Chance at Connecticut's flagship state university.

Mr. Chairman, these same inequitable odds for getting interviewed and getting hired also, face Asian Americans who apply for UConn jobs as non-teaching professionals and administrators. I submit that Asian American job applicants face a glass ceiling that only a few are allowed to penetrate.

Mr. Chairman, I submit that many Asian Americans are, indeed, sufficiently qualified and willing to serve the State of Connecticut at all levels from

top to bottom, from Judiciary to Education, from programs promoting equal rights to those opposing hate crimes.

Asian Americans have gained international honors including five Nobel prizes. Connecticut Asian Americans have served with distinction on national and international committees, have gained presidential appointments to important advisory committees, served as chairs and members of U.S. policy making bodies, and have represented our country at international conferences.

Unfortunately, Mr. Chairman, in stark contrast, the State of Connecticut continues to ignore its talented Asian American citizens. No governor of the State of Connecticut nor the leadership in either house of the General Assembly has ever appointed an Asian American to any board of governors, any board of trustees, or any advisory committee within the Connecticut Higher Education infrastructure.

Myopically, the State of Connecticut has established the worst record against Asian Americans in higher education of any state I know of. Mr. Chairman, I request that Judiciary Committee with other appropriate committees investigate institutionalized discrimination in public policy and in public higher education against Asian Americans, and take remedial action as required.

Mr. Chairman, to illustrate I give one example of public policy that discriminates against Asian Americans and native Americans. The regulations of the Commission on Human Rights and Opportunities officially designates Asian Americans and native Americans as other male, or other female. I am officially classified as an other male, you are a white male, and the rest of us are white female or black female, or hispanic male or hispanic female or other female.

Not only is other offensive, not only does other officially marginalize us, but by official decree Asian Americans and native Americans are deprived of due process simply because we are not white, not Black or not Hispanic. The official use of other

denies Asian Americans equal employment opportunities because the tests for adverse impacts which can be specifically applied to whites, Blacks and Hispanics cannot be applied to Asian Americans or native Americans.

Mr. Chairman, not on Asian American wrote these rules, passed on these rules, provided oversight on these rules, can call for hearings on these rules, can change these rules. These rules were, without exception, the products of Connecticut white, Black and Hispanic insiders (well-intentioned, I believe) but not on Asian American to present an Asian American viewpoint.

Mr. Chairman, I wish to bring to the Committee's attention one far reaching example of the Connecticut Department of higher education's institutionalized selective discrimination against Asian Americans Connecticut's tax payers have financed a $4.3 million minority advancement program for the recruitment, retention and advancement of minorities in public higher education.

Now about to start its second five year cycle, MAP excludes Asian Americans and Native Americans because department of higher Education officials and their committees have asserted without evidence that Asian American students faculty, administrators and professional staff are over-represented.

My analyses show that Asian Americans/Native Americans are under-represented at nearly every public institution of higher learning. The U.S. Department of Education, office of Civil Rights is presently investigating whether our Department of Higher Education is indeed in violation of Title VI of the Civil Rights Act.

Apart from this investigation concerning equal access to MAP, the Department of Higher Education almost totally shut out Asian Americans from memberships on all its committees while at the same time disproportionately appointing other minorities.

For example, of the 26 members of committees that formulated the Strategic Plan to Ensure Racial and Ethnic Diversity in Connecticut Public Education, that is in May 1985, the ethnic composition is this. There were 17 Blacks, 5 Hispanics, 4 whites, zero Asian Americans.

No Asian American has ever served on the standing Advisory Committee or the Peer Review Group of the Minority Advancement Plan. Of the 2000 names who are members of committees of the Department of Higher Education, there is only one Asian Surname.

But occupational statistics indicate that Asian Americans should comprise 24% of the total minority membership on Connecticut decision making higher education committees.

Hate and bigotry feed on ignorance, and discrimination. This Committee has taken an important first step by inviting an Asian American viewpoint.

I urge this Committee to begin the steps to shatter the Glass Ceiling. We Asian Americans stand ready to roll up our sleeves. Now, to you on the inside, open the doors. Mr. Chairman and members, thank you for listening. I request my prepared remarks and my two supporting documents be made part of the record of this meeting.

REP. TULISANO: Mr. Stolberg.

REP. STOLBERG: I thank you very much for a well prepared statement. I would point out that in some cases where there is apparent discrimination it is a two-way street. I have served in the Legislature for 20 years. I am not aware and correct me if I am wrong, that there has been a candidate in 20 years of Asian American as a candidate in either party for either Chamber. So if they are absent on this Committee I think there is an obvious reason, they are not seeking office. I would urge you, I think it would be a contribution to the Legislative process to help us find Asian American candidates who want to participate in either, I shouldn't say either party anymore, in any of the parties and get them involved, because we would be delighted.

In terms of boards, again, there is somewhat of a two way street. The only Asian American whoever sought to advise me in my leadership in the House was Jim Shaw, an Economics Professor at Connecticut State University and he indeed was an economic advisor to me and did have some input in the policy. So again, if they are available, I would make a specific suggestion. If you have a list of Asian Americans who would like to participate in boards or commissions share that list with the Governor elect and the Speaker of the House and the President of the Senate and I am sure they will be considered.

PROF. PAUL BOCK: Thank you very much, Mr. Stolberg. Yes, you are absolutely correct. There has never been an Asian American, to my knowledge to run for statewide office in Connecticut, and...

REP. STOLBERG: Have there been local candidates?

PROF. PAUL BOCK: There have been perhaps a few local candidates. I do know that in our neighboring state, the Commonwealth of Massachusetts that there has only been one Asian American and he just lost it. But anyway, he ran. (Inaudible) the Asian American people that is correct. But on the other hand the appointment of qualified Asian Americans...it's been blank. I believe that some of us are qualified.

REP. STOLBERG: I have one final question. Your figure of 24% of the minority community is something that I was not aware of and I wonder if you have the figures of Asian Americans, Blacks, and Hispanics so that 24% can be validated in my mind.

PROF. PAUL BOCK: This comes from the occupational statistics developed by the Census Department so that what we did was look at the availability of the markets, including faculty, (inaudible) professionals in higher education. We compared the ethnicities, Black, Hispanics, and Asian Americans, took the total of the availability market and 24% almost one quarter (inaudible) were Asian Americans.

REP. STOLBERG: Now, 24% of what availability market?

PROF. PAUL BOCK: Total minorities. So that if you had minorities sitting here as advisors, put all of them together from the point of view of availability, one fourth should be Asian Americans here.

REP. STOLBERG: I still don't quite understand your figure of 24%. Is that representative of the minority communities of Connecticut? Or 24% of the professional faculty at institutions?

PROF. PAUL BOCK: Yes. 24% of those who could qualify on advisory committees. Those people that could qualify...

REP. STOLBERG: Anyone could qualify on an advisory committee. How do you define?

PROF. PAUL BOCK: I am talking about higher education.

REP. STOLBERG: That is what I am trying to get at. In higher education how do you define those in higher education who are qualified to serve and those who aren't qualified to serve.

PROF. PAUL BOCK: I will see if I can explain it in my own mind. For example, there is a Peer Review Group that oversees Minority Advancement Program. Some people are qualified, certain people perhaps are not qualified. You have to have a certain background in higher education. For example, a person, a custodian perhaps may not be qualified.

REP. STOLBERG: What number of people are you talking about in your qualified pool?

PROF. PAUL BOCK: The precise numbers that are presented in occupational statistics.

REP. STOLBERG: What number is that?

PROF. PAUL BOCK: I do not have that.

REP. STOLBERG: Are you talking about 100 people or 1000 people or 23 people?

PROF. PAUL BOCK: No, that would be in the thousands. Including Blacks, Hispanics, Asian Specific.

REP. STOLBERG: Could you perhaps follow up with a one page summary documentation of that?

PROF. PAUL BOCK: I would be very happy to do that.

REP. STOLBERG: We would be happy to have that. Thank you.

REP. TULISANO: Mr. Blumenthal.

SEN. BLUMENTHAL: Professor Bock, I wonder if you could tell us with respect to the incident you mentioned earlier at UConn. What was the date and what action was taken against the students?

PROF. PAUL BOCK: The date was December 3rd, 1987 and only two students were identified as perpetrators. They happened to be white. They happened to be football players. One of the students was discharged from the University for one year. A second student, football player was thrown out of the dormitories for a year. He was permitted to play football.

SEN. BLUMENTHAL: And what were the..have there been other similar incidents since?

PROF. PAUL BOCK: Yes, there have been...I don't want to characterize it, but something like that number. In fact at the beginning of the last semester there were several and incidentally this would be of interest to you, the University of Connecticut developed a new policy on harassment which obviscates 1st Amendment rights, freedom of expression, versus the right not to be harassed, so that now it is difficult to determine whether somebody comes up to a person and calls him "nigger" or "chink", whether that is a fighting word, whether that is acceptable behavior on the part of students at the University of Connecticut.

So to prove conclusively that calling somebody these bad names face to face is a fighting word requires that I punch that guy in the nose. I don't want to do that. I was invited to speak in the dormitories and one young man, a serious man, young student, white and he has a point of view, said that Professor Bock, I had the absolute right

to call you a chink or this man a nigger, he believes that and that is the kind of thing that the Committee will have to sort out. First Amendment rights versus insults that border on harassment and fighting.

SEN. BLUMENTHAL: Has the University itself made any effort to document the incidents of this type of conduct?

PROF. PAUL BOCK: Yes, they are now required to do that and in fact they do have a policy that officials at the University must report to the office of Affirmative Action programs and summarize every instance of harassment.

SEN. BLUMENTHAL: How long have they been required to do that?

PROF. PAUL BOCK: At least five years. However....

SEN. BLUMENTHAL: And have they done it?

PROF. PAUL BOCK: No. They have not done it and with the knowledge, the administrators have not done it.

SEN. BLUMENTHAL: Thank you.

PROF. PAUL BOCK: Thank you.

REP. TULISANO: Mr. Lawlor.

REP. LAWLOR: Thank you, Mr. Chairman, I would like to follow up on Senator Blumenthal's question but first of all I would like to welcome the person sitting next to Professor Bock, he is a neighbor and constituent of mine, Bonifacio Sioson who is also Vice President of the Council. You know, Senator Blumenthal, when this incident was first brought to my attention I made some inquiries at UConn about what had been done to appropriately punish these students, etc. and I think the most troubling part of the response was that a lot of what happened was blamed not on racism but on alcohol, as if that were the problem that these kids were too drunk.

There was a very elaborate explanation of the incident in Northeast Magazine a couple of years ago. Perhaps Professor Bock knows the exact date, but I think if any members of the Committee are interested in, let's say, an unbiased accounting of the incident that article I thought was very extensive and really adequately set out the problem, but I think, you know, as an alumnus of the University of Connecticut, myself, I was very embarrassed at the response of the administration and particularly the response of the student body for the situation and I commend Professor Bock because he has been a lone voice for many years at the University of Connecticut and I would like to add that in my conversations before the hearing today Professor Bock indicated he is going to provide the Governor elect with a package of resumes of qualified Asian Americans who would be available to be appointed to different boards and commissions and ideally he would have another pack of resumes of people who would be available to run for the Legislature. And I think this is exactly the tactic that needs to be taken and I am glad we have the start here in our Committee to bring this to the attention of the people of Connecticut.

PROF. PAUL BOCK: Thank you, Mr. Lawlor. I (inaudible) because there is progress at the University of Connecticut. For example, December 3rd of this year, just two weeks ago, we held, the students held a candlelight vigil commemorating the third anniversary of that horrible incident. And there was one and only one administrator there and do you know who that administrator was? And he came. He was the then interim president, Harry Hartley and I thought that was so good that he alone came and supported us and he said that your aims, are the University's aims. That is a good beginning.

REP. TULISANO: Mr. Wollenberg.

REP. WOLLENBERG: You talk about discrimination and many people here today will do that. And you are talking to a body who probably discrimination is all around us and to think it's not I think is not being realistic and do we have to do something about it, sure we do. You are talking to a body here who as a Republican lawyer I have about one

chance in 15 of becoming a judge in the State of Connecticut. If I am an Independent, if I choose not to associate with any party I have probably no chance of becoming a judge in the State of Connecticut.

This happens up here every day and in other things. So while you are talking about being appointed to things and so on there are so many areas that we look to to discriminate that I get boggled sometimes as to just where to start and it may be said that that's my choice. I choose to be a Republican therefore I also choose not to be a judge, maybe. And now as Representative Stolberg says, however many parties where we have a Connecticut Party controlling the Executive and we have a Democratic Party controlling the Legislature and then we have this whole branch of Government called the Judiciary that I am not allowed into...I understand what you are saying and I sit and I vote and I push red or green sometimes on the 136 to 6 and I am one of the 6, I start wondering myself, so I understand what you are saying and what all the speakers are saying.

And in this very real context and I look at some of my colleagues and understand that, but is it really right. There is a huge pool of lawyers out there that are called independents and Republicans who we are not tapping at all. And some of them have even put their name into the Governor and that doesn't make any difference. So I understand what you are saying, I just don't know where to go. We can't just say pass this bill, pass that bill, I don't think it's that easy. We did the Hate Crimes Bill last year and that was, you know, touted to be kind of a cure all and now we have the big stick we have hit people over the head with and the anti-Semitic community, whoever they are, seems to be alive and well and doing these horrible things day after day and that doesn't seem to have done much good. I really think what you have said and what other speakers have said, the education, we have to do it, it's a frame of mind we have to get people into.

The University of Connecticut has started. They had to be hit over the head to start. The deaths that occur and arouse people, I don't.. I am not

one that feels that protesting is the way to do it and if it can done from inside and it should be done from the inside, that doesn't work the way we would like to think it does and the protesting...

What comes to mind is there was, I guess it was South Pacific, the English person was going to play the Asian and they pulled the show because of it. I think, you know, I think the show should have gone on under some terms. I'm not sure that kind of protest does work. Just some thoughts.

REP. TULISANO: Just to let you know there was a Chinese American who was counsel to the Judiciary Committee when I was a freshman, I think. He left us to make lots of money and in Rocky Hill a Japanese American did run for zoning board of appeals and won. Thank you. Some time ago.

SEN. AVALLONE: I would just like to welcome one of my constituents, glad to see someone who is involved in the political process and has been involved. My only comment to you is last year when we did this bill I was pretty aggravated and I only hope that we get to a point in our society where we don't need bills like this, where we can respect one another as human beings, see ourselves as human beings. It's wonderful to have tradition, I am proud of my parents who were born in Italy. I am tired of hearing the only contributions of the Italian Americans is the food. I am sure you are also tired of this same. But I can only hope that we can continue in this vein to be apprised of our shortcomings in the genuine sense that you bring and that we all go about treating each other as human beings and maybe we won't have to pass laws like this if we can get people to act civilized.

PROF. PAUL BOCK: Thank you very much.

REP. TULISANO: Did you want to add something?

PROF. PAUL BOCK: Thank you for inviting and listening to a person from outer space.

REP. TULISANO: UConn is not that far away. Robert Fishman.

ROBERT FISHMAN: Thank you. My name is Bob Fishman, I am Executive Director of the Jewish Community Relations Council and it was very heart warming to hear Professor Bock, he did call me three years ago after the incident and to tell you a quick little story that Professor Bock and the students that were discriminated against met with us out at Storrs on the Campus because Professor Bock knew that the Jewish Community had had experience in discrimination and he asked the Anti-Defamation League and the Jewish Community Relations Professional, myself for advice and now frankly I think we can turn to Professor Bock for advice.

He has learned a great deal. He has done a tremendous amount of work in this area and I applaud him and frankly the only message we could give him at the time was you can't hide. You have to speak out on these issues and you have to tell the story as the story is and they obviously have done that. (HB 6265)

I very much appreciate the opportunity and I want to commend the two Co-Chairs of the Judiciary Committee for understanding that we are in a situation in Connecticut as we are frankly around the Country and in difficult economic times, in particular the Jewish Community has seen in difficult economic times throughout our history whether it is in the United States or elsewhere, anti-Semitism of all sides it bubbles up and creates serious problems. And it's important for us to know that we need to speak out when these terrible incidents occur, we need to be forthright, and we need to show that we can be creative in terms of educational and other opportunities to try and put a stop to this growth of bigotry in our country.

For those who do not know the Connecticut Jewish population is approximately 125, 130 men, women and children and that number may astound you or may not astound you, but in terms of the United States, or the 50 states, we are the tenth ranking in terms of Jewish population. We have the tenth highest number of Jews per state of the 50 states. We have great opportunities in this State. We are probably the only state on the federal level that has both a

Jewish Senator and a Jewish Congressperson when Senator Lieberman and Congressman Gejdenson. We are not the only state that has one in each. We are the only state that has one out of every four of our members of the Senate and the House who are Jewish and I think that is quite an attribute to this State.

But I remember hearing the stories when former Senator and former Governor Ribicoff first ran for office and there was a great deal of anti-Semitism in that campaign. He overcame it, was victorious and frankly I think we all feel it was a major credit to our state and to our nation and so have those who have succeeded him. And therefore, we in the Jewish community feel very strongly that all communities should have that entry point into the political process and certainly would encourage Professor Bock and encourage those who have said already that Asian Americans and others should come forward and run for political office.

The only areas that I could make some suggestions to you and we frankly would like to probe it further, is that there are several states that are doing prejudice reduction education and holocaust education. I know of New Jersey, New York and Illinois and in those states, to some degree of success, at the very young level and frankly into the high school level, talking about the issues f prejudice, mandated by those states, has been helpful in reducing some level of prejudice and we think in Connecticut we could look at other models and perhaps create some of our own models and I would recommend that there be some look at this and if you need our help and the help of the ADL to research what some of the other states are doing then we would be happy to do that.

The other issue of campuses I just wanted to read to you was that in the Jewish community around the country we have a statement that we make because this has been proven that the campus is a serious problem. It's not just a slight problem, but a major problem. An expression of bigotry that is of particular concern is the reported increase in the number of incidents on college and university campuses across the United States. According to

organizations such as the National Institute against Prejudice and Violence, the National Gay and Lesbian Task Force and the anti-defamation League and the B'Nai Brith.

The reported number of such incidents of bigotry on college campuses has jumped six fold in four years. These incidents have reportedly included incidents of anti-Semitic expression as well as other areas of prejudice. And that concerns us deeply and I think in Connecticut no one wants that, but we have to remember that somebody doesn't enter college and suddenly become a prejudiced person, it has to start earlier than that and therefore we do urge some consideration of what could be done in the school systems prior to that.

I wanted to leave with you our National Joint Program Plan which has a whole section on anti-Semitism and strategic goals, some of them I could read to you briefly and I think this could be helpful when you take a look at this issue. To encourage communities to engage in educational programs aimed at counteracting prejudice, encourage state and local community relations, commissions or boards to be more responsive to anti-Semitism activities and prejudice.

To continue to monitor expressions of bias, racism and anti-Semitism on campus for the purpose of evaluating the extent of these expressions in order to determine whether they represent a significant trend and on a coordinated basis particularly with those on campus engage in appropriate counteractions where indicated.

Finally, I wanted to mention to you since nobody has mentioned it before, one disturbing trend that we in the Jewish community have found at least a number of reports that we have received is that particularly in the Greater Hartford area we have depended on a whole new radio station, WPOP, which has decided just this past Fall to pick up a program that is called the Rash Limbo show and my own feeling is that when an area like Connecticut that to me and I have been calling Connecticut home for 16 years has been a bastion of some wonderful things that here I depended on that station for news, I can't do that anymore in the afternoon, I

have to listen until I turn him off, to Rash Limbog who I think has been very counterproductive and frankly when I have talked to people at the station they have said that there really haven't been enough letters criticizing the program and asking WPOP to return to the all news format that it has been famous for.

So I would just urge people who agree with this and frankly listen to it yourself, you may agree or you may not agree, but if you do agree and you feel that Connecticut warrants an all news radio station and not the Rash Limbog program in the afternoon for three hours, then I think that it would be wise for you to write, all people write and encourage them to make a change. If you are not familiar with the program you can read it in the last issue of the New York Times Magazine last Sunday. And again, I thank you very much.

REP. TULISANO: Mr. Wollenberg.

REP. WOLLENBERG: I have just one thing. I have heard that Rash Limbog a couple of times and aren't we doing, aren't we proving to ourselves that we can take a Rash Limbog and let him die a natural death rather than protest against him and the station?

ROBERT FISHMAN: I have to tell you something. One of the reasons the station has told me that they are using the program instead of all news is its popularity and the people who call in and support some of the code words that he uses, that scares me and frankly it is not people from Connecticut who are calling in, because it's a national program. I hear people, when I listen to it, all over the country who are calling in and saying you are right, you are right, you are right and I don't hear one person from Connecticut and it bothers me and he has a tremendous put down, by the way, when college students call and start out by saying, I agree with you Rush, but I disagree with you on this point, and by the time he cuts these kids off, and he says it is orchestrated on these college campuses that they are opposed to me.

Well, this isn't fair to the students.

REP. WOLLENBERG: Arnold Dean hangs up on people when he was on the show too and would say I had enough of you and he hangs up. But that aside...

ROBERT FISHMAN: But we are talking about raising the level of prejudice right here on radio, look, I can understand, first of all the freedom of speech, it was mentioned before, we have our positions on the First Amendment, but the First Amendment shouldn't allow for out and out insult and frankly, if there is something that we can do and at least people who work at the radio station have told me that more people who are concerned about this, it won't die a natural death, will die if people say I have turned off this program and I am not listening to you anymore and I am not advertising there anymore, I want it to return to all news as it was before. That is the only point that I can make.

REP. WOLLENBERG: But you see, I disagree with zealots on either side. And if he is a zealot on one side...the environment is an example. I heard one thing where he was saying we want to save the whales and destroy people or something. You know, there is a coexistence there. He said I don't mean I want to destroy the environment, but we have to be reasonable and when we look at the environment. You see that is my attitude about the environment and I get put down all the time on that. Environment above all. I am not going to vote that way if I think it is going to put people out of business and if we are going to destroy what we have now. We have to co-exist and we have to be reasonable about it.

And when I picked up the program that was what he was saying, something along those lines. I am not anti-environment, but I think we have to take a look at both sides and that's what I am saying.

REP. STOLBERG: It's not what he says. It's the assault on the people with whom he disagrees and assault on groups and classes of people on a continuing basis that I find offensive.

REP. WOLLENBERG: Irving, that's why they made the knobs on radios.

REP. TULISANO: Anybody else? Senator Blumenthal.

SEN. BLUMENTHAL: Is it your suggestion, Mr. Fishman, that the Hate Crimes bill that was passed during the last session be strengthened in any specific ways as a result of, for example, the incidents that have occurred in Waterbury? The Synagogue in Hartford?

ROBERT FISHMAN: Right. We are waiting to see how it works in terms of the incident in Waterbury. The incident in Waterbury, I'm not sure the police would have been able to find the perpetrator except that the perpetrator put his own initials in the graffiti and by the way when it was mentioned before, you could blame it on alcoholism, that's what his defense is that he got drunk and he decided to go out and do something. It's a clear anti-Semitic act. So what I am saying is fortunately he put his initials after what he wrote and therefore the police were able to find him. Now we are waiting to see how it is tested out as hate crimes legislation from last year.

On the other hand he is 18 years old. I understand a student from the Waterbury School System and the point that we have to make is he didn't learn this at the age of 18 and what can we do prior to that time so that these kinds of things won't happen even when you get drunk. And if that's the way the legislation could be strengthened with some educational opportunities we certainly would be in favor of that. I am not quite sure that the educational opportunities would have to be very costly or costly at all, but I do know that other states have prejudice reduction education and frankly that's what we would like this body to look at and if we can help you to look at it, we will do that.

REP. TULISANO: Thank you.

REP. WOLLENBERG: Just one thing. I am not sure that comes under hate crimes, the hate crime bill that we passed last year and I don't think he arrested under the hate crimes bill.

ROBERT FISHMAN: Yes, he was.

REP. WOLLENBERG: Was he? I'm not sure it falls under that. We have plenty of laws that can take care of that, I'm not sure hate crimes...

ROBERT FISHMAN: Let me defer...but he was arrested under the hate crimes statute, correct?

MARTIN BUDD: The hate crimes statute takes crimes that might otherwise be overall and raises the level of penalty and the level of felony if it is a felony or misdemeanor. So you are quite right, Representative, that it would have been a crime without the statute, but the hate crimes bill which you passed raised the penalty and the severity (inaudible - mic not on)

REP. WOLLENBERG: I understand that. I thought it was more the threatening and so on.

MARTIN BUDD: He vandalized property and the property was worth significant value and obviously vandalism and destruction of property is a crime.

REP. WOLLENBERG: I understand.

ROBERT FISHMAN: If I could just mention in the cemetery situation there are no leads right now in terms of who is responsible, but since it is so close to here I would encourage gentlemen to go and take a look at the Zion Hill Cemetery. It's not just the Jewish Cemeterys there that are affected. There are city cemeteries, old cemeteries, it is an ugly, ugly sight and somehow to communicate as loud and as clear as we can that this should not go on, I can imagine, I don't have any loved ones buried there, but I can only imagine when I hear people on the phone or I meet them in person who do have loved ones buried there and they report to me their own personal feelings and all I can say to them is how sorry I am and that I have seen it myself because I took a walk through there and I just got disgusted and I just said to myself, I just can't understand why people would even think that this is a fun thing to do.

It also, by the way, is extremely expensive. There is no insurance coverage at all for breaking of tombstones and knocking them down and having them

reset, so it's one of those issues where we have to fight with the local police because it's not a high priority area for them to be patrolling cemeteries when there are so many other areas of crime and on the other hand we can't let the police say it's not a priority at all, that it doesn't exist as something they can possibly look at. And consequentially we may have to come to you for some areas where some reward money may be available so people will come forward and say I know who did these things and that may be the only way to put a stop to it.

REP. TULISANO: Thank you very much.

ROBERT FISHMAN: Can I leave these for you?

REP. TULISANO: Yes. Senator Wilbur Smith. Nice to see you Senator.

SEN. WILBUR SMITH: Nice to see you, Mr. Chairman.

SEN. AVALLONE: How about me?

SEN. WILBUR SMITH: We will get to you next.

SEN. AVALLONE: That's what I was afraid of.

SEN. WILBUR SMITH: He spoke up first. You know how these House members are. (Laughter) Mr. Chairman, members of the Committee, my name is Wilbur Smith. I reside at 196 Palm Street in Hartford. I am representing the Greater Hartford Chapter of the NAACP. For those of you who do not know what those initials are, it's the National Association for the Advancement of Colored People and please don't ask me why we don't say Afro-American or Black. It's been a long time on the books and they didn't want to change it. They would have to change all the letterheads.

Certainly is a pleasure for me to see some of my colleagues again and I hope you don't mind but Representative Stolberg, but I think I got the better deal in not being re-elected. I raise the question to you as Legislators and soon to be Attorney General, whether you are serious. And we challenge you to be serious and Chairman, open the door, in my opinion, Representative Tulisano,

opened the door when he said what else can the Legislature do? Well, I am here to tell you. I want to preface my remarks by a well known fact that there are three major law enforcement agencies in the State of Connecticut. The State Police, State's Attorney's office, Commission on Human Rights and Opportunities. Only the one, the Commission on Human Rights and Opportunities is treated as though it were a stepchild unwanted by this Legislature.

We increase the State Police when crime goes on the increase. We fund them, we find them money. We add to the staff. State's attorneys when crime goes up we add them. There are no vacancies in the State Police too much that hurts the community or the State. But with the Commission on Human Rights and Opportunities they are put in with all other state agencies, cut back on your budget, do not spend over this or 5% more than your budget and they have vacancies now, they have something like 125 or so positions approved, but they only have 100 staff persons and they are not allowed to fill the vacancies.

Yet, at the same time the Legislature has added to their responsibilities. We have added Blindness, Age, Sex, Mental Retardation. We are trying now to have this Legislature do the right thing to have the courage and the foresight to protect persons known as Gay and we have sex and physically disabled and we piled on all of those responsibilities while at the same time reneging on the commitment and the promise to provide the funds and resources for them to carry on the job. So that says to us that the Legislature certainly has not been serious about wanting to do anything about it, because all you do with passing legislation is to be able to run on a platform and say, look what I did, I passed a law, and when we also have the responsibility of assuring that it is enforced and I intend to suggest to you how that can be done.

What else can the Legislature do? You can mandate an accounting of enforcement. Let me give you some examples, just three years ago I was denied treatment by a doctor, local. He said that he didn't treat residents of Hartford. And I thought that was strange and other people thought it was

strange so I filed a complaint with the Medical Assurance Board, the licensing authority. I received a letter back saying that we have no jurisdiction over that, that you should file your complaint with the Connecticut Commission on Human Rights and Opportunities or the Department of Consumer Protection.

So, I cited the statute, CGS 46a-74 said that state agencies not to permit violation of public accommodations Act and I wrote the Commissioner with a copy of the letter to the individual who had sent back this non-jurisdictional situation. A week later I got a letter back from the person saying, that same person saying, and it's in writing, we weren't familiar with that law. That's ludicrous. Either they are not familiar with it or they were lying and did not want to enforce it. And somebody had to be smart enough or intelligent enough to know that that was their responsibility and the average citizen doesn't know. The average citizen would have certainly taken that and filed a complaint with the Commission on Human Rights and Opportunities and very stupidly with the Department of Consumer Protection.

So, there is the same statute, 46a, not the same statute, I'm sorry, another statute, 46a-58 which was formally section 53-34 of the General Statutes, it was enacted, I think, in 1884. It has been enforced in this State not more than four or five times. That does not mean complaints have not been made to police departments. The fact is police departments for the most part won't accept them. They will not accept them. And they are of the opinion that they don't have to. And despite the fact that you show them that there is a criminal, a penalty, that it is a crime for which if you are found guilty of having violated you either serve time in jail or you pay a fine, that the only way that can happen is that you file a complaint with a police department and then they process it to the State's attorney and the State's Attorney then seeks a warrant from a judge for the arrest of the person.

Well, a lot of state's attorneys don't bother about it either. So, there should be mandating of..and also mandate record of keeping complaints, the

Commission on Human Rights and Opportunities says it refers complaints of that sort to local police departments but that's where they die, they die right there. And if they do go to a state's attorney it dies there.

I want to take you on a further trip along this process and to see if you aren't willing to do something about it. We would hope that you would cease appointing solely because a Governor recommends or solely because the Judicial Review Council or the Judicial Appointments Council, whatever they call it now, I have forgotten, recommends to you a list of persons to be named as judges. And for the most part they may. And I am here to tell you and I don't care who hears and I don't care what you like about it, some judges, there are some good judges up there in Superior Court, Appellate Court, Supreme Court, but they are being disgraced by some others who are racial bigots.

You ought to be over there sometimes. Some of the are abusive and they act like gods. They put on that robe and they act like gods and they demand respect for the "court" but they confuse the court with themselves. They don't know what the meaning of court means they are talking about themselves. They treat you any kind of way depending on who you are. If you are some little lawyer practicing by yourself you get different treatment than a Senator Avallone, when he comes before. That's wrong.

Our tax money pays them and they are symptomatic of our society, they bring their prejudices, their beliefs and their cultures to that bench and they forget about law and what I say and I think that those of you who are my colleagues know that when I served in the Senate I never brought anything to you that I didn't have evidence to back up. I can prove what I am saying. There are no clearly definable standards in the Superior Court. There are rules that are written down that depending on who the judge is and depending on who the persons are, whether it be race or sex and they apply the practice book when they get damn well pleased, or they allow others not to follow the practice book,

they make contrary decisions on the same issues involving the same cases and the same parties and tell you if you don't like it, appeal it.

So our Appellate Court is confronted with all this junk and trash coming up from the Superior Courts. Why? Because we on the lower level have not screened these judges and made them accountable to us. I say this has a reflection, Mr. Chairman, and is related to the subject matter today. It is just as much a hate crime in a court system for a judge to deny an individual or person due process of law or protection than it is for some kid to write out and inscribe on a wall or something that he hates niggers or he hates gays. What is the difference? They are both guilty of hate crimes. And we have to do something about it.

I want to go now to another area. What further can you do? I have already mentioned that I thought you should mandate that all complaints made to either CHRO or police departments be additionally referred by the Commission to the police department having jurisdiction and that the complaints to police must be processed and submitted to state's attorneys and that the CHRO, police and state's attorneys must maintain records of these complaints from their receipts, from the time of their receipts to their conclusion and that they should set up standards to make everyone accountable. They have to report....the state's attorney office would have to report to this Legislature on the number of complaints they have received, the types of complaints, whether they processed them, whether they did not and why they did not if they didn't.

Now that's the only way that you are going to make them accountable for it. If the Commission on Human Rights and Opportunities reports to the Governor and to you that they submitted 200 complaints to local police and then local police submit to you that they received 100 complaints you know something is wrong. Or if the state's attorney reports to you that well, we received only 3 requests for warrants and only 1 was issued then you know something is wrong somewhere. Make them accountable.

What else can you do? I am even going ahead of myself, I already covered that. I would like to...there is one thing that I don't want to miss and I'll bring it your attention for the record, publicly. It was...appeared in the Hartford Courant recently with respect to a local trial that is going on, a criminal trial and the judge referred to the defense attorney's motion as being stupid. That's abusive. That's a violation of the Code of Judicial Conduct. I don't care what anybody says and I don't care who that judge is or where you have since elevated him. But that is a violation of the Code of Judicial Conduct, to call an attorney's motion stupid. And then on a later occasion told the attorney that you have no vested interest in Black jurors. On both occasions the judge was suggesting that the state's attorney was smart because he hadn't called any of his motions stupid so he must be smart and then to say that the other one had no vested interest in Black jurors was a suggestion that the state's attorney had a vested interest in white ones.

Yet, we elevated him. And the only thing that he has got going for him is that people say he is a tough judge. He's tough, a tough judge. Well, we have some tough ones over there and we have some tough people out here that is not going to put up with him any longer because there will be 7 judges taken before Judicial Review with the evidence that we have that they are bigoted and racially biased and that they bend the rules, so you will find out how this Legislature Judicial Review Council is going to consider this once the evidence is brought in violations against Judicial Conduct, hate crimes then are symptomatic of our society. When Afro American children seemingly bored with education and they are behind in their academics, the majority says it is the parents fault, it is their parents that aren't teaching their kids how to do things. But when the majority's kids go out and desecrate and write swastika's on the doors of Jewish synagogues and turn over the cemetery tombstones and write nigger on the bathroom walls...

(cass 2 - gap between cass 1b and 2a)

...just blowing off steam, kids will be kids. Those kids are being taught that and it is being taught by our society to tell them it's okay because not very much is going to happen to you. You can do this and if you go before a judge we will get you a good lawyer and somebody who knows the judge or somebody the judge knows them and we will take you in the back courtroom and take care of this and talk to your parents about it.

Almost through, Representative Tulisano. Hate crimes also arise out of silence. When Japanese Minister Takta, Afro Americans (inaudible) prostitutes comparing (inaudible) when Blacks moved into the neighborhoods. The Japanese are pretty smart. When they want to compare they use our society to justify their racism and people say it shows their colloquium whatever it was but they (inaudible). If they did they know that people like me would come to your defense too.

But when Blacks supposedly are representative and symptomatic of this society to its Japanese they figure they can get away with it. Why do they figure they can get away with it? Because the only ones seemingly complaining about it are Afro Americans and as long as they don't condemn Irish, as long as they don't condemn Jews, as long as they don't condemn this, hey, that's okay, I will just keep buying my Japanese goods and buying this and buying that and working for them. It's just like gay people. As long as people are bashing on them, others of us aren't supposed to be concerned about it. That's why it continues. Those of us who are concerned about discrimination, race discrimination, I should be just that concerned about discrimination against Representative Levin as I am about discrimination against a Black person and until I speak out when he is attacked or vice versa it will continue. It will continue.

I want to try to wrap up and tell you what I believe and what you ought to know exists, the mentality that exists in this country and how people are suffering. You have to remember that your Capitol City is the third poorest city in the Nation in the wealthiest state in the nation and you have to know where most of that poverty is.

And you also have to know gracefully, that your Capitol City is the second city in the country to Seattle, Washington where there are children who go to bed hungry between the 15th and the last of the month. This is your Capitol, this is your State just as well as it is mine.

In 1856 Chief Justice John Taney, in the so-called Dred Scott Decision declared that a Negro has no rights that a white man is bound to respect, that he is no inferior he is unfit to socialize with members of the white race. And then Justice Taney went on with his, what do they call it, Senator Avallone, dicta...when they run off at the mouth, said that the founding fathers that they had to be right because the founding fathers just could not be wrong because they were so well learned and so if they own slaves, then the decision then that was proof that the slaves were not only inferior but they were properly held in slavery.

So it wasn't until 1897 in Plesy versus Ferguson where the Supreme Court ruled separate but equal and we all know what happened with that. It was separate but no equality. And then of course in 1954, Brown versus the School Board of Topeka, Kansas, we came along and the Supreme Court unanimously declared that segregation of white and colored children in public schools was detrimental, that it was inherently unequal and then a year later came back with, in 1955, with Brown II, said it must be ended with all deliberate speed. So here it is in 1990, real fast and now we have Chef versus O'Neill and our own state is quibbling and the response on behalf of our Governor is even if segregation exists is not our fault.

When we have abdicated our sovereign powers of zoning to the municipalities and say do what you will, saw the light..what's his name, Pontius Pilate, I washed his hands of this crime. See to it that you take care of the responsibility for it. I wash my hands and we don't want to admit to people that the zoning authorities that towns have, the towns are nothing but corporations. They are only municipalities, they have no sovereign powers, they have no powers other than those given them by the State, we know that. And yet we would say to people we can't do anything about it because it's

not our fault. That's a lie. That's hypocritical. And to establish a voluntary commission and then not give it any money that's serious.

So, on the one hand we negotiate DCYS suit. Why has it been Chef versus O'Neill suite be confined to the Judicial process that will maybe take 8 to 10 years from now. Why is that? Why can't we negotiate that (inaudible) because we know it's right to do. And I am here to tell you that we will not wait much longer. It is not a threat, it is not a warning, but it's a promise. It hurts out there, it hurts.

Finally, we blame Ronald Reagan for a lot of things. But one thing about Ronald Reagan he didn't keep his stuff quiet. He spoke out for what he wanted. And he got it. And other people throughout this country used Ronald Reagan as their idol. You know that man is the third most popular person supposedly, according to U.S. News or Time or something that this man is supposedly the third most popular person in the world? That says a lot for this nation. It says a lot. Class B movie actor. But he was our president, but he wasn't mine.

The point is and it's bad when someone like myself can feel that way and really believe it and why would someone like myself, 55 years of age, in the Civil Rights movement just about all of my life, in the Legislature, trying to do the right thing, trying to do things for people, why would I feel that someone like that person is not representative of me? Because we can spend $30 billion a year in the Persian Gulf, but we don't have $2 billion for daycare. We can spend $100 billion because some elite boys took off with the money in the savings and loans associations but we cannot find a million dollars for a housing project. Well, we are not going to wait any longer, so blame Ronald Reagan, but it was the silence on the part of our Legislators, white and Black, polka dotted and green, who are afraid to speak out when those things are happening in their own communities and that's why they are doing it.

So finally, and I know you are happy for this, I am going to leave with you the words of on all of these issues, words of my hero, used to be my hero and his ideals still are, the Reverend Dr. Martin Luther King, Jr. Remember when he took that position on Viet Nam and they told him, look, you are a preacher, you stay out of politics. Mind your own business and Dr. King answered that on taking positions, cowards ask the question is it safe. Expediency asks the question is it politics and vanity asks the question is it popular? But the conscience asks the question, is it right and there comes a time when a man and a woman must take a position that is neither safe nor politic or nor popular but must take it because it is right. God give me the courage to speak out. And the wisdom to be right. Thank you for your invitation.

REP. TULISANO: Just let me say the final individual who we had asked to attend, John Britain, Esquire, was unable to attend today. That ends our public hearing, informational public hearing for today. Thank you very much, ladies and gentlemen.

December 18, 1990

Testimony to: The Judiciary Committee
From: Steve Gavron
Co Chair, CT Lesbian & Gay Anti-Violence Project
Telephone: 233-3015
Subject: Discussion on Hate Crimes in Connecticut

There is no greater violation of our human and civil rights than violence or the threat of violence. And violence against minorities-- including lesbians and gay men-- because of fear, hatred and prejudice has increased dramatically in recent years. According to a 1987 study sponsored by the U.S. Department of Justice on the response of the criminal justice system to hate-bias crimes:

> "The most frequent victims of hate violence today are blacks, Hispanics, Southeast Asians, and gays and lesbians. Homosexuals are probably the most frequent victims."

Daily, lesbian and gay citizens are harassed, threatened, assaulted and attacked just because of their sexual orientation. A 1984 study of anti-gay violence conducted by the National Gay & Lesbian Task Force (NGLTF) in Washington revealed that nearly one in four gay men (24%) and nearly one in ten lesbians (9%) reported having been punched, hit, kicked, or beaten at least once in their lives because of their sexual orientation. Forty-two percent had been threatened with physical violence. More than nine out of ten (93%) had experienced some type of victimization, harassment, threats or assault-- simply for being gay or lesbian. And more than eight out of ten claimed to know of other gay people who had been similarly victimized.

Although the passage of Connecticut's two Hate Crimes Bills, the first on "reporting" in 1988 and the second on "increased penalties" in 1990, began to address this issue, we must bear in mind that there is a serious under-reporting of anti-gay incidents. The NGLTF has discovered through its surveys that more than 80% of incidents of violence go unreported. In Connecticut, the Lesbian & Gay Anti-Violence Project reported 99 incidents of anti-gay violence and harassment in 1989, while the Connecticut State Police reported only 13. And 12 of these were on college campuses.

Victims of anti-gay violence are reluctant to report these incidents to the police for several reasons: fear of exposure and discrimination if their names are made public; fear of reprisals; a lack of faith in the criminal justice system; and fear that the police will be indifferent or even hostile.

The fact that gay men and lesbians are denied full civil rights protection accorded other citizens further increases their vulnerability to crimes and violence. In order to

decrease hate crimes against gay people, we must first allow victims to come forward without fear of discrimination. Without a Gay Rights Bill in this state, we are not even sitting here today on an equal basis with other communities covered by hate crimes laws. Therefore, it is imperative that we first address a very basic need for Connecticut's gay and lesbian community: the passage of a comprehensive Gay Rights Bill.

In addition, we also suggest the following:

* We need sensitivity training around gay and lesbian issues for state police and local police departments. There are currently successful programs taking place in many cities around the country. In some cities there are gay and lesbian liaisons to the police department and City Hall.

* An increased sensitivity would also help address the serious issue of under-reporting of hate crimes. By increasing police awareness of our diverse and multi-cultural society, we can ensure that local police record and report all hate crimes in a consistent and sensitive manner.

* This public hearing is a start on the dialogue that needs to occur throughout Connecticut. We suggest other forums to discuss hate crimes and how victims can use this law to seek redress. The Judiciary Committee could hold public hearings throughout Connecticut. There could also be town meetings and meetings between police, communities affected by hate crimes, and the general public.

These suggestions, however, have all dealt with the symptoms of hate crimes. If we are serious about decreasing the number of crimes of hate in Connecticut, we must deal with the causes as well. We must confront the prejudice and bigotry which act as the root causes of anti-gay violence. We must further education around the multi-cultural and diverse society in which we live. This needs to be done not only through our laws, but in our schools, our workplaces, our religious institutions and within our communities and neighborhoods. Only by addressing the ignorance and fear that allows bigotry and prejudice to grow will we ever hope to begin the elimination of anti-gay and anti-lesbian violence.

We look forward to working with all groups that have worked together on the Hate Crimes Bills and with other communities affected by hate crimes. The unique nature of the lesbian and gay community is that we are part of every other community. We are black, Hispanic, Asian, Native American, white. We are Jewish, Protestant, Buddhist, atheist, Catholic. We are women and men.

We will continue to work on our suggestions and any others that are presented here today or in the future.

ASIAN AMERICAN COUNCIL OF CONNECTICUT

000239

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HATE CRIMES AND THE "GLASS CEILING"

IN HIGHER EDUCATION:

AN ASIAN-AMERICAN VIEWPOINT

TESTIMONY

OF

PAUL BOCK *

AT

THE PUBLIC HEARING ON

HATE CRIMES

OF THE

JUDICIARY COMMITTEE

GENERAL ASSEMBLY

STATE OF CONNECTICUT

DECEMBER 18, 1990

HARTFORD, CT

* PRESIDENT,
ASIAN AMERICAN COUNCIL OF CONNECTICUT

4 Walker Lane, West Hartford, CT 06117 (203) 236-4090

MR. CHAIRMAN AND MEMBERS OF THE JUDICIARY COMMITTEE,

THANK YOU FOR INVITING ME TO THIS IMPORTANT MEETING ON "HATE CRIMES". AT THE OUTSET I OFFER YOU MY FULL SUPPORT.

I AM PARTICULARLY HEARTENED BECAUSE YOU ARE LOOKING TO EXPAND YOUR LEGISLATIVE EFFORTS TO INCLUDE ALTERNATIVE APPROACHES, ESPECIALLY EDUCATION. I CONCUR WITH ENTHUSIASM.

I OFFER A SIMPLE RECOMMENDATION THAT IS AIMED AT HELPING HIGHER EDUCATION IN OUR COMMON FIGHT AGAINST HATE, BIGOTRY AND HARASSMENT.

RECOMMENDATION: USE ALL OF CONNECTICUT'S QUALIFIED HUMAN RESOURCES, INCLUDING ASIAN-AMERICANS. BREAK DOWN INVISIBLE BARRIERS AND 'GLASS CEILINGS' THAT EXCLUDE ASIAN-AMERICANS FROM DECISION-MAKING ROLES.

THIS RECOMMENDATION IS DO-ABLE. IT IS FAIR AND LONG OVERDUE. IT BENEFITS ALL. IT IS IMPORTANT TO ASIAN-AMERICANS. *IT WILL NOT COST ONE EXTRA DIME.*

THE REST OF MY TESTIMONY MERELY FILLS OUT THE DETAILS.

BUT FIRST, FOR THE RECORD, MY NAME IS *PAUL BOCK.* I AM PROFESSOR EMERITUS AT UCONN WHERE I TAUGHT HYDROLOGY FOR 22-YEARS, AND SERVED AS FOUNDING PRESIDENT OF THE UCONN ASIAN FACULTY ASSOCIATION AND FACULTY ADVISOR TO THE UCONN ASIAN AMERICAN (STUDENTS) ASSOCIATION.

I SPEAK HERE AS PRESIDENT OF THE ASIAN AMERICAN COUNCIL OF CONNECTICUT (AACCT), A FOUR-YEAR OLD, STATE-WIDE UMBRELLA ORGANIZATION DEVOTED TO THE BETTERMENT OF THE ASIAN-AMERICAN COMMUNITY IN CONNECTICUT.

AACCT MEMBERS COME FROM DIVERSE BACKGROUNDS: CHINESE, JAPANESE, FILIPINO, KOREAN, VIETNAMESE, CAMBODIAN, LAOS, HMONG, NEPALESE, ASIAN INDIAN, PAKISTINI. WE ARE ESPECIALLY PROUD OF OUR CAUCASIAN MEMBERS.

ASIAN-AMERICANS ARE THE FASTEST GROWING MINORITY IN THE UNITED STATES AND PERHAPS IN CONNECTICUT. IN 1980 THE 21,116 ASIAN-AMERICANS IN CONNECTICUT REPRESENTED 0.7% OF THE STATE'S POPULATION. ESTIMATES SUGGEST THE 1990 CENSUS WILL SHOW MORE THAN DOUBLE THESE NUMBERS.

ASIAN-AMERICANS ARE A MINISCULE MINORITY STEREOTYPED AS THE 'MODEL MINORITY' WITH 'WHIZ-KIDS' AS CHILDREN. BOTH STEREOTYPES PATRONIZE AND MISLEAD AND HAVE BEEN USED AGAINST ASIAN-AMERICANS AND AGAINST AFRICAN AMERICANS AND HIPANIC AMERICANS BROTHERS AND SISTERS.

I UNDERSTAND THIS IS ONE OF THE FEW TIMES THAT THIS COMMITTEE, OR ANY COMMITTEE OF THE GENERAL ASSEMBLY, HAS EVER EXTENDED A DIRECT INVITATION TO AN ASIAN-AMERICAN TO HEAR AND CONSIDER AN ASIAN-AMERICAN VIEWPOINT. THE AACCT, AND I PERSONALLY, THANK YOU, MR. CHAIRMAN.

I BELIEVE, MR. CHAIRMAN, THAT YOU AND YOUR COMMITTEE HAVE THE VISION AND THE WILL TO BEGIN THE STEPS TO EXAMINE CONNECTICUT'S RECORD OF DISENFRANCHISMENT OF ITS ASIAN-AMERICAN CITIZENS AND TO CORRECT IT.

MAY I, FROM AN ASIAN-AMERICAN PERSPECTIVE, GIVE A BRIEF HISTORY AND A FEW CT STATISTICS THAT ILLUMINE ONE CORNER OF THE HATE AND BIGOTY PROBLEM.

EUROPEAN SETTLERS " DISCOVERED" AMERICA, NEARLY DECIMATED THE NATIVE AMERICANS, TOOK AWAY THEIR LANDS, BROKE-UP THEIR FAMILIES, CONFINED THEM IN DESOLATE RELOCATION AREAS, RENEGED ON TREATY RIGHTS, AND DENIED THEM THE RIGHT TO VOTE UNTIL1924.

OUR FOUNDING FATHERS COUNTED A BLACK MAN AS THREE-FIFTHS OF A WHITE MAN, CONDONED SLAVERY, DENIED WOMEN THE RIGHT TO VOTE. AFTER THE ABOLITION OF SLAVERY, BLACKS AND HISPANICS FOUGHT AND ARE STILL FIGHTING FOR EQUAL SOCIAL, ECONOMIC AND EDUCATIONAL OPPORTUNITY.

ABOUT 140-YEARS AGO CHINESE IMMIGRANTS ARRIVED ON THESE SHORES TO MINE CALIFORNIA GOLD BUT LATER BUILT THE WESTERN PART OF THE TRANSCONTINENTAL RAILROAD. AS A

RESULT OF THE NATIONAL ECONOMIC DEPRESSION OF THE 1870'S, CONGRESS ENACTED THE 1882 CHINESE EXCLUSION ACT WHICH SUSPENDED CHINESE IMMIGRATION AND DENIED ALL PERSONS OF CHINESE ANCESTRY ALREADY RESIDING HERE THE RIGHT OF U.S. CITIZENSHIP.

MY FATHER AND MY MOTHER, CHINESE IMMIGRANTS, WHERE DENIED THE RIGHTS OF CITIZENSHIP --INCLUDING THE MOST BASIC RIGHT, TO VOTE-- UNTIL 1953 WHEN THIS RACIST ACT WAS FINALLY REPEALED.

ENACTING OTHER LAWS THIS COUNTRY RETRICTED OTHER ASIAN IMMIGRANTS TO ALIEN STATUS.

DURING WORLD WAR II, WHEN I WAS IN HIGH SCHOOL AND THEN IN THE NAVY, OUR COUNTRY INCARCERATED OVER 100,000 AMERICANS SOLEY BECAUSE OF THEIR JAPANESE ETHNICITY. IT TOOK THIS NATION OVER 40-YEARS TO ISSUE AN OFFICIAL APOLOGY AND REPARATIONS TO JAPANESE-AMERICANS FOR THIS SHAMEFUL ACT. DURING THIS WAR THE 442 COMBAT UNIT, COMPOSED OF JAPANESE-AMERICAN SOLDIERS BECAME THE MOST HIGHLY DECORATED UNIT IN AMERICA'S FIGHTING HISTORY.

IN 1982 VINCENT CHIN, A CHINESE AMERICAN IN DETROIT, MICHIGAN WAS KILLED BY TWO WHITE, OUT-OF WORK, AUTO WORKERS. CHIN WAS CLUBBED TO DEATH BY A BASEBALL BAT. THEY THOUGHT CHIN WAS JAPANESE AND THEY BLAMED HIM FOR THEIR UNEMPLOYMENT.

HISTORY REPEATED ITSELF SEVEN-YEARS LATER IN RALEIGH, N.C. WHEN ANOTHER WHITE MAN WITH A BASEBALL BAT RAN DOWN AND CLUBBED TO DEATH JIM LOO, A CHINESE AMERICAN.

IN 1986 THE U.S. COMMISSION ON CIVIL RIGHTS REPORTED ON RACIALLY MOTIVATED VIOLENCE, HARASSMENT AND INTIMIDATION AGAINST CITIZENS AND RESIDENTS OF ASIAN DESCENT.

ONE YEAR LATER, ON THE NIGHT OF DECEMER 3, 1987 AT THE UNIVERSITY OF CONNECTICUT, EIGHT ASIAN-AMERICAN UCONN STUDENTS ON A YELLOW SCHOOL BUS WERE SPIT ON, HARASSED, CALLED "CHINKS", "GOOKS" AND "ORIENTAL FAGOTTS" BY UCONN WHITE STUDENTS INCLUDING AT LEAST TWO WHITE FOOTBALL

PLAYERS. WHITE STUDENT ONLOOKERS STOOD BY, MANY ENCOURAGING THE ATTACKERS. SPIT, TOBACCO JUICE AND BEER COVERED ONE OF THE WOMEN VICTIMS FROM HAIR TO SHOES.

AT THE DANCE HALL IN TOLLAND, ONE OF THE FOOTBALL PLAYERS TOOK DOWN HIS PANTS, WAVED HIS PENIS AT AN ASIAN-AMERICAN COUPLE AS HE DANCED AROUND THEM. THE ASIAN-AMERICAN WOMEN HID IN FEAR IN A DARKENED CLOSET.

UCONN OFFICIALS ATTEMPTED A COVER-UP. THE UCONN PRESIDENT TOOK OVER FIVE MONTHS TO ACKNOWLEDGE THAT AN INCIDENT HAD OCCURRED. HE DEPLORED IT. ONE FOOTBALL PLAYER WAS DISCHARGED FROM CAMPUS FOR ONE YEAR. THE OTHER FOOTBALL PLAYER WAS THROWN OUT OF THE DORMITORY FOR ONE YEAR BUT WAS PERMITTED TO PLAY EVERY GAME. HAD THE ASIAN-AMERICAN STUDENTS NOT PROTESTED, THE RACIAL INCIDENT WOULD HAVE BEEN SUCCESFULLY BURIED BY THE UCONN ADMINISTRATORS.

AS A DIRECT RESULT OF THE JIM LOO MURDER AND IN RESPONSE TO THE RISING TIDE OF VIOLENCE AGAINST ASIANS, LAST YEAR, 1989, THE WASHINGTON-BASED ORGANIZATION OF CHINESE AMERICANS FORMED THE ANTI-ASIAN VIOLENCE TASK FORCE.

MR. CHAIRMAN, I HAVE CITED A BRIEF HISTORY OF BIGOTRY AND VIOLENCE AGAINST ASIAN-AMERICANS. BUT THERE IS ANOTHER KIND OF "HATE', FAR MORE SUBTLE, LIKE AN UNDIAGNOSED VIRUS, THAT CLAIMS MANY MORE VICTIMS.

MR. CHAIRMAN, PLEASE LOOK AT THE MEMBERS OF THIS JUDICIARY COMMITTEE. WHAT DO YOU SEE? THERE ARE NO ASIAN-AMERICANS.

MR. CHAIRMAN, AS FAR AS RECORDS CAN TELL, THERE HAS NEVER BEEN AN ASIAN-AMERICAN MEMBER OF ANY JUDICIARY COMMITTEE. AND AS FAR AS I KNOW, THERE HAS NEVER BEEN AN ASIAN-AMERICAN APPOINTED TO ANY ADVISORY COMMITTEE OF THIS JUDICIARY COMMITTEE OR ANY PREDECESSOR JUDICIARY COMMITTEE GOING BACK AS FAR AS ORAL HISTORY CAN TELL.

MR. CHAIRMAN, I MUST REPORT TO YOU, THAT MY

RESEARCH REVEALS THAT THIS ANTI ASIAN-AMERICAN VIRUS HAS INFECTED NEARLY THE ENTIRE BODY OF CONNECTICUT HIGHER EDUCATION, FROM HEAD ON DOWN. HERE ARE SOME RECENT READ-OUTS OF THE VITAL SIGNS:

THERE HAS NEVER BEEN ONE ASIAN-AMERICAN MEMBER ON: THE GOVERNOR'S STAFF, THE GENERAL ASSEMBLY'S EDUCATION COMMITTEE, THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES (CHRO), THE BOARD OF GOVERNOR'S FOR HIGHER EDUCATION, THE BOARD OF TRUSTEES OF ANY OF THE 22 PUBLIC INSTITUTIONS OF HIGHER EDUCATION (ONE EXCEPTION,DEC.1988), THE BOARD OF STATE ACADEMIC AWARDS, THE BOARD OF DIRECTORS (BOD) OF THE STUDENT LOAN FUND, THE BOD OF THE CT TALENT ASSISTANCE COOPEREATIVE-EOC, THE STAFF OF CT DEPARTMENT OF HIGHER EDUCATION AT ANY LEVEL (ONE EXCEPTION AND HE LEFT A FEW YEARS AGO.)

MR. CHAIRMAN, I REPORT TO YOU THAT NO ASIAN-AMERICAN HAS EVER SERVED ON ANY ADVISORY COMMITTEE OF ANY OF THE ABOVE BOARDS ('WITH A FEW POSSIBLE EXCEPTIONS IN TECHNICAL FIELDS").

MR. CHAIRMAN, I SUBMIT THAT THE STATE OF CONNECTICUT HAS, INDEED, ERECTED BARRIERS, INVISIBLE, *DE FACTO* BARRIERS, BLOCKING ASIAN-AMERICANS FROM SERVING ON BOARDS AND COMMITTEES OF THE LEGISLATURE AND THE STATE'S PUBLIC INSTITUTIONS OF HIGHER EDUCATION. ASIAN-AMERICANS ARE SHUT-OUT, HAVE BEEN SHUT-OUT THROUGH-OUT CONNECTICUT HISTORY.

THE ONLY THING NEW ABOUT THIS, IS THE CONSPIRACY OF SILENCE. BUT WE ASIAN-AMERICANS ARE BEGINNING TO BREAK THE SILENCE. JEWS, BLACKS, HISPANICS, AND WOMEN HAVE FOUGHT AND ARE WINNING THE BATTLE FOR COLLEGE SEATS AND THE RIGHT TO SIT IN COMMITTEE ROOMS AND BOARD ROOMS. SO TOO, NOW, DECADES LATER, WE ASIAN-AMERICANS ARE BEGINNING TO PETITION FOR OUR RIGHTS TO EQUAL ACCESS TO THE AMERICAN DREAM.

MR. CHAIRMAN, I WANT TO BRIEFLY TALK ABOUT THE UNIVERSITY OF CONNECTICUT WHERE I WORKED FOR 22-YEARS. IT IS THE FLAGSHIP STATE UNIVERSITY. THE RECRUITMENT AND HIRING OF THE BEST POSSIBLE FACULTY AND PROFESSIONAL STAFF

IS AS IMPORTANT TO THE MISSION OF THE UNIVERSITY AS, SAY, THE RECRITMENT OF HUSKIE BASKETBALL TEAM. IN BOTH CASES, WE SHOULD TRY TO RECRUIT THE VERY BEST WE CAN.

I WILL PRESENT A FEW FACTS ABOUT EMPLOYMENT AND HIRING. I REFER TO INTERVIEW RATES AND EMPLOYMENT RATES OF ASIAN-AMERICAN APPLICANTS FOR PROFESSIONAL JOBS AT UCONN FOR THE 12-MONTHS ENDING JULY 31, 1989.

ASIAN-AMERICANS INTERVIEWING FOR FACULTY JOBS AT UCONN ARE INTERVIEWED AT ONE THIRD THE RATE OF WHITE APPLICANTS, ONE-FOURTH THE RATE OF BLACK APPLICANTS, AND ONE-HALF THE RATE OF HISPANIC APPLICANTS. THESE "ASIAN" APPLICANTS ARE HIRED AT ONE-FOURTH THE RATE OF WHITE APPLICANTS, ONE-SEVENTH THE RATE OF BLACK APPLICANTS, AND ONE-EIGHTH THE RATE OF HISPANIC APPLICANTS.

CHAIRMAN AVALLONE AND CHAIRMAN TULISANO AND MEMBERS OF THE JUDICIARY COMMITTEE, HOW WOULD YOU FEEL IF YOU WERE AN ASIAN-AMERICAN FACING THESE ODDS APPLYING FOR A FACULTY JOB? YOU LITERALLY WOULD BE FACING A "CHINAMAN'S CHANCE" AT CONNECTICUT'S FLAGSHIP STATE UNIVERSITY.

MR. CHAIRMAN, THESE SAME INEQUITABLE ODDS FOR GETTING INTERVIEWED AND GETTING HIRED ALSO, FACE ASIAN-AMERICANS WHO APPLY FOR UCONN JOBS AS NON-TEACHING PROFESSIONALS AND ADMINISTRATORS. I SUBMIT THAT ASIAN-AMERICAN JOB APPLICANTS FACE A 'GLASS CEILING' THAT ONLY A FEW ARE ALLOWED TO PENETRATE.

MR. CHAIRMAN, I SUBMIT THAT MANY ASIAN-AMERICANS ARE, INDEED, SUFFICIENTLY QUALIFIED AND WILLING TO SERVE THE STATE OF CONNECTICUT AT ALL LEVELS FROM TOP TO BOTTOM, FROM JUDICIARY TO EDUCATION, FROM PROGRAMS PROMOTING EQUAL RIGHTS TO THOSE OPPOSING "HATE CRIMES".

ASIAN-AMERICANS HAVE GAINED INTERNATIONAL HONORS INCLUDING FIVE NOBEL PRIZES. CONNECTICUT ASIAN-AMERICANS HAVE SERVED WITH DISTINCTION ON NATIONAL AND INTERNATIONAL COMMITTEES , HAVE GAINED PRESIDENTIAL APPOINTMENTS TO IMPORTANT ADVISORY COMMITTEES, SERVED AS CHAIRS AND MEMBERS OF U.S. POLICY-MAKING BODIES, AND

HAVE REPRESENTED OUR COUNTRY AT INTERNATIONAL CONFERENCES.

UNFORTUNATELY MR. CHAIRMAN, IN STARK CONTRAST, THE STATE OF CONNECTICUT CONTINUES TO IGNORE ITS TALENTED ASIAN-AMERICAN CITIZENS. NO GOVERNOR OF THE STATE OF CONNECTICUT NOR THE LEADERSHIP IN EITHER HOUSE OF THE GENERAL ASSEMBLY HAS EVER APPOINTED AN ASIAN-AMERICAN TO ANY BOARD OF GOVERNORS, ANY BOARD OF TRUSTEES, OR ANY ADVISORY COMMITTEE WITHIN THE CONNECTICUT HIGHER EDUCATION INFRASTRUCTURE.

MYOPICALLY, THE STATE OF CONNECTICUT HAS ESTABLISHED THE WORST RECORD AGAINST ASIAN-AMERICANS IN HIGHER EDUCATION OF ANY STATE I KNOW OF.

MR. CHAIRMAN, I REQUEST THAT JUDICIARY COMMITTEE WITH OTHER APPROPRIATE COMMITTEES INVESTIGATE "INSTITUTIONALIZED DISCRIMINATION" IN PUBLIC POLICY AND IN PUBLIC HIGHER EDUCATION AGAINST ASIAN-AMERICANS, AND TAKE REMEDIAL ACTION AS REQUIRED.

MR. CHAIRMAN, TO ILLUSTRATE I GIVE ONE EXAMPLE OF PUBLIC POLICY THAT DISCRIMINATES AGAINST ASIAN-AMERICANS (AND NATIVE AMERICANS). THE REGULATIONS OF THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES OFFICIALLY DESIGNATES ASIAN-AMERICANS (AND NATIVE AMERICANS) AS "*OTHER* MALE" OR "*OTHER* FEMALE". I AM OFFICIALLY CLASSIFIED AS AN *"OTHER MALE"*, YOU ARE A "WHITE MALE', AND THE REST OF US ARE 'WHITE FEMALE', OR 'BLACK FEMALE", OR 'HISPANIC MALE' OR 'HISPANIC FEMALE' OR 'OTHER FEMALE".

NOT ONLY IS 'OTHER' OFFENSIVE, NOT ONLY DOES 'OTHER' OFFICIALLY MARGINALIZE US, BUT BY OFFICIAL DECREE ASIAN-AMERICANS (AND NATIVE AMERICANS) ARE DEPRIVED OF DUE PROCESS SIMPLY BECAUSE WE ARE NOT WHITE, NOT BLACK OR NOT HISPANIC. THE OFFCIAL USE OF "OTHER" DENIES ASIAN-AMERICANS EQUAL EMPLOYMENT OPPORTUNITIES BECAUSE THE TESTS FOR "ADVERSE IMPACTS" WHICH CAN BE SPECIFICALLY APPLIED TO WHITES, BLACKS AND HISPANICS CANNOT BE APPLIED TO ASIAN-AMERICANS (OR NATIVE AMERICANS).

MR. CHAIRMAN, NOT ONE ASIAN-AMERICAN WROTE THESE

RULES, PASSED ON THESE RULES, PROVIDED OVER-SIGHT ON THESE RULES, CAN CALL FOR HEARINGS ON THESE RULES, CAN CHANGE THESE RULES. THESE RULES WERE, WITHOUT EXCEPTION, THE PRODUCTS OF CONNECTICUT WHITE, BLACK AND HISPANIC INSIDERS (WELL-INTENTIONED, I BELIEVE).. BUT NOT ONE ASIAN-AMERICAN TO PRESENT AN ASIAN- AMERICAN VIEWPOINT.

MR. CHAIRMAN, I WISH TO BRING TO THE COMMITTEE'S ATTENTION ONE FAR-REACHING EXAMPLE OF THE CONNECTICUT DEPARTMENT OF HIGHER EDUCATION'S INSTITUTIONALIZED SELECTIVE DISCRIMINATION AGAINST ASIAN-AMERICANS. CONNECTICUT'S TAX-PAYERS HAVE FINANCED A $4.3 MILLION DOLLAR "MINORITY ADVANCEMENT PROGRAM" (MAP) FOR THE RECRUITMENT, RETENTION AND ADVANCEMENT OF "MINORITIES" IN PUBLIC HIGHER EDUCATION.

NOW ABOUT TO START ITS SECOND FIVE-YEAR CYCLE, MAP EXCLUDES ASIAN-AMERICANS AND NATIVE AMERICANS BECAUSE DEPARTMENT OF HIGHER EDUCATION OFFICIALS AND THEIR COMMITTEES HAVE ASSERTED WITHOUT EVIDENCE THAT ASIAN-AMERICAN STUDENTS FACULTY, ADMINISTRATORS, AND PROFESSIONAL STAFF ARE "OVER-REPRESENTED".

MY ANALYSES SHOW THAT ASIAN-AMERICANS/NATIVE AMERICANS ARE UNDER-REPRESENTED AT NEARLY EVERY PUBLIC INSTITUTION OF HIGHER LEARNING. THE U.S. DEPARTMENT OF EDUCATION, OFFICE OF CIVIL RIGHTS (OCR) IS PRESENTLY INVESTIGATING WHETHER THE DEPARTMENT OF HIGHER EDUCATION IS, INDEED, IN VIOLATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964.

APART FROM THIS OCR INVESTIGATION CONCERNING EQUAL ACCESS TO MAP, DHE HAS ALMOST TOTALLY SHUT-OUT ASIAN-AMERICANS FROM MEMBERSHIPS ON ALL ITS COMMITTEES WHILE AT THE SAME TIME DISPROPORTIONATELY APPOINTING OTHER MINORITIES.

FOR EXAMPLE OF THE 26 MEMBERS OF COMMITTEES THAT FORMULATED THE *STRATEGIC PLAN TO ENSURE RACIAL AND ETHNIC DIVERSITY IN CONNECTICUT PUBLIC HIGHER EDUCATION, MAY, 1985,* THERE WERE 17 BLACKS, 5 HISPANICS , 4 WHITES, ZERO ASIAN-AMERICANS.

NO ASIAN-AMERICAN HAS EVER SERVED ON THE STANDING ADVISORY COMMITTEE OR THE PEER REVIEW GROUP OF THE MINORITY ADVANCEMENT PLAN. OF THE 200 NAMES WHO ARE MEMBERS OF COMMITTEES OF THE DEPARTMENT OF HIGHER EDUCATION, THERE IS ONLY ONE ASIAN SURNAME.

BUT OCCUPATIONAL STATISTICS INDICATE THAT ASIAN-AMERICANS SHOULD COMPRISE 24 PER CENT OF THE TOTAL MINORITY MEMBERSHIP ON CONNECTICUT DECISION-MAKING, HIGHER EDUCATION COMMITTEES.

HATE AND BIGOTRY FEED ON IGNORANCE AND DISCRIMINATION. THIS COMMITTEE HAS TAKEN AN IMPORTANT FIRST STEP BY INVITING AN ASIAN-AMERICAN VIEWPOINT.

I URGE THIS COMMITTEE TO BEGIN THE STEPS TO SHATTER THE "GLASS CEILING".

WE ASIAN-AMERICANS STAND READY TO ROLL UP OUR SLEEVES. NOW, TO YOU ON THE INSIDE, OPEN THE DOORS.

MR. CHAIRMAN AND MEMBERS, THANK YOU FOR LISTENING. I REQUEST MY PREPARED REMARKS AND MY TWO SUPPORTING DOCUMENTS BE MADE PART OF THE RECORD OF THIS MEETING.

SUPPORTING DOCUMENTS:

Connecticut's Shame: Anti Asian-American Record in Higher Education, Paul Bock, Rev. 8/30/90, 5 pages.

The State of Connecticut's Minority Advancement Program: State-Funded, State-Run, State-Wide Institutionalized Discrimination Against Asian-American Students, Faculty, and Non-teaching Professionals at Connecticut's 22 Public Institutions of Higher Education and at the Department of Higher Education's Four Central Offices, Paul Bock, May 16, 1990. 19 pages.

Pg 1 - Line 2

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Anti-Defamation League ADL of B'nai B'rith

Connecticut Regional Office

419 Whalley Avenue, New Haven, Connecticut 06511 Tel. (203) 787-4281 Fax (203) 787-1524

TESTIMONY OF MARTIN BUDD BEFORE THE JUDICIARY COMMITTEE OF THE CONNECTICUT GENERAL ASSEMBLY DECEMBER 18, 1990

My name is Martin Budd. I am Chair of the Board of the Connecticut Anti-Defamation League. With me today is Joseph Nathan, Assistant Director of the Connecticut Anti-Defamation League. Robert Leikind, the Director of the Connecticut Anti-Defamation League is unable to attend today's hearing and asked that I extend his apologies.

As you know, during the last few months there have been a number of very disturbing anti-Semitic attacks against Jewish institutions. Two have involved the desecration of synagogues. A third involved the repeated vandalism of a Jewish cemetery in Hartford - the motive for which could have been anti-Semitism.

These incidents have caused great distress to the Jewish community, but we are also mindful of and grateful for the tremendous showing of support and sympathy from citizens across

Connecticut. We believe that this outpouring of concern reflects more than a desire to lend a helping hand to Jewish neighbors. It suggests that there is genuine concern over the impact that bigotry has had and is likely to continue to have on our community.

For 77 years, the Anti-Defamation League has dedicated itself to combatting anti-Semitism and other forms of bigotry. To that end, we have been in the forefront of the struggle to extend the protections of the Bill of Rights to all Americans. The League has also been among the principal advocates for the development of multicultural educational programming as a means of facilitating greater understanding and tolerance. We have also labored for decades to expose the advocates of hate - be it the Ku Klux Klan, the Skinheads, or racist or anti-Semitic demagogues. The League has also been a pivotal force in the cultivation of improved relations between the faiths. Underlying all these efforts is the desire to enhance our democratic institutions and cultivate a nation which is hospitable to all people independent of race, religion, ethnicity or creed.

In Connecticut the ideals championed by ADL are facing a number of challenges. This year, 1990, has witnessed a significant increase in the number of recorded anti-Semitic incidents. This is a matter of deep concern to the Jewish community, but we believe it is far from being just a Jewish problem. Intolerance towards African-Americans, Asians, Latinos, and Homosexuals, among other populations, is being reported with increasing frequency. Indeed, acts of intolerance appear to be increasingly commonplace.

It would be wrong to say that expressions of bigotry have achieved widespread legitimacy, but it would be naive to think that the undercurrents of prejudice are not a part of our world. People who desecrate a synagogue or firebomb a building at a Jewish camp get there ideas from some place. What distinguishes them from other people who may harbor anti-Semitic feelings is that they act upon those ideas in a manner intended to cause hurt and fear. If the ideas did not have currency in the first place, it would not occur to people to act on them.

There is no simple answer as to why bigotry remains a potent force in our society, but it is worth making a few observations. Connecticut is a state which has a remarkably diverse population. Our citizens come from places as diverse as Cambodia, Japan, Puerto Rico, El Salvador, Pakistan, Egypt, the Soviet Union, Poland and South Africa among many other places. Indeed, in one Connecticut school district 56 languages other than English are spoken by the students.

Recent demographic studies indicate that the trend towards diversification of our population is increasing. Today 11% of Connecticut's citizens have been labeled "minorities", according to a report issued by the Connecticut Department of Education. By the year 2000, however, the Institute for Educational Leadership reports that 6 out of 10 entrants to Connecticut's workforce will be minorities. These statistics reflect the changing demographic profile of our state. In particular, there has been significant growth in the numbers of people from Asian and Latino backgrounds.

Our changing profile has undoubtedly contributed to the large number of reported incidents that have been perpetrated against African-Americans, Asians, Homosexuals, Jews, Latinos and others. No where is this phenomena thrown into sharper relief then at our colleges where students are brought together in the artificial environment of the campuses and suddenly find themselves relating to others who they understand only through the stereotypes they have learned of each other. The tensions that have resulted at schools across Connecticut have been reported widely and point to a clear need to develop creative responses.

Over the past few years, the Connecticut General Assembly has undertaken a number of initiatives aimed at discouraging acts of prejudice. The Hate Crimes reporting statute was a first and important step in this direction. Last year's hate crimes initiative was a valuable addition to this legislative scheme and was a further indication of our common commitment to fight back against hate crimes.

Prejudice and its by-products, however, are far too pervasive and insidious to be so easily overcome. While there are no simple answers, there are things we can do. I, therefore, welcome the opportunity to share a few thoughts.

1. At the end of March, the Anti-Defamation League in conjunction with the State Police and the Municipal Police Training Center will be sponsoring a one-day training program for senior police officers from around the state. It will review existing hate crime laws, the phenomena of hate crimes, issues regarding working with victims of hate crimes, techniques and issues in investigating hate crimes, and the concerns of constituencies most affected by hate crimes.

   Additional training sessions of this kind would insure that police officers across the state were equipped to handle many of the sensitive issues brought up by hate crimes. How this might be accomplished could be a subject for legislative inquiry.

2. The General Assembly could consider legislation aimed at facilitating greater consistency in the reporting by police departments under the Hate Crimes Reporting Act. A review of the 1989 data suggests that not all communities may be reporting with equal consistency. Amendments to this law might focus on developing uniform standards for reporting hates crimes as well as guidelines for when reporting is required.

3. The promulgation of civil liability provisions for those found responsible for hate crimes would not only add to the deterrent force of the current hate crimes scheme, but might also facilitate remedies for their victims. The ADL model statute includes language calling for punitive damages and attorney's fees, a copy is attached. We believe that legislation of this kind would serve the public interest.

4. Across Connecticut teachers and school systems are showing increased interest in diversity training programming. The Anti-Defamation League's own multicultural education training program, A World of Difference, has been received with great enthusiasm. This reflects a growing appreciation for the need to educate our young to live in our richly diverse society.

The General Assembly can facilitate the growth of multicultural education by setting aside a small pool of funds, which can be allocated through grants to school districts interested in training the staff in multicultural educational techniques and materials or by requiring that a greater amount of existing funds be used for this purpose. This last suggestion may be among the most important as it strives to address a root cause of the acts and attitudes that tear at the fabric of our democratic way.

I hope that these suggestions have been useful. The leadership that the Judiciary Committee has taken in studying the issue of hate crimes is reassuring to all of us who share in the commitment to build a more tolerant America. Please be assured that the Anti-Defamation League is available to work with you to achieve that end.

Connecticut's Shame: Anti-Asian-American Record in Higher Education

B-2

by Paul Bock 8/9/90: Rev.8/30/90

000258

"No dogs and Chinese."

This racist sign posted at the entrance of a Shanghai park by an imperialistic Great Britain 100-years ago was torn down long ago.

Today Connecticut has similar, more permanent, albeit invisible, anti-Asian-American barriers blocking the doorways of board-rooms and committee rooms of the state's 22 public institutions of higher education.

Although many Asian-Americans have gained international honors including five Nobel prizes, Connecticut seems blind to the contributions Asian-Americans can make, given the chance.

While other racial and ethnic minorities --and women-- have earned their way inside, no Asian-American has ever been able to penetrate Connecticut higher education's inner sanctums for as long as records and memory can tell.

The state of Connecticut has established the worst record against Asian-Americans in academe of any state I know of. Here are some top-to-bottom examples.

NO ASIAN-AMERICAN HAS EVER BEEN A MEMBER OF:

- o The Governor's staff (probably throughout CT history)
- o Any CT State Legislature education committee
- o The CT Commission on Human Rights and Opportunities (CHRO)
- o The Board of Governors for Higher Education
- o The Board of Trustees (BOT) of the four CT State Universities
- o The BOT of any of the 12 Regional Community Colleges (one exception, Dec. 1988)
- o The BOT of any of the five State Technical Colleges
- o The Board of State Academic Awards
- o The Board of Directors (BOD) of the Student Loan Fund.
- o The BOD of the CT Talent Assistance Cooperative-EOC
- o *Any advisory committee of any of the above Boards ("with a few possible exceptions in technical fields")*

How has Connecticut disenfranchished their academic Asian-Americans for so long? At the University of Connecticut, UConn, the "flagship state

university" where I taught for 22-years, selective discrimination against Asian-Americans is practiced in many silent ways. Jobs are routinely advertised in minority and women's publications but not in Asian-American sources. There are unequal efforts to recruit, train for upward mobility, and to promote and unequal applications of affirmative action guidelines. A recent egregious case of "preference " advertising has sent the subtle message nationwide that most Asian-Americans will be treated as "second-class" applicants for enginneering tenure-track positions.

How "fair" are hiring practices for Asian-Americans in Connecticut? Again,let's look at UConn, the largest state university.

INTERVIEW AND HIRE RATES OF ASIAN-AMERICAN APPLICANTS FOR PROFESSIONAL JOBS AT UCONN (FOR THE 12-MONTHS ENDING7/31/89)

- o Interview rates for faculty jobs are *one-fourth* the rate of Black applicants, less than *one-half* the rate of Hispanics, and *one-third* the rate of white applicants. These "Asian" applicants for UConn faculty jobs are hired at *one-seventh* the rate of Black applicants, *one-eighth* the rate of Hispanic and *one-fourth* the rate of white applicants.
- o "Asian" applicants for non-teaching professional staff jobs are interviewed at *one-half* the rate of Black applicants, *two-thirds* the rate of Hispanics and about *90-percent* of the rate of white applicants. These "Asian" applicants are hired at *one-third* the rate of Black applicants, *one-half* the rate of Hispanics, and *two-thirds* the rate of white applicants.
- o "Asian" applicants for UConn administrator jobs are interviewed at *one-third* the rate of Black applicants, *two-thirds* the rate of Hispanics, and *1.7 times* the rate of white applicants. Although whites had the lowest interview rate, the nine administrators hired were all white.

While Connecticut officialdom tries to rationalize/trivialize Asian-American discrimination, the UConn record speaks clearly:

- o No Asian-American has ever served on the UConn Board of Trustees since its founding in 1881.
- o No Asian-American issue has ever been recorded in the official minutes of the UConn BOT until May,1988. But dusty, decades-old records show the Trustees do deliberate over matters such as Greek frats and sororities. (Last year I was invited to kindly wait outside the closed doors of a public Board meeting until after the Trustees had finished their decision-making about

the UConn Husky mascot dog; then I presented Asian-American issues.)

- o More than 60% of the UConn departmental faculties have never appointed an Asian-American.
- o Of the 12 University Standing Committees in 1989-90, there is only one Asian-American member.

At the state level, institutionalized racism against Asian-Americans continues unabated within the CT Minority Advancement Plan (MAP). Now in its fifth year, MAP is a five-million dollar program designed to recruit, retain and provide upward mobility for racial and ethnic minorities -- students, faculty, administrators, and professional staff -- at each of CT's 22 public institutions of higher education and the four central offices.

But Blacks and Hispanics are the only minorities included. The Department of Higher Education (DHE) deliberately shuts-out Asian-Americans (and Native-Americans) from the state tax-supported MAP because DHE asserts without proof that Asian-Americans and Native-Americans are *over-represented.*

But are Asian-Americans and Native-Americans *over-represented* in higher education? My two-year study using DHE base data (Fall 1982 and Fall 1983) and CHRO methods to calculate "availabilty markets", shows that, indeed, Asian-Americans and Native Americans are *grossly under-represented* in CT higher education. Here are the findings:

ASIAN-AMERICANS/NATIVE-AMERICANS (AA/NA) ARE UNDER-REPRESENTED.

- o AA/NA students are *under-represented* at 7 of the 22 state colleges.
- o AA/NA faculty are *under-represented* at 20 of the 22 state colleges.
- o AA/NA administrators are *under-represented* at 19 of the 22 state colleges.
- o AA/NA non-teaching professional staff are *under-represented* at 20 of the 22 state colleges.
- o AA/NA administrators and staff are under-represesented at each of the four central offices.(The DHE central office has hired only one Asian-American, ever, at any level, in 1987-88 and he left.)

Common sense says that AA/NA are *under-represented* on faculties, administrations, and professional staffs. But the DHE- devised yardstick that measures who is "over/under represented" is based on "total

population of the state". This DHE yardstick automatically guarantees the exclusion from MAP of Asian-Americans (0.6%) and Native-Americans (0.1%) from almost all of the 22 institutions of higher education and from all of the four central offices.

000261

Such "stacking the deck", against Connecticut's two smallest racial minorities is *defacto* selective discrimination. Specifically, using the DHE total-population yardstick, whenever the first Asian-American is hired into (or appointed to) any academic group numbering less than 155, the DHE rule automatically declares Asian-Americans as "over-represented" and therefore ineligible for MAP benefits.

That is, in 18 public institutions of higher education, the hiring of *one* Asian-American professor, administrator or non-teaching professional constitutes "over-representation".

At UConn the hiring of only eight Asian-American (or two Native-American) professors would trigger DHE "over-representiveness " thus permitting DHE to declare these miniscule minorities ineligible to receive MAP benefits. DHE has learned that small numbers don't count.

High officials of the DHE tell me when I raise the "no Asian-American" issue, "We are working on it, Paul", but when asked, they are unable to show me any memos or documents. "We don't write these things", one high DHE adminstrator said to me. That's hard for me to believe when I read in an official DHE May 1985 report, "... The Board of Governors and each constituent board of trustees should include members from the Black and Hispanic communities." and "... every effort should be made to include Black and Hispanic members ... on advisory councils... and similar committees...."

Connecticut is one of the most knowledge-based, technology-intensive, global market-dependent states in the nation. When Connecticut denies itself full use of Asian-American brain-power, for whatever reasons, the state's economic competitiveness is reduced at a critical juncture when hard-headed Yankee ingenuity is called for.

Connecticut, it's time to tear down those "no Asian-American" barriers!

Paul Bock

Paul Bock

(The writer is Professor Emeritus of Hydrology and Water Resources at the University of Connecticut and President-Elect, Asian American Council of Connecticut. His analysis is based on two-years of research.)

DPD262

home: 4 Walker Lane West Hartford CT 06117 (203) 236 4090.
From Aug. 15-28, please call (206) 784-3649.

ADL "Model" Statute

1. Institutional Vandalism

A. A person commits the crime of institutional vandalism by knowingly vandalizing, defacing or otherwise damaging:

i. Any church, synagogue or other building, structure or place used for religious worship or other religious purpose;

ii. Any cemetery, mortuary or other facility used for the purpose of burial or memorializing the dead;

iii. Any school, educational facility or community center;

iv. The grounds adjacent to, and owned or rented by, any institution, facility, building, structure or place described in subsections (i), (ii) or (iii) above; or

v. Any personal property contained in any institution, facility, building, structure or place described in subsections (i), (ii) or (iii) above.

B. Institutional vandalism is punishable as follows:

i. Institutional vandalism is a _____ misdemeanor if the person does any act described in Subsection A which causes damage to, or loss of, the property of another.

ii. Institutional vandalism is a _____ felony if the person does any act described in Subsection A which causes damage to, or loss of, the property of another in an amount in excess of five hundred dollars.

iii. Institutional vandalism is a _____ felony if the person does any act described in Subsection A which causes damage to, or loss of, the property of another in an amount in excess of one thousand five hundred dollars.

iv. Institutional vandalism is a _____ felony if the person does any act described in Subsection A which causes damage to, or loss of, the property of another in excess of five thousand dollars.

C. In determining the amount of damage to, or loss of, property, damage includes the cost of repair or replacement of the property that was damaged or lost.

000264

2. Ethnic Intimidation

A. A person commits the crime of ethnic intimidation if, by reason of the race, color, religion or national origin of another individual or group of individuals he violates Section _____ of the Penal Code (insert code provisions for criminal trespass, criminal mischief, harassment, menacing, assault and/or any other appropriate statutorily proscribed criminal conduct).

B. Ethnic intimidation is a _____ misdemeanor/felony (the degree of criminal liability should be made contingent upon the severity of the injury incurred or property lost or damaged).

3. Civil Action for Institutional Vandalism and Ethnic Intimidation

A. Irrespective of any criminal prosecution or the result thereof, any person incurring injury to his person or damage or loss to his property as a result of conduct in violation of Sections 1 or 2 of this Act shall have a civil action to secure an injunction, damages or other appropriate relief in law or in equity against any and all persons who have violated sections 1 or 2 of this Act.

B. In any such action, whether a violation of Section 1 or 2 of this Act has occurred shall be determined according to the burden of proof used in other civil actions for similar relief.

C. Upon prevailing in such civil action, the plaintiff may recover:

(i) Both special and general damages, including damages for emotional distress;

(ii) Punitive damages; and/or

(iii) Reasonable attorney fees and costs.

D. Notwithstanding any other provision of the law to the contrary, the parent(s) or legal guardian(s) of an unemancipated minor shall be liable for any judgment rendered against such minor under this section.