

AFV

America for Family Values

**SPECIAL CLASS PROTECTIONS
FOR GAYS: A QUESTION OF
"ORIENTATION" AND CONSEQUENCES**

An analysis in two parts

by Tony Marco

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General Preface

In recent years, extremist homosexual, lesbian and bisexual activists and their supporters have launched a multi-pronged legislative offensive, on national, state and local government levels. Their goal? To secure for "gay sexual orientations" the same (plus additional) class advantages, protections and privileges under civil rights laws now enjoyed by legitimate, disadvantaged racial and ethnic groups.

In other words, gay extremists wish to be granted what is known among civil rights authorities as protected class (sometimes referred to as "suspect" or "higher scrutiny") status, special legal standing and advantages historically applied by governments in the United States to classes of people characterized as, in the words of former U.S. Supreme Court Justice Harlan Stone, "discrete and insular minorities," sharing a distinct and immutable status.

Gay activists also wish to be extended the same special class protections accorded to people of good character who are physically challenged or handicapped, whether from birth, or by unchosen accident or disease, also through no deliberate fault or behavior of their own.

(As attorney Roger Magnuson has pointed out, such protected class status is generally predicated by demonstrated need resulting in measurable educational, cultural and economic disadvantage. Such protected status is "unrelated to behavior, traditional perceptions of moral character or public health... One's racial inheritance, for example, creates a true class status. Race tells us nothing about a person's lifestyle or behavior" [Are Gay Rights Right?, Magnuson, R.J., Multnomah Press, Portland, 1990. p. 73].) The question gay extremists raise is this:

Should homosexual behavior -- or "orientation," i.e., inclination alone -- compel federal, state and local governments to grant gays their wish, and bestow on them fully recognized and legally sanctioned "protected class" status, with all accompanying special advantages, entitlements and privileges?

Before discussing this issue in greater depth, let it be made clear that this paper's author and distributors understand and are committed to uphold traditional civil rights concepts, i.e., the principles of equal opportunity for all individuals of good behavior to life, liberty and the pursuit of happiness under the laws and the Constitutions of our States and Nation.

We do not wish to suggest denying homosexuals, lesbians or bisexuals any constitutional rights legitimately theirs. We do not question gays' claim to legal protections shared by all citizens on condition of good behavior, including (again, citing analysis by Roger Magnuson) the ability to:

- o Incorporate businesses and non-profit, tax-exempt organizations under State and Federal laws.
- o "Form student organizations on state-supported campuses, including rights to the same benefits received by any other campus organizations, such as organized social functions... on campus."
- o Publicly assemble, rally, petition, lobby and carry out all forms of political activism and discourse in support of political ideas.
- o "Wear badges and buttons in public schools and colleges without fear of disciplinary action by the schools."
- o "Be employed under the Civil Service. The Civil Service Commission has given the following directive to its supervisors: 'You may not find the person unsuitable for Federal employment merely because that person is a homosexual or has engaged in homosexual acts.' (Cf. Magnuson, *ibid.*, pp. 80, 81)
- o Create and disseminate publications of interest to those in their lifestyle, subject to laws governing illegal obscenity.

Gay people are also entitled to...

- o The right to physical safety in their persons and property, and to speedy legal redress for acts of physical violence against them, as for any American who suffers assault.
- o The right to freedom from libel or slander against their persons or reputations.

But, based on access to, and analysis of considerable information about gay sexual behavior and the current mean economic, educational, cultural and political status of gays in our society, we question (1) whether gays and gay behavior truly need or qualify for special protected class status, and (2) whether society may in fact need protection from the probable effects of granting gays protected class status and special advantages as a group solely defined by engaging in homosexual behaviors or claiming to experience homosexual fantasies.

Consistent Constitutional and U.S. Supreme Court analysis reveals that gays as an entire class are not disadvantaged, possess no provably innate, obvious and immutable characteristics, and are anything but politically powerless (see Part II of this paper).

If gays are not a demonstrably disadvantaged minority class, what are they? Cut through the standard "gay rights" rhetoric to plain truth, and the gay advantages movement is revealed to be nothing more than a powerful special interest lobby, intent on using its money and political "clout" to "piggyback" on the legitimate gains of the disadvantaged to gain special rights and privileges -- at the expense of others truly in need. Certainly, affluent special interest groups, regardless of how frustrated these may feel at not attaining their political goals, are not -- and ought not to be -- protected by anti-discrimination laws. Such groups (as we shall see, gay activists included) are often able to exercise enormous power to advance their own interests. To secure in addition special government protection for their behavior and political agendas would be an outrageous injustice to others who have struggled long and hard against prejudice based on non-behavioral (or non-"sexually oriented") characteristics and experienced true oppression and disadvantage.

A Deeper Purpose

It is on the basis of this understanding that we oppose legislation that would grant ethnic, minority or protected class status and special advantages to practitioners of gay sexual behaviors. However, this understanding runs in tandem with a deeper purpose than merely opposing such legislation. That purpose is to bring a message of hope to individuals who, because of alienation and rejection, have chosen to go down a wrong road.

We understand that kind of road. We can also attest to the reality of the hope -- because we have, in the testimonies of many ex-gays who have experienced it, living proof that this hope is genuine.

This said, what follows is a two-part discussion of gay behavior, its consequences, and reasons why citizens holding to traditional family values may conscientiously, rationally and confidently oppose adding "sexual orientation" with protected class status to any civil rights statutes -- protection which would reward homosexuality, bisexuality and lesbianism with status equal to that enjoyed by traditionally-recognized protected classes.

Part One, "Deadly Behavior: The Public Health and Safety Impact of Granting Special Advantages to Gays," examines the potential public health and safety impact of granting society's special class protection and subsidy to homosexual behaviors. Part Two, "Protected Class Status for Gays: Civil Right -- Or Uncivil Wrong?" questions the validity of gay extremists' claim to special class protections in light of criteria clearly established by U.S. courts and recognized civil rights authorities.

We suggest that the argument contained in the two booklets that make up "Special Class Protections for Gays: A Question of 'Orientation' and Consequences" be used as briefing material by Americans actively opposing legislation granting gays special status and advantages.

PART ONE

Deadly Behavior: The Public Health and Safety Impact Of Granting Special Advantages to Gays

Not only do we seriously question whether legislation granting gays special advantages is necessary to secure fundamental rights and privileges for gays, we hold that granting "sexual orientation" protected class status and special legal protection would, first, defy sound reason, and second, prove a grave mistake with serious, even deadly consequences for thousands of Americans.

We are gravely concerned about the wisdom and safety of according protected class status on the basis of gay sexual orientations. And were our concern over legitimizing homosexual, bisexual and lesbian behavior unreasoned, we might indeed be guilty of prejudice, as "homosexual rights" supporters claim. But reasoned distrust, grounded in knowledge of a host of significant facts about that lifestyle, is not prejudice, but prudence. America must face this question forthrightly:

Are there reasons to believe that legislation giving gays special advantages might pose clear and present dangers to the health and welfare of America and all her citizens?

The Basis for Gays' Claim To Protected Class Status Is Shared "Divergent" Sexual Behavior or Mere Desire

Since homosexuals, bisexuals and lesbians would be the chief beneficiaries of any proposed legislation specially protecting "sexual orientation," we must consider, first, the basis of gay activists' claim to protected class status, and the implications of that claim.

Fundamentally homosexuals, bisexuals and lesbians, by their own admission share no certain attributes on which they can base their claim to protected class status. They merely perform (or desire to perform) sexual acts with members of the same gender. As Robin Miller, a prominent lesbian activist residing in Colorado Springs, Colorado, has written, "All being gay means, fundamentally, is that a person loves members of the same sex, rather than of the other" (Colorado Springs "Gazette Telegraph," April 11, 1991, emphasis added).

Homosexuals' claim to ethnic-equivalent or protected class status cannot be founded for certain on mere allegations to a shared mode of behavior or desire to practice that behavior. Nor demonstrated behavior or desire alone offer a compelling basis on which to award protected, minority, or ethnic class status with all accompanying entitlements.

As previously stated, special minority or protected class status has always been awarded and maintained on condition of good behavior to qualified groups. In every case, the quality and social impact of the behavior in question is the crucial issue.

Race, color, physical challenge and gender are simply not factors on which judgments of character can be based. No rational person would argue that another was immoral simply because he

or she was black, or female, or blind. True ethnicity is not behavior or desire, moral or immoral. Being black isn't a behavior. Being a man or woman isn't a behavior or a desire. Being Hispanic isn't a behavior. Homosexuality is a behavior, or at least an inclination -- and one whose morality has been questioned throughout history.

In fact, gay extremists' entire claim to protected class status is based on the ancient logical fallacy known as false comparison. Comparing "gayness" with any true form of ethnicity (or religious belief) is a travesty of logic. "Gayness" can only be equated and compared logically with other sexual behaviors, like heterosexuality, bestiality, necrophilia, rape, pedophilia and even, as in the case of a Jeffrey Dahmer (who was sexually excited by eating human flesh), serial murder and cannibalism. Why homosexuality, with all the disease and psychological distress that accompany it (more to this point will follow) should deserve special preference, rather than some of the bizarre behaviors above is a question gay extremists would be hard put to answer logically.

In 1986, the U.S. Supreme Court (in the case of "Bowers vs. Hardwick") was asked by homosexuals convicted under Georgia's sodomy law to overturn the sodomy statute and recognize homosexuals as a distinct class protected under "right to privacy" and due process considerations contained in the U.S. Constitution's Fifth and Fourteenth Amendments.

The Court's decision both upheld Georgia's criminal sodomy statute, and established that, in the view of the court, homosexual practices constitute behavior, and not one qualifying for Constitutionally protected class status. In its ruling, the Court established four significant findings which firmly undercut gay activists' essential claim to true ethnic-equivalent or minority status. In the Court's words:

1. Georgia's sodomy statute did not violate the fundamental rights of homosexuals.
2. [The] Federal Constitution does not confer [a] fundamental right upon homosexuals to engage in sodomy.
3. There should be great resistance to expand[ing] [the] substantive reach of the due process clauses of [the] Fifth and Fourteenth Amendments, particularly of it requires redefining [a] category of rights deemed to be fundamental.
4. [The] presumed belief of [a] majority of [the] Georgia electorate that homosexual sodomy is immoral and unacceptable provided a rational basis for Georgia's sodomy statute." (Emphasis added)

For the Court's majority, Chief Justice Burger wrote, "To hold that the act of homosexual sodomy is somehow protected as a fundamental right would be to cast aside millennia of moral teaching." The Court also pointed out that not all forms of sexual behavior, even sexual behavior indulged in by "consenting adults," are immune from legal regulation or penalty. Incest, adult-child sex and prostitution are but a few examples of behavior addressed by legal statutes as criminal acts.

Certainly, no extreme leap of logic is required to conclude that, if the United States Constitution accords no fundamental right to engage in homosexual sodomy or the other sexual behaviors mentioned, and considers it no abuse of fundamental rights for states to criminalize such behavior, the High Court will not likely permit the awarding of protected class status to groups solely identified by homosexual practices or mere alleged homosexual desires.

The Court specifically characterized "fundamental liberties" under the Constitution "as those liberties that are deeply rooted in this Nation's history and tradition" -- which certainly have never included a "right" to practice homosexuality. And if it is argued that the quality in question when determining "gayness" is "sexual orientation" (i.e. mere desire, acted or unacted on, to have sex with persons of the same gender), would it not be manifestly absurd to build an entire new "protected class" status on nothing more than people's alleged fantasies? (More on this point in Part II of this analysis.)

**Gay Extremists' Claim to Protected Class Status
For Shared Sexual Behavior or Desire
Is Based On Unsound Reasoning**

Under careful analysis, the notion that federal, state and local governments should award ethnic or protected class status on the basis of "divergent" physical behavior or desire alone -- even if that behavior or desire is shared by many, even though these individuals find that behavior or fantasy orientation highly pleasurable and difficult (or impossible) to change -- is revealed to be, as 1984 author George Orwell once wrote, "an idea so preposterous that only an intellectual could believe it." In fact any true analysis of this premise must inevitably end in recognition of its absurdity.

Medical science has failed utterly to discover a way to determine the "sexual orientation" of an infant at birth. No journal or school of medicine has ever reported the discovery of any sort of "homosexual gene" (See refutation of "innateness" theory of homosexual orientation under Part Two, Criterion #2 of this paper).

No parent has ever been able to say, when a child is born, "I've just given birth to a hardy homosexual." No parent looks at a newborn baby and says, "What a lovely lesbian!" No doctor can tell the parents of a new-born infant, "You are parents of a bouncing baby bisexual!" These classifications can only be made much later, and only for certain on the basis of observed behavior.

On grounds this tenuous, why not grant protected status to other sharers of pleasurable physical behaviors? Why not protected class status for beer drinkers, who share a pleasurable, though sometimes dangerous, physical behavior? Or smokers, whose behavior is, in fact, discriminated against by many who don't share it? Or football fans, who evidence a distinct subculture built around their shared spectating behavior? Or prostitutes, who share the practice of "divergent" sexual behavior for profit? Or anyone merely claiming a desire to engage in these behaviors?

Or, as homosexual author Marshall Kirk has in fact suggested, why not protected class status for left-handed people? Left-handers' physically innate behavior is discriminated against by nearly every mechanical device ever invented and in current use.

(A recently-released study in The New England Journal of Medicine presented statistical evidence that left-handed individuals live an average of nine years less than right-handed people. Left-handers are forced to endure lifetimes as objects of epithets like "southpaw" and "lefty." "Left-wing" is a term with highly sinister connotations. The word "sinister" itself derives from a Latin word for left-handedness. Left-handed people may well outnumber homosexuals in our society. Does it follow that society should feel compelled to make left-handers a specially protected class? Or that left-handers should launch a left-handers' liberation movement?)

As Dr. David Willis of Corvallis, Oregon, has observed, regulating behavior is the very heart of America's legal system. Even behaviors that are not illegal are subject to legal sanctions when engaged in to excess or in a manner that is distressing to others. Willis gives as examples abuse of alcohol, obscene speech, failure to pay one's bills, smoking in enclosed public places and even gross neglect of personal cleanliness.

Even sexual behaviors involving "mutual consent" are subject to society's sanctions. A prime example is adultery, which, however widely practiced, is generally considered socially undesirable and detrimental to family stability.

To say that homosexual behavior and the "homosexual rights" agenda should be legally immune from criticism under "gay rights" laws is, as Willis concludes, "to subvert the essential nature of civil rights legislation and, indeed to provide 'special rights' for only one type of behavior" (July, 1992 newsletter, First Baptist Church, Corvallis, Oregon).

Willis' point is underscored by the realization that gays are not a true minority class, but a powerful special interest group attempting to advance its agenda under the cloak of civil rights rhetoric.

"Innateness" Alone No Compelling Reason To Award Special Protected Class Status

Next, it is absurd to say that society has no right to withhold special class protection from certain behaviors or phenomena even if they are "innate" or occur frequently in nature. Again, the Supreme Court's above-cited decision in "Bowers vs. Hardwick" clearly grants sovereign States the right to determine which behaviors it may proscribe as "immoral" or "unacceptable."

The common-sense reasons for this are obvious. Many "natural" or possibly "innate" behaviors of both animals and human beings remain unprotected or strictly controlled by society. The striking behavior of poisonous snakes is perfectly natural. Do we argue that "because snakebites are natural" people ought to welcome and take no steps to protect themselves from venomous vipers?

Some students of human behavior theorize that criminals may be born with faulty chromosome structures. Various types of habitual criminals would seem to logically qualify for special, protected status under strict "shared behavior" criteria. Should we immediately award ethnic status and legal protection to sociopaths simply because their behavior may be the product of twisted genes? Should an allegedly inborn propensity to ill temper confer on a bully the "right" to intimidate and inflict violence on his neighbors?

Some might conceivably argue that the cannibalistic behavior of notorious murderer Jeffrey Dahmer was somehow genetically inspired. Simply because such "divergent" behavior may be "natural" or innate, should society favor special advantages and protected class status for cannibal-murderers? AIDS, and other dreaded diseases, are "natural" phenomena. Does it follow that society should encourage these diseases to proliferate?

Urination and defecation are obviously natural behaviors, engaged in by all human beings. Does it follow that in a civilized society, public performance of these functions, with genitalia

exposed, should be a protected "civil right"?

All of the above-mentioned innate or "natural" shared behaviors or phenomena have equal grounds with homosexuality, according to the logic (or illogic) asserted by gay special rights advocates, to be granted special protected class status. Yet rational people don't seriously suggest we grant these behaviors and phenomena ethnic status or special class protection. Thus, would it not be patently ridiculous to award ethnic status and special privileges solely on the unexamined basis of how some people desire to gratify their "divergent" sexual appetites?

Relevance of "Behavior/Desire" Argument To the Special Gay Advantages Issue

Activists seeking special advantages for gays have recently admitted that "Certainly it is true that 'homosexual, lesbian, or bisexual orientation' is not equivalent to racial minority status..." (testimony of gay activist Robin Miller, before the Colorado State Elections/Licensing Committee, September 19, 1991, emphasis added). They also say they consider the argument that divergent sexual behavior or desire doesn't equal ethnicity as "irrelevant" to discussion of the issue.

Not so. First, already-enacted special gay advantage legislation (including a recent Denver ordinance) clearly identifies gays as a group with status equivalent to ethnicity. On February 11, 1991, the Colorado State House Judiciary Committee considered an "Ethnic Harassment Bill" which would clearly have given gays class status and protections equivalent to those of ethnic groups. The Committee rejected this proposed legislation precisely because they did not agree that gay behavior or desire offered a legitimate basis for gays' inclusion in a bill specially protecting disadvantaged ethnic classes. Ignoring gay extremists' charges of "bigotry and homophobia," these legislators clearly agreed that behavior or desire alone should not compel the granting of ethnic-equivalent status.

It is absolutely relevant to recognize that special gay advantage legislation would indeed grant homosexual behavior (or mere desire) equal status with ethnicity. Those who can't (or won't) perceive this are either short-sighted -- or simply determined to make the equation a reality without acknowledging it.

Society Must Evaluate Potential Dangers Before Awarding Gay Sexual Orientations Special Privileges

Again, we recognize that nothing in our Constitution prevents us from awarding special class status and protection to shared behaviors we perceive to be beneficial. Religion, gay extremists have argued, is shared "behavior," not a true form of ethnicity. Yet our society has from the beginning perceived benefits in protecting and encouraging the practice of religion. Accordingly, we have forbidden the federal government to establish a state church and guaranteed our citizenry the free exercise of religion.

However, the free exercise of religion is not a civil right, granted on the basis of qualification for special status as a "discrete and insular minority... calling for more searching judicial inquiry [i.e., special protection by the courts]." The free exercise of religion is an inalienable right, guaranteed under the First Amendment to the Constitution of the United States. Furthermore, Constitutional

protection for religion applies to belief, not necessarily behavior. The sincerity of religious beliefs must be demonstrated by behavior consistent with religious tenets espoused, courts have ruled. But no matter how firmly believed in, some religious practices, such as child sacrifice, enjoy no protection under the First Amendment. Behavior is simply not an ultimately deciding factor in First Amendment protection.

On the contrary, society has seen fit to withhold its blessing and special protection from other shared behaviors -- murder, theft and fraud, and "sexual orientations" like necrophilia, bestiality and pedophilia. When people act out these behaviors, society reacts with revulsion and punishment -- because these "orientations" obviously represent a clear and present danger to the physical, mental, cultural and spiritual health of the citizenry. Again citing "Bowers vs. Hardwick," the U.S. Supreme Court does regard society's judgment of behaviors as "immoral and unacceptable" as providing a rational basis for maintaining criminal statutes against them.

Protected class status bestowed on homosexuals as an entire class would represent the first awarding of such status based solely on mere allegations of shared behavior or desire -- and a frightening precedent. Gay advantages extremists know well that if precedents are established allowing ethnic status to be granted on the basis of alleged shared "divergent" sexual behavior or desire alone, it logically follows that other groups claiming to share other sexual behaviors will have the license to leverage that precedent to secure the same status. And their claims would have to be examined on a case-by-case basis -- just the kind of behavioral analysis gay activists hope to avoid in their own case. Unless all gays cease behaving homosexually, the known sexual behavior of gays does indeed raise serious public health and safety questions. Gay special advantages activists wish to deny society's right and often compelling duty to analyze destructive behavior, and refrain from offering it special protection as the citizenry sees fit. But would it not be only prudent and reasonable for Americans, before granting legal protection to any behavior, to closely examine the full consequences to our people of such action? What follows is a close analysis of this kind, informed by what behavioral science tells us about homosexual behaviors and lifestyles.

A Thorough Health and Safety Analysis Mandatory

Gay extremists and supporters of special gay advantages protest heatedly. (In fact, gay activists have admitted [more to this point later] that it is clearly in their interest to conceal the true nature of gay behavior.) But are we excused from employing practical, common-sense analysis simply because an issue is controversial and emotionally charged? Obviously not.

As a basis for their claim to special class status and entitlements, homosexuals and lesbians often assert, "We're just like everyone else." We must question that statement's validity. Are homosexuality, bisexuality and lesbianism, as gays state in their manifesto, "The 1972 Gay Rights Platform," "valid, healthy preference[s] and lifestyle[s] ... viable alternative[s] to heterosexuality"?

What kinds of behaviors are gay activists asking society to protect? Behaviors commonly practiced by gays which radically deviate from the norm; which are, in some cases, criminal offenses; behaviors presenting immediate, serious public health and safety threats to all Americans. What follow are findings of science and matters of public record which must be considered if Americans are to thoroughly understand what is at stake in giving special class protection to gays as an entire class.

Homosexuals and the Young

Society has agreed that ethnic status and special protections should not be awarded to child molesters. Child molestation is regarded in every State as a criminal offense. Yet it's common knowledge that homosexuals are notorious practitioners of sex with minors. The Gay Report (Summit Books, 1979, p. 275), a survey of gay attitudes and behavior by Jay and Young, **two homosexual researchers**, revealed that 73% of homosexuals surveyed had at some time had sex with boys 16-19 years of age or younger. 23% admitted to having sex with boys 16 years of age or younger **when they themselves were 20 years of age or older.**

J.C. Coleman, in Abnormal Psychology and Modern Life (1964) lists early homosexual experience as the main cause of homosexuality. His finding was that more than 50% of adult homosexuals had been seduced by older homosexuals before the age of 14. Masters and Johnson describe the process of establishing "homophile orientation" in Human Sexual Inadequacy (Little, Brown and Company, Boston, 1970, p. 180) as follows:

"In most cases, homophile interests developed in the early to midteens... There was no history of overt heterosexual experience prior to homophile orientation. Recruitment usually was accomplished by an older male, frequently in his twenties, but occasionally men in their thirties were the initiators. When the homosexual commitment was terminated, in most instances, the relationship was broken by the elder partner. With termination, **the teenager was left with the concept that whether or not he continued as an active homosexual, he would always be homophile-oriented**" (Emphasis added).

In a national random survey of 4,340 adults, 96% of heterosexual males and 97% of normal females reported that their first sexual experience was heterosexual. 85% of homosexuals and 29% of lesbians reported their first sexual experience as bisexual or homosexual (Nebraska Medical Journal, August, 1985).

A survey in The British Journal of Sexual Medicine (April, 1987) reported the mean age of homosexuals' first sexual encounters with other males as 15 years and one month. Homosexuals are, statistically, about 18 times more likely to engage in sexual practices with minors than heterosexuals. Crime statistics reveal that about 31% of children younger than 13 who claim to have been molested by men were homosexually assaulted ("Child Molestation and Homosexuality," Institute for the Scientific Investigation of Sexuality, 1987). (See also Psychological Reports, 1986, #58, pp. 327-337, which reveals that homosexuals, [while representing perhaps 2% of the population], perpetrate more than 1/3 of all reported child molestations.)

A nationwide investigation of child molestation in the Boy Scouts of America (see Insight magazine, June 17, 1991) reported 1,151 complaints by Boy Scouts of abuse by Scout leaders in the past 19 years, in all 50 States and the District of Columbia. This makes, the article stated, "sex abuse more common in Scouting than accidental deaths and serious injuries... In that time, at least 416 men have been arrested or banned from Scouting for molesting boys in their care." The Boy Scouts have spent literally millions of dollars in litigation related to this abuse.

In an official statement, issued during the North American Man-Boy Love Association (NAMBLA) 1992 Annual Conference, reported in The NAMBLA Bulletin (September, 1992, p. 6), we read:

"NAMBLA calls on the Boy Scouts of America to cease its discrimination against openly gay and lesbian persons in the appointment of its scout masters and scouters and in its membership. This will permit scouts to be exposed to a variety of life-styles and will permit more of those individuals who genuinely wish to serve boys to do so."

In an internal memo of which this writer has a copy, leaders of the Washington, D.C., chapter of the militant gay activist group "Queer Nation" offer members these recommendations: "Ask for a public meeting with your local United Way chapter to demand that they defund the Boy Scouts. Take the media and apply to become a scout leader. Take the media and meet with local scout troops. Find out if the Scouts recruit at school and ask the school board to throw them out. Boy Scouts of America says it will not comply with the demands of homosexuals."

Patlar Magazine: Voice of Lesbian/Gay America (October 1991, p. 32) contains this quote: "Our friends advised us that M----- has been selected for the National Girls Initiative, where young lesbians between the ages of nine and fifteen will be photographed. This event will take place sometime in 1992."

Lester Kirkendall and Dr. Roger Libby, authorities in the sex education establishment commented, in The Journal of Sex Education and Therapy, Spring/Summer 1985 ("Sex Education in the Future"): "Sex education of the future will probe sexual expression with same sex partners; and even across... generational lines."

Knowing that between 1/4 and 1/3 of child molestations involve man-boy contact, gay extremists are now conveniently attempting to claim that male molesters of boys should not be considered homosexuals. However, a recent Canadian study of male child molesters revealed the following: (1) 30% of the offenders studied admitted to having engaged in homosexual acts with adults; (2) 91% of molesters of non-familial boys admitted to no lifetime sexual contact other than homosexual, i.e., their sexual orientation was clearly homosexual (Marshall, W.L., et al, "Early onset and deviant sexuality in child molesters," Journal of Interpersonal Violence, 1991, 6, 323-336).

Among homosexual activists themselves, a heated debate rages over whether the gay community should include among their ranks homosexuals who have sex with the young. In a typical editorial favoring inclusion appearing recently in the Bay Area Reporter, (Feb. 13, 1992, p. 6) one Bradley Rose said: "... What is a pedophile? A pedophile is not a rapist or a murderer, or a devil, but a person who loves... As a gay child, I would have welcomed sexual relations with males, of adult age as well as my own... Gay liberation is stuck in backwaters as long as gay children are denied their sexuality and as long as parents are allowed to push their gay children into the roles of hetero adults... Most of the heteros just don't know how to give gay-affirming support to their children (the gay ones as well as the non-gay ones). Let's give them a hand." Similarly, support for "homosexual men who love boys" is found in a recent San Francisco Sentinel editorial. In fact, the editorial states that "the love between men and boys is at the foundation of homosexuality" ("No Place for Homo-Homophobia," March 26, 1992).

David Thorstad, a founding member of both the North American Man/Boy Love Association and former president of the Gay Activist Alliance of New York wrote several years ago: "The issue of man/boy love has intersected the gay movement since the late nineteenth century..." But, Thorstad complained, pedophilia is being swept under the rug by the gay advantages movement, which "seeks to sanitize the image of homosexuality to facilitate its entrance into the social mainstream" ("Man/Boy

Love and the American Gay Movement," Journal of Homosexuality, 20, 1990, pp. 251-252). Earlier, Thorstad said: "I think that pederasty should be given [society's] stamp of approval. I think it's true that boy-lovers are much better for their children than the parents are, and, at a minimum, it's something that doesn't harm the boy at all" (Colorado Springs Gazette Telegraph, January 14, 1983, pg. E-9).

Dr. Judith Reisman, President of The Institute for Media Education, has released a not-yet-published study entitled A Content Analysis of The Advocate [the national gay "slick" equivalent to "Time" and "Newsweek"] 1972-1991 speaking to this issue. The Advocate is generally recognized as a "mainstream" publication in the gay subculture. Reisman argues persuasively that The Advocate closely reflects national "gay culture" and gay "community values." A recent Advocate poll reported the average annual income of its readers as about \$62,000 (see Part II of this analysis for more on gay income). Among Reisman's findings: "'Boys,' 'chicken' [a common homosexual term for underage young sexual partners] and 'teens' are solicited and displayed sexually in THE ADVOCATE. Man-boy sex is encouraged by prevailing 'gay' cultural values. Finding: 10-20% of ADVOCATE ads sexually solicited boys/teens within a larger pool of 58% prostitution ads. Up to 23% of sex customers wanted 'hairless' or smooth bodies while 38% used youth cues ('boys,' 'youth,' 'son') to recruit boy lovers" (p. 18, used by special permission).

Reisman continued: "Claims of asexual interest in boys for adoption and youth counseling (Big Brothers, Scouts, school sex counselor) are not supported by THE ADVOCATE data. On the contrary, the evidence reveals a repeated pattern from 1972 to 1991 of man-boy sex and 'boy lovers' as a prevailing cultural gay/ADVOCATE value. Roughly 10-20% of ads since 1972 both blatantly and (post-1988) subtly, have solicited child/teen boy entrapment... [Thus] for fully 19 years (July 1972-July 1991) THE ADVOCATE has incited its readers into sex with 'boy lovers' using American youths when legally possible and foreign youths when necessary. Ads for Third World trips often are accompanied by images of what could be seen as 'boy lovers.' Some argue that these repeated ads confirm the need to aggressively recruit boys into gay life" (Ibid, p. 18).

Prominent in national news lately has been the so-called "Rainbow Curriculum" proposed for implementation in New York City public schools. Featured in that curriculum are several books, recommended for reading by 1st and 2nd graders, entitled *Heather Has Two Mommies*, *Daddy's Roommate* and *Gloria Goes to Gay Pride*. All three books depict homosexual "families" as normal, happy arrangements, and give the impression that any type of sexual conduct is fine and commendable, so long as "love" is present. These books are rapidly entering children's sections of libraries across America.

Researcher Peter LaBarbera remarks about the publisher of these books:

"These and other books intended to condition children to accept homosexuality are produced by a publishing house that caters to adults who want to have sex with children... Alyson Publications produces and distributes a variety of homosexual literature, from gay travel guides to manuals on the methods of sadomasochistic sex, to erotic lesbian novels, generating \$1 million in annual sales. Alyson is regarded as the top independent gay publisher in the United States.

"[This] line of pro-homosexual children's books, called the Alyson Wonderland series, is aimed primarily at children between the ages of two and eight, with an emphasis on first-

graders. The series was originally intended for children of homosexual parents, but the publishing house also says that the books are for 'kids who on television, in movies and in their other books, never see the full range of choices that are open to them, and to others.' Alyson says its books are also for 'kids who themselves may later decide they are gay' (Alyson Wonderland Book Catalogue, 1992-1993, p. 28). The intent of the books is to condition children to accept homosexuality as normal and wholesome.

"...Alyson's 'other' books oriented toward children are quite different. They promote children as objects of sexual pleasure, advise how to have sex with children without getting caught, provide locations around the world where child prostitutes can be had, and list clubs pedophiles can join such as the North American Man-Boy Love Association (NAMBLA).

"Titles include an intellectual argument for man-boy sex called *Pedophilia: The Radical Case*. Another is *Macho Sluts* (edited by publisher Sasha Alyson), erotic fiction containing homosexual torture of a child. In one scene a protagonist lesbian mother performs sadomasochistic sex on her young daughter, whipping the girl until she bleeds.

"One of Alyson's earliest ventures was *The Age Taboo*, published in 1981... An anthology of mostly pro-pedophile views, [it] maintains that 'man/boy love' is a civil rights issue, and rejects the 'child molester' label. Childhood innocence is derided as a new social phenomenon that represses children's alleged sexual desires; the book argues that children can be seduced (and children can seduce adults): consensual homosexual sex with children is therefore normal; and the relationship is wholesome as long as 'love' is involved.

"The book also argues for a struggle against 'ageism' -- a term for age discrimination now in vogue among the politically correct. As in the abortion debate, proponents argue that people - - in this case children -- 'must have the right to control the use of their own bodies.' One contributor says that 'The scare against kiddie-porn was used -- and continues to be used today -- to blunt and turn back the movement to provide children with the information and opportunities to make informed choices about their lives and their bodies.'

"...*The Age Taboo* urges that small children be taught at an early age to be comfortable with homosexuality; this is the agenda behind *Daddy's Roommate*, *Heather Has Two Mommies* and Alyson's other children's books. The New York City Board of Education and other advocates argue that the books are necessary to promote 'tolerance' of people who are different. Alyson thinks differently; they are needed to cultivate the next generation of homosexuals. *The Age Taboo* states, 'the best way to encourage [a child to make a sexual] choice is by encouraging different attitudes to sex. "A healthier attitude would make it easier for the child to speak up, without feeling embarrassed about it."'

"...Other Alyson titles are aimed directly at teens to help them accept and give in to homosexual feelings, and to join the gay activist movement... Sasha Alyson, who owns the publishing company and writes and edits much of the material, said in an interview with LAMBDA REPORT that he thinks parents will not care that the same company that publishes pro-homosexual children's books also publishes pro-pedophile works. 'These are very different books for different audiences,' he said. As a child outgrows one generation of books, Alyson has a set for the next age bracket. The Alyson Wonderland series is for children; as children grow and become sexually aware they can read Alyson's more explicit line of books

for adolescents, followed by hard-core material.

"...A survey of Alyson Publications' materials leads one to conclude that it institutionally supports sexual acts which society terms child molestation. In fact, Alyson's most prolific and oft-published author, homosexual advice columnist Pat Califia, declares that opponents of pedophilia are the enemy. She argues in *The Age Taboo*, 'Boy-lovers and the lesbians who have young lovers... are not child molesters. The child abusers are priests, teachers, therapists, cops and parents who force their stale morality onto the young people in their custody'" ("Man/Boy Love and the Lesbian/Gay Movement," *The Age Taboo: Gay Males, Sexuality, Power and Consent*, Boston and London: Alyson Publications/Gay Men's Press, 1981, p. 10). ("Who publishes those pro-gay kids' books?" *Lambda Report*, edited by Peter LaBarbera, February 1993, pp. 1-3)

Self-identified lesbian Donna Minkowitz has written in an early 1993 *The Advocate* column (entitled "Recruit, recruit, recruit!") about views she expressed on a recent T.V. talk show regarding "children, sexual choices and the reasons we need pro-gay curricula in our public schools":

"I am increasingly impatient with the old chestnut that our movement for public acceptance has not increased and will not increase the number of gay men and women in existence. 'There are *more of us* than there used to be,' historian John D'Emilio has written. Firmly believing this, I wanted to go on the show to argue the morality of teaching kids that gay is OK even if it means that some will join our ranks."

It should come as no surprise, then, that gay extremist manifestos such as "The 1972 Gay Rights Platform" have consistently called upon governments to (1) "Repeal all state laws prohibiting private sexual acts involving consenting persons [not consenting adults]," and for (2) "Repeal of all laws governing the age of sexual consent." (In 1991, under considerable lobbying pressure by, among others, homosexual activists and their liberal supporters, the State of New Jersey significantly lowered the age of consent in laws relating to sexual behavior within its sovereignty.)

Supporters of protected class status for gays infer that homosexuals are less of a threat to the innocence of the young than heterosexuals, because "heterosexuals commit a majority of child molestations." However, since heterosexuals make up nearly 98% of society, it would be extraordinarily surprising if they did not commit a majority of child molestations. What is extraordinary is the amount of child molestation committed by homosexuals relative to gays' presence in the general population. Gays extremists bristle at references to information like the above. Sometimes they infer that they have changed their ways. However, we are aware of, and gay activists offer, no persuasive evidence that this is the case.

Homosexuals and Sexually Transmitted Diseases

Surely society should think twice about awarding protected class status to or specially protecting the behavior of its most persistent and change-resistant communicators of sexually transmitted diseases (STDs). Yet special gay advantage legislation would grant just such status and protection to homosexual behavior, which results in extraordinary levels of virulent, sexually transmitted disease.

Public health records demonstrate that homosexuals, who represent perhaps 2% of America's population, suffer upwards of 80% of several of America's most serious sexually transmitted diseases - afflictions acquired directly through sexual behavior gay activists are asking Americans to legally endorse and specially protect. Public health statistics reveal beyond question that incidence among homosexuals of diseases like gonorrhea, syphilis, hepatitis A and B, cytomegalovirus, amoebic bowel disease and herpes far exceeds their presence in the general population.

Hepatitis C, a recently discovered variant, was evidenced in 7% of gays, versus 1% of heterosexuals under treatment at a London, England, clinic. 48% of gays, but only 8% of "straights" suffered from hepatitis B; 31% of gays and only 1% of heterosexuals were AIDS-infected (British Medical Journal, 1991, 302:1299-1302).

Male homosexuals are 14 times more likely to have had syphilis than heterosexuals. Eight times more likely to have had hepatitis A or B. Hundreds of times more likely to have had oral infection by STDs through penile contact. Thousands of times more likely to have AIDS (Jaffe and Keewhan, et. al., "National Case-Control Study of Kaposi's Sarcoma, etc. in Homosexual Men; Part 1, Epidemiologic Results," Annals of Internal Medicine, 1983, 99 (2), pp. 145-157).

(Lesbians show similar patterns of high venereal disease incidence relative to the general population. Compared with heterosexual females, lesbians are 19 times more likely to have had syphilis. Twice as likely to have had genital warts. Four times as likely to have had scabies. Seven times more likely to have had infection from vaginal contact. 29 times more likely to have had oral infection from vaginal contact. And 12 times more likely to have had an oral infection from penile contact ["Medical Aspects of Homosexuality," Institute for the Scientific Investigation of Sexuality, 1985; Jaffe and Keewhan, et. al., op. cit.]. See information on lesbian promiscuity, this report, p. 30.)

After passage of special gay advantage laws in San Francisco, the city saw a sharp increase in venereal diseases -- up to 22 times the national average. By 1979, approximately 80% of the 75,000 people who visited San Francisco venereal disease clinics were homosexuals ("San Francisco Examiner," April 23, 1979).

In 1983, Denver, Colorado's, Sexually Transmitted Disease Clinic reported homosexual men responsible for nearly 41% of the clinic's gonorrhea cases ("Fear of AIDS and gonorrhea rate in homosexual men," F.N. Judson, Lancet, 1983; 2:159-169). Earlier, the same clinic reported that homosexual men accounted for about 30% of its STD caseload (Selma K. Dritz, letter in Journal of the American Medical Association, 1977; 24:51).

In an April 21, 1976, article in The Advocate, homosexual author Randy Shilts stated the following: That one-half of America's syphilis carriers are gay. That gays are five times more likely to have syphilis than straights. Shilts estimated that 150,000 gay men at that time were syphilitic. That [using Kinsey's dubious 10% of population figure for gay presence in American society] Shilts's estimate was that a gay man would "contract gonorrhea" every 30 seconds of that year.

Dr. Judith Reisman (in a previously-mentioned as-yet-unpublished study), comments in a footnote on Shilts's article: "As the ten percent 'gay' population [figure, in Reisman's opinion] was exaggerated 8-fold, it is possible that throat gonorrhoea was contracted about every three seconds that year. Shilts pointed out that 'Gay VD workers' documented 45% of Washington syphilis carriers and

95% of all carriers in Hawaii as gay. Only half of male gonorrhea is penile -- '40 percent shows up in the anus with another 10-14 percent in the throat'... Penile gonorrhea, he warned, can cause arthritis, testicle and prostate infections, with syphilis causing blindness, insanity, death. Other VD's are rapidly transmitted, says THE ADVOCATE, through kissing and even through 'use of the same towel' (Ibid, p. 63).

The U.S. Centers for Disease Control recently reported that 29% of Denver hepatitis A cases, 50% of San Francisco cases, 56% of Toronto, Canada cases, 66% of New York cases, 42% of Montreal cases, and 26% of Melbourne, Australia, cases in the first six months of 1991 were among gays ("CDC Hepatitis A among homosexual men -- United States, Canada, and Australia," MMWR, 1992:41:155-64, 12).

AIDS: Transmitted by Homosexual Behavior, Not "Straight" Bigotry

While, of course, all homosexuals do not suffer from AIDS, homosexual behavior is far and away the most frequent means by which this always fatal disease is transmitted in America. Medical science has ascertained that anal receptive sex and other body-substance and fluid exchanges commonly practiced by homosexuals are biologically among the most efficient methods of transmitting AIDS.

Such practices include fisting (fully inserting one's fist into a partner's rectum); oral-anal sex and the ingestion of urine and feces (an exhaustive study published in "The New England Journal of Medicine," 1980, 302, indicated that homosexuals ingest, on the average, the fecal material of 23 different men each year); and of course, oral-genital sex, which has recently been indicted in several cases of AIDS.

Recent research demonstrates that the AIDS virus can be carried in saliva, and is conceivably transferable by such activities as "soul kissing" ("AIDS from a deep kiss: 'Very low risk'", USA Today, pg. 1, Fri.- Sun., June 21-23, 1991).

AIDS transmission is also apparently possible by accident through intrusive surgery and dental treatment. In a recent, much-publicized case, Kimberly Bergalis, a 22-year-old Florida woman who had never participated in what is considered as high-risk activity, contracted HIV infection while having teeth removed by a bisexual dentist.

The Boston Herald (August 19, 1991) reports a nurse at Brigham and Women's Hospital being AIDS- and hepatitis B-infected when a convict under her treatment vomited on her hands. By law, she was not allowed to be told of the convict's infections in advance.

Researchers believe it is possible for HIV infection to be passed from patient to patient in medical or dental procedures, through inadequately sterilized instruments. The American Medical and Dental Associations have very recently authorized special lengthy sterilization precautions necessitating the purchase by physicians and dentists of double quantities of instruments, to facilitate patient treatment at normal speeds -- at a cost that will doubtless be passed on to patients.

The AMA and ADA have also called for HIV-infected medical/dental personnel to either inform their patients or stop performing invasive medical and dental procedures. Recently, the U.S. Centers for Disease Control have drafted guidelines suggesting identification of AIDS-infected health care workers who fail to meet standards of infection control or whose stamina or mental state makes them unfit to practice.

According to studies reported in The New York Times (October 8, 1989), in New York, N.Y., and Miami, Fla., areas where HIV infection is prevalent, one percent of minors 15 and 16 years old are infected. In U.S. areas where the virus is rare, only one child in 330 this age is infected.

On October 15th, 1990, the Colorado Department of Health, Tom Vernon, Director, issued data that implicates homosexual behavior in approximately 85% of the 1,500 AIDS cases reported in Colorado as of the end of September, 1990. 85.2% of these cases have occurred in the Metropolitan Denver area alone.

The U.S. Army has estimated the average cost of treating a single AIDS-infected patient from time of infection through death from symptomatic AIDS at about \$250,000. It is estimated that the total impact of AIDS-related illness will cost America as a whole at least \$60 billion in 1991 alone. Cumulative medical costs of AIDS treatment could exceed \$1.5 trillion within ten years. Insurance industry estimates range as high as \$50 billion for AIDS-related claims during the '90s. No cure for AIDS is in sight.

Proponents of special gay advantage legislation try to make "anti-homosexual bigotry" the scapegoat for the spread of AIDS. But, though we recognize the intense grief and anxiety the AIDS epidemic has brought to homosexuals, the undeniable fact is that what has contributed most to the spread of AIDS in America is the persistently dangerous sexual behavior of homosexuals themselves.

One study demonstrates that 6,349 Americans who contracted AIDS from contaminated blood as of 1992 received this from homosexuals. Most women in California who contracted AIDS through heterosexual activity were infected by bisexual men (Chu, et. al., "AIDS in bisexual men in the U.S.," American Journal of Public Health, 1992:82:220-24).

Gay special advantage advocates complain (and lobby) constantly because "not enough money is being spend on AIDS research." An Associated Press article ("Sickness and Politics," June 7, 1992) reported: "Since 1982, when the federal government spent \$5 million on it, the war on AIDS has grown to consume \$2 billion in federal research, prevention and treatment programs. That's the same as the government spends on cancer, a disease that will kill 22 times more people this year."

In a related AP article ("Politicizing budgets could be dangerous, health experts say," June 7, 1992) we read: "For every American who dies of AIDS, the federal government spends about \$79,000 to stop the disease. For everyone who dies of stroke, it spends \$600... 'With all those squeaky wheels [referring to AIDS activists, mostly homosexual] how much will be left over for the problems of groups that are not (lobbying)?' -- University of California's Dr. Robert Wachter."

Gays and "Safe Sex"

Some special gay advantage supporters argue that we need no longer be concerned about the prevalence of homosexually transmitted diseases because of the effects of what some call "safe sex" education programs and practices. Medical authorities disagree widely as to whether "safe sex" -- use of condoms to prevent exchange of body fluids -- is a truly effective means of disease protection. Condoms have a high failure rate, especially when aggravated by vigorous sexual activity, such as certain practices homosexuals commonly engage in.

As Richard Smith, a specialist in AIDS and Sexually Transmitted Disease with over 20 years' experience in public health, testified not long ago before the Burlington County, New Jersey, Board of Freeholders, "supplying condoms to persons at risk for AIDS is not only risky from a legal standpoint, but also 'bad public health.' He notes that the federal Food and Drug Administration allows one out of every 250 condoms to have a pinhole. Factor in failure from improper shipping and storage and improper use, he said, and relying on a condom to protect against a lethal disease becomes a matter of 'Russian roulette'" ("Critic wins point as condom giveaway is barred," The Sunday Star-Ledger, April 14, 1991, Section 1, p. 52, emphasis added).

In other testimony, before a New Jersey State Department of Health AIDS Public Hearing, on November 14, 1990, Smith pointed out that, in fact, one popular condom in question...

"... has never been tested in vivo, meaning, under the actual conditions when particle transfer will take place, which is at the moment of ejaculation. This is equivalent to testing the effectiveness of brakes, for example at 30mph and then proclaiming their safety at 90mph. Latex is heat, cold, light and pressure sensitive and adversely affected by humidity, ozone and air pollution as well as the mere passage of time-deterioration. I have seen evidence... that condoms are rarely transported in compliance with federal regulations subjecting them to intense heat and cold.

"Such conditions, as well as the inherent nature of latex to stretch unevenly, dramatically increases the permeability of the membrane, and so infection is now possible without it breaking. The moment this will happen is unpredictable because it is random. Furthermore, quality control is conducted on a random basis testing only 144 condoms out of each lot of 1000. Furthermore, HIV is three times smaller than herpes, 60 times smaller than the spirochete that causes syphilis and 450 times smaller than sperm. It is also a virus which is incurable and fatal" (emphasis added).

(On July 27, 1991, the AMA ordered recall of all lambskin condoms because these do not prevent transmission of viral organisms. Only rubber or latex condoms will be regarded as "safe" by the AMA -- and these have tested with dangerous failure rates as well. One wonders how many people have been HIV-infected while practicing what they thought was "safe sex.") In the wake of "safe sex" promotion following the recent discovery that basketball star Magic Johnson has contracted the HIV virus, columnist Joseph Sobran wrote:

"Only a few years ago liberals were arguing for legal abortion on grounds that condoms are unreliable in preventing pregnancy; now we are supposed to believe that condoms can contain a lethal virus. As my friend Tom Bethel observes, fighting AIDS with condoms is like fighting lung cancer with filter tips. If any other product were to fail so frequently, putting the

user so much at risk, Ralph Nader would be calling press conferences to demand that the federal government clamp down on the whole industry. The goal of the safe-sexers is not to save lives, but to save the sexual revolution."

Not surprisingly, recent studies indicate that even thoroughly "safe sex" educated homosexuals tend, after a few months of practicing "safe sex", to revert to former unhealthy practices, often because "safe sex" simply isn't as pleasurable as their customary behavior.

Nor do "safe sex" considerations seem to curb the promiscuity of homosexuals. In a study of the sexual behavior of 1034 San Francisco homosexual men between June, 1984 and January, 1985, it was determined that, even after several years of community-wide "safe sex" education, nearly 20% had over 50 sexual contacts in the two years prior to the study. This calculates to more than one new partner every two weeks for two full years. Dr. W. Winkelstein, author of the study, wrote:

"The findings reported here, along with the other reports . . . support the inference that sexual transmission of HIV infection in homosexual/bisexual men in San Francisco, during the current AIDS epidemic, has largely been a function of the numbers of sexual contacts and the practice of receptive anal/genital contact among them" (Winkelstein, W., "Sexual Practices and Risk of Infection by the Human Immunodeficiency Virus," The San Francisco Men's Health Study, JAMA, 16 January, 1987, Vol 257, #3, p. 323, emphasis added).

A study by McKusick, et. al., of 655 San Francisco gays ("AIDS and sexual behavior reported by gay men in San Francisco", American Journal of Public Health, December, 1985, 75, 493-496) reported that "knowledge of health guidelines was quite high, but this knowledge had no relation to sexual behavior." Only 24% of McKusick's sample claimed to have been "monogamous" during the past year. And of this 24%, 5% drank urine, 7% engaged in sex involving insertion of a fist in their rectums, 33% ingested feces, 53% swallowed semen and 59% received semen in their rectums in the month just previous to the survey. McKusick's report generated sharp criticism of these gay behaviors in medical circles. When McKusick reported this criticism to gays surveyed, gays responded by saying that...

"... the recommendation that gay men limit themselves to committed monogamy was discussed and found to lack creativity... and to reflect the simple insensitivity of an outsider approaching the gay world. Although most of our subjects [McKusick continued] have expressed a desire for more primary partnering in response to AIDS, there has been no significant increase in these bonds during the [three year] period of our investigation" (Letters to the Editor, American Journal of Public Health, December, 1985, 75, 1449-1450, emphasis added).

"In Pittsburgh a study of 503 homosexual and bisexual men revealed that though they had a very high rate of knowledge where so-called 'safe sex' practices were concerned, they did little to modify their behavior. In fact, though 91 percent recognized that anal sex was the highest risk behavior and 90 percent knew that condoms reduce the spread of AIDS, 65 percent had engaged in anal intercourse within the past six months, and of those 62 percent 'never' or 'hardly ever' used condoms. Sixty four percent said the same of their partners. Seventy two percent said they had engaged in sexual intercourse with multiple (2-100) partners during the last six months and 24 percent reported that half or more of their partners were anonymous.

"The conclusions of the researchers: 'Their under-utilization [of condoms] is probably not related to deficits in knowledge' (Ronald O. Valdiserri, et. al., III International Conference on AIDS: Abstracts Volume p. 213).

"An NIH study of 4,955 homosexual and bisexual males revealed that over half were still practicing receptive anal sex. And more than two thirds of them did not use condoms.

"While the study did report some claims of reduction in risky behavior, the authors concluded that 'further reductions were clearly warranted.' (Robin Fox, et. al., III International Conference on AIDS: Abstracts Volume p. 213)

(Above as reported in Exposing the AIDS Scandal, Paul Cameron, Ph.D., Huntington House, 1988, pp. 93-94, emphasis added.)

In a Time magazine, July 2, 1990, article, "A Losing Battle With AIDS," a survey of San Francisco homosexuals between the ages of 18 and 25 reported that 46% of those polled admitted having engaged in anal intercourse without a condom during the past month. This article echoes a San Francisco Department of Health survey of homosexual men, released in June, 1991:

- o Nearly 43% of young homosexual men ages 17-19 were currently engaging in condom-protected anal intercourse.
- o So were 24.7% of 20-22-year-olds, and 29.9% of 23-25-year-olds.

Every young man surveyed knew about AIDS and what constitutes high-risk behavior. Asked why they didn't use condoms, some admitted to being under the influence of drugs or alcohol at the time they practiced unprotected sex. Others said they were "too much in love" to care, or that their partners "looked healthy."

Researchers at the 1990 International Conference on AIDS reported that, though the percentages of homosexuals practicing "safe sex" had risen in the previous four years, and high-risk behavior overall had dropped . . .

- o Homosexual and bisexual men under age 30 were twice as likely to engage in unprotected anal sex as older men.
- o Half of black homosexual men continued to engage in anal intercourse without a condom.
- o In smaller U.S. cities where the full brunt of AIDS has not yet hit, homosexual men practice unsafe sex at rates as much as three times higher than in larger, urban areas.
- o 19% of homosexual and bisexual men who practiced "safe sex" reported relapsing to unsafe behavior over a four-year period.

Researchers also concluded that "simply being informed about the AIDS virus does not make people any more likely to practice safe sex" (above findings as reported in The Washington Post, Sunday, June 24, 1990). Other 1990 International AIDS Conference studies presented evidence that:

40% of homosexual men relapsed into unsafe sexual behavior over a 16-month study period (St. Lawrence, J., et. al., University of Mississippi, Jackson, Mississippi, Abstract F.C. 725).

"Why are young men engaging in high rates of unsafe sex? ... " Their chief reason? "Greater enjoyment" (Hays, B., et. al., University of California at San Francisco, Abstract F.C. 722).

"Continued use of multiple recreational drugs including 'poppers' (volatile nitrites) is related to continued high risk sexual behavior in a cohort of homosexual men" (Ostrow, D., et. al., University of Michigan, Ann Arbor, Abstract F.C. 726).

120 HIV-infected homosexual men completed an anonymous questionnaire up to nine months after becoming aware of their HIV-positive status. Over half of the sexually-active sample reported they did not tell their new partners of their HIV infection (Brown, S., et. al., Westminster Hospital, London, England, Abstract S.C. 652).

In 1978, 1% of gay blood tested in San Francisco tested positive for AIDS. By 1980, 25% tested positive for AIDS. By 1984, following expenditure of millions of tax dollars to "educate the gay community," 65% of gays tested evidenced HIV infection ("Morbidity and Mortality Weekly Report," U.S. Centers for Disease Control, July 13, 1984; Periman, D., "2 AIDS 'viruses' may be the same," San Francisco Chronicle, July 13, 1984).

Incidentally, in its April, 1991, issue (p. 12) Quest, a Denver magazine for homosexuals, reported survey findings that, among Denver homosexuals, condom use during anal-receptive sex had fallen from 42.7% in 1989 to 36.5% in 1990. "Even more alarming," the article states, "22.4%... said they sometimes did not use condoms during anal intercourse." 67.3% admitted not always "or usually" using condoms during oral sex.

In a more recent Denver Quest article ("The Untimely Return to Unsafe Sex," by Brent Hartinger, October, 1992, pg. 19, we read the following startling admissions:

"The news is in... regarding levels of unsafe sexual behavior among gay men, and it doesn't look good. A 1991 survey of gay men in 16 U.S. cities found that 31 percent had unprotected anal sex during a two-month period, sometimes even with HIV-positive partners. Last year, cases of Hepatitis A, an indicator of unsafe behavior, jumped as much as 42 percent in New York City, and similar increases were reported in Denver, San Francisco, Canada and Australia.

"Most gay men have made major changes in their sexual activity as a result of AIDS, but as the epidemic enters its second decade, a significant number of men seem to be returning to older, decidedly unsafe practices, or are being less careful about less risky, but still dangerous ones. And despite new educational campaigns geared directly to lesbians, safer sex between women may be infrequently practiced at best.

"'People are getting sick and tired of hearing about safe sex,' says a 28-year-old gay man who asked that his name not be used. 'People are still dying, and [some gay men] are thinking that there hasn't been an end to this for ten years, and they're sick of waiting, sick of playing it

safe and going to all the trouble of using that stupid rubber. So they say, "Oh well, just skip it."

"It's still considered a taboo subject to talk publicly about unsafe sex,' he says, 'but everyone's doing it.'

"...According to the MACS [Multi-Center AIDS Covert] study, the risk of infection in gay men drops in the late twenties, to about a 1 percent chance each year at age 30 and beyond. But given current standards of sexual safety, by the time he turns fifty, the study found that an average 20-year-old gay man has at least a 50 percent chance of becoming HIV infected. And since the men participating in the study were highly motivated -- educated about safer sex, willing to get tested and fill out detailed questionnaires regularly -- the real rate of infection may be even higher than that.

"...Says Ben Factory, a 31-year-old bisexual and a national coordinator for Bi-Net USA, a national bisexual organization based in Washington, DC, 'I felt that by 1986, we were really starting to do well in changing behaviors. [But now] there's some sense of fatalistic inevitability [in the gay community]. People say, "Either I'll get it or I won't, and I'm just not going to bother about it.".... I am propositioned for unsafe sex less frequently [by bisexual men] than by either gay men or straight women. I'm astounded by the amount of unsafe sexual behavior [in these two groups].' Still, he concedes, there are probably plenty of closet bi men who are sexually unsafe.

"Among lesbians, the level of unsafe sex may be even higher. Holly Mulcahey, owner of It's My Pleasure, a feminist novelty shop in Portland, Oregon, says, "There is a fair amount of education... and discussion about safer sex,' and that some of the lesbians she knows who are not in long-term, monogamous relationships practice safer sex regularly.'

"Mulcahey knows what researchers have known for years: that lesbians are at risk. 'I know several lesbians who are HIV-positive and/or have AIDS,' she says. 'As those statistics start to increase, that's going to make us realize that we're as susceptible as anybody.'

"...But the most pressing problem for AIDS educators is the slipping standards of safety among gay men, who still comprise this country's largest numbers of AIDS cases and HIV infections. 'The condom in the '80s was kind of a fad,' [AIDS "educator" Ryan] Black says. 'People who'd never used condoms before used them as a sexual aid, and now they're getting kind of tired of it because it's boring. It's extra trouble.'

"...All researchers agree that oral sex is much less risky than anal sex, and may be even safer than anal sex with a condom. But several recent studies have proven that oral sex, even prior to ejaculation, is capable of transmitting HIV. Among gay men, however, **unprotected oral sex is the accepted norm**, in part because of disagreement among AIDS educators and lax norms in the gay community. 'I don't know anyone who would use a condom for oral sex,' Black says. 'I wouldn't.'

"According to Bob Wood [Medical Director of the AIDS Prevention Project in Seattle], if every gay man switched from anal to oral sex, new infections among gay men would almost completely stop. 'If they could then switch from oral unprotected to oral protected, then we'd

probably have the problem solved,' he says, pausing before adding, 'but I doubt we'll get that.'

"...In an age when we know how HIV is transmitted, any new infection is frustrating since virtually all these infections are easily preventable. Safer sex could slow or almost completely stop the spread of HIV. But, if recent trends are any indication, counting on this doesn't seem like a sure bet." (Emphasis added)

Recently, the American Journal of Public Health (October, 1991) reported a study of 138 mostly homosexual and bisexual HIV-positive men, 45% of whom remained sexually active after learning their HIV status. Of those who continued to have sex 52% did not inform their sexual partners of their positive HIV status. Furthermore, the study concluded that the greater the number of sexual partners the subjects had, the less likely the subjects were to admit positive HIV status to their sexual partners.

On March 9, 1992, the Associated Press reported:

"ATLANTA -- Federal health officials last week reported outbreaks of hepatitis A among homosexual men, who have not historically been at high risk for the viral liver disease. Researchers with the U.S. Centers for Disease Control said they fear the outbreaks in several cities could signal a resurgence of unsafe sex...

"Hepatitis A enters the body orally, through lapses in hygiene that result in contact with fecal matter, such as in day-care centers or homes with children in diapers. But some forms of anal sex also could cause similar contamination, the CDC said.

"In Denver, 24 cases of hepatitis A were reported among gay or bisexual men in the first half of last year, up from the typical incidence of zero to three cases. There is no treatment for viral hepatitis, which can cause fever, lethargy and pain. Some patients may be ill only briefly, but others can be ill for months; death or chronic complication is rare."

("Rise in hepatitis A cases concerns officials," Colorado Springs Gazette Telegraph, pg. D-2)

Homosexual authors Marshall Kirk and Hunter Madsen, in their book, After the Ball (Doubleday, New York, 1989, pp. 299-300) review such facts and comment:

"None of this is to say that the gay community has made no changes in its sex practices. But sweeping as such changes may be, don't kid yourself: a very sizeable proportion of gay men continue to show such callous disregard -- and we think it's monstrous."

Despite Their Behavior, Gay Activists Demand Recognition as "Normal"

Nevertheless, gays loudly demand that society regard them as "just like everyone else." And that society recognize and protect their behavior with no questions asked as a "normal, if divergent, lifestyle." Recently, the gay activist head of a Denver homosexual coalition claimed opponents of special gay advantage legislation "failed to distinguish between sexual orientation and sexual deviance." Webster's Third International Dictionary defines "to deviate" as "to turn aside, especially

from an established way." Studies of homosexual behavior clearly demonstrate radical deviance from society's norms.

AIDS research released in 1982 by the U.S. Centers for Disease Control reported that the typical homosexual interviewed claimed to have had over 500 different sexual partners in a lifetime. Considered by themselves, the AIDS victims in this study averaged more than 1,100 lifetime sexual partners. (A psychologist we have interviewed tells of counseling a homosexual clergyman who claimed more than 900 sexual partners to date.) Some homosexuals have reported as many as 20,000 sexual partners in one lifetime.

In perhaps the most thorough study of homosexual behavior ever undertaken, published by the Kinsey Institute in Bell and Weinberg's book Homosexualities, A Study of Diversity Among Men and Women (New York, Simon and Schuster, 1978, pp. 308-309) we learn that:

- o 43% of white male homosexuals estimated they had sex with 500 or more different partners. 75% had 100 or more. 28% (the largest subcategory) reported more than 1,000 partners.
- o 79% said more than half their partners were strangers.
- o 70% said more than half their sexual partners were men with whom they had sex only once.

A study of San Francisco homosexuals published in "Psychology Today," (February, 1981) revealed that 28% of homosexuals surveyed had engaged in sodomy with more than 1,000 partners. An additional 70% had more than 50 partners.

In the May 28, 1986, issue of InStep, a Madison, Wisconsin gay tabloid, Dr. Will Handy, an admitted homosexual, and former Co-Chair of that State's Governor's Council on Lesbian and Gay Issues, detailing his objections to "contact tracing" for HIV-positive people, was quoted as follows:

"Contact tracing has not proved very effective among gay men, even for those diseases (syphilis and gonorrhea) which are, in a sense, 'designed' for it. In the three weeks incubation period for syphilis, the average gay man will have three sexual partners to report. Wisconsin's HTLV-III contact tracing proposal calls for the tracing of partners back to 1980: that suggests quite a large pool of people to contact for each positive test given to a gay/bisexual man. But the reality is that many of those contacts would have been anonymous or so casual that memories of names, addresses, and dates would be long lost. The Division of Health can't trace my partners if I can't recall who they were."

In medical literature's only study reporting on homosexuals who kept sexual "diaries," (Corey, L., and Holmes, K.K., "Sexual transmission of hepatitis A in homosexual men," New England Journal of Medicine, 1980, 302:435-438), the number of annual sexual partners was nearly 100. The diaries also reported the average gay as, per year:

- . Fellating 106 different men and swallowing 50 of their seminal ejaculations.
- . Admitting 72 penile penetrations of the anus.

7% were infected with hepatitis A and 10% contracted hepatitis B during a six-month period of the study alone.

A 1992 study has reported that the proportion of London, England, gays who engage in "rimming" (labial-anal stimulation) had not declined since 1984 (Elford, J., et. al., "Kaposi's sarcoma and insertive rimming," Lancet, 1992:339:938.27).

(Ingestion of feces has recently been implicated in the transmission of an especially virulent form of cancer [Beral, V., et. al., "Risk of Kaposi's sarcoma and sexual practices associated with faecal contact in homosexual or bisexual men with AIDS," Lancet, 1992:339:632-35.28]. The first documented case of salivary AIDS transmission by "rimming" [oral-anal sexual stimulation] has been reported in Genitourinary Medicine, 1992;68:254-257).

Studies reported by A.P. Bell, M.S. Weinberg and S.K. Hammersmith in the book Sexual Preference (Bloomington, Indiana University Press, 1981) indicated that only 3% of homosexuals had fewer than 10 lifetime sexual partners. Only about 2% could be classified as either monogamous or semi-monogamous.

Not that "monogamy" can be said to have traditional meaning in gay circles. Studies indicate that "monogamy" for homosexuals lasts from between 9 to 60 months (Gebhard, P.H., and Johnson, A.B., The Kinsey Data, Sanders, 1979; Bell, Weinberg and Hammersmith, Sexual Preference, op. cit.; "The Psychology of Homosexuality," Institute for the Scientific Investigation of Sexuality, 1984).

Weinberg and Williams reported two-thirds of 1,117 homosexuals they surveyed answered "no" when asked whether they or their present sexual partner were currently "...limiting your sexual relationships primarily to each other." Only a third of homosexuals surveyed claimed they had "ever" been involved in such a mutually exclusive relationship.

(Hunter and Madsen, in After the Ball, op. cit., pg. 330, admit: "... the cheating ratio of 'married' gay males, given enough time, approaches 100% ... Many gay lovers, bowing to the inevitable, agree to an 'open relationship,' for which there are as many sets of ground rules as there are couples.")

A 1984 study by the American Psychological Association's Ethics Committee, reported in USA Today (November 21, 1984), indicated that fear of AIDS had lowered homosexuals' promiscuity rate from 70 different partners a year in 1982 to 50 partners per year by 1984. Even at this "safe sex" rate, a homosexual from ages 18-30 would still total over 600 sexual partners.

In a letter to the editor of the American Journal of Public Health (December, 1985, 75, pp. 11449-1450), Dr. Hunter Handsfield, Director of Seattle, Washington's Sexually Transmitted Disease Control Program, noted that, in the face of the AIDS epidemic, these changes in behavior are "almost ludicrous."

A recent, large-scale study of sexuality among Roman Catholic priests (presented to the 98th Annual Convention of the American Psychological Association, August, 1990, by A.W. Richard Sipe) reported that approximately 6-8% of heterosexual priests were sexually active. But approximately 50% of homosexually-oriented priests were sexually active.

Gay's' claim to normality is also undercut by studies regarding the sexual behavior of the U.S. population as a whole. A University of Chicago survey (Adult Sexual Behavior in 1989: Number of Partners, Frequency and Risk, presented to the American Association for the Advancement of Science,

February, 1990, published 1990 by NORC, University of Chicago) concluded that the estimated number of lifetime sexual partners since age 18 for the U.S. population as a whole is 7.15 (only 8.67 for those who never marry).

Isolated interview studies since 1987 suggest that homosexuals may have lowered the number of their sexual contacts to around 10 per year. Even a reduction of this magnitude would mean homosexuals have more sexual partners in a year than the average American has in a lifetime.

Positively Aware, a gay "AIDS" journal, reports in the Summer 1992 issue on a study of gay behavior headed by Robert Stempel of San Francisco General Hospital and issued at the Eighth International Conference on AIDS. Sempel's findings from 1981-1991 include:

"... Mean number of sexual partners decreased from 80 [annually] before 1984 to 12 in 1988, but increased to 22 by 1991. Mean number of receptive anal intercourse partners decreased from 36 to 2 in 1989, but increased to 4 in 1991.

"Insertive oral intercourse declined to 86% by 1988, but rose to 90% by 1990. Receptive oral intercourse declined from 96% before 1984 to 79% in 1984, but rose to 85% by 1991. Celibacy increased from 1% to 18%; monogamy increased from 6% (1981) to 24% (1988), and then decreased to 19% in 1991... Since the beginning of the study, Stempel said, 'increases in sexual risk-taking appear to be on the rise again since 1988, after a period of marked decline'" (pg. 21).

Evidence also exists that levels of lesbian promiscuity are high -- correlating with previously-mentioned high disease-incidence statistics among lesbians. Jay and Young's Gay Report [op.cit., pg. 5] revealed 38% of lesbians surveyed had between 11 and more than 300 lifetime sexual partners -- far beyond the norm for heterosexual women. In Homosexualities, op. cit., Bell and Weinberg reported that 41% of white lesbians admitted to having between 10 and 500 sexual partners.

Homosexual Behavior Different in Kind as Well as Frequency

Deviance in homosexual behavior is not only a matter of frequency, but of kind practiced. For example, one-third of homosexuals and one-eighth of lesbians admit to practicing sadomasochism (hurting or being hurt as a part of achieving sexual pleasure). This is a rate at least 600% greater than heterosexual males and 400% more than claimed by heterosexual females ("Murder, Violence and Homosexuality," Institute for the Scientific Investigation of Sexuality, 1987; cf. Gebhard, P.H., and Johnson, A.B., The Kinsey Data, Sanders, 1979).

Similarly, one-fourth of homosexual males and 8% of lesbians admit to engaging in "water sports" (urinating on sexual partners); again, rates over 450% higher than for heterosexuals (op. cit., paragraph preceding).

OutFront, a Denver, Colorado, gay newspaper published (in its September 27, 1991 issue) an article entitled "About Water Sports," by a writer identified as "The Leathersex Fairy," which we excerpt (severely edited here for propriety's sake):

"Unattractive as some people find it, p--- is hot stuff to a lot of guys. Even so, watersports is

one of those things, one of those words even that embarrasses people. Why? What is so embarrassing about wanting to see, play in, drink, or be 'humiliated' with p--- in a subculture that accepts all kinds of variations on oral sex, rimming, and bootlicking without hesitation? 'Oppressive potty training?' Maybe. But, whatever causes the discomfort around watersports as a topic of conversation seems to evaporate like p--- on hot concrete the moment the curtains are drawn and the lights are down...

"The fact is that just about every boy I have been with in the past 15 years or so was either actively seeking p--- or readily willing to take it, one way or another... What other people call waste water, is only considered a waste by some of us if it is discarded before it is shared. P--- can be a reward: 'You can't have my p--- till you prove you deserve it'... It can be a challenge given to establish or test relative degrees of dominance and submission: 'Yes, here and now, in the bar, in front of your pals, p--- in your faded jeans and let the p--- collect in your boots.' It can be, on step further in the same direction, intentional humiliation: 'Now that we are sure your friends are watching, get down and beg me to p--- on you. If you do it well, I may even p--- on your face.'"

Surely, articles like these (typical of fare in gay-catering publications) reflect neither "normal" sexual behavior or a "normal" mindset. The program brochure of the "13th National Gay and Lesbian Health Conference," scheduled for July 24-28, 1991, includes a workshop entitled "Normalizing S/M [sado-masochism]: A Non-DSMIIIR Approach." We quote from its description (p. 18):

"This workshop is an attempt to explore s/m as a normal sexual identity, despite the DSMIIIR [the American Psychiatric Association's list of psychological disorders] assessment of it as a psychosexual disorder." (emphasis added)

In a study previously referred to of "gay values" as reflected in 19 years' issues of the gay "slick" magazine, The Advocate, Dr. Judith Reisman found that: "'Gay-on-gay violence' is instigated in THE ADVOCATE as 'S&M' 'spanking,' 'slaves wanted' etc. -- and is largely endorsed by the prevailing 'gay' cultural values. Finding: roughly 13-22% of ADVOCATE sex ads solicited or promised brutality, humiliation, 'gay-on-gay bashing' or other forms of sexual injury (Ibid., p. 33).

Reisman comments:

"The 'straight' world had long rejected the idea that brutality held a legitimate place in sexual relations between men and women. Therefore, the nation [has] responded positively when homosexual advocates called for 'hate crime legislation' to punish 'gay-bashing.' It seemed fair to those outside the homosexual culture that gays likened 'gay-bashing' to Jewish and black fears of religious and racial brutality.

"However, an examination of ADVOCATE sex ads found sexual violence solicited in roughly 13-22% of ADVOCATE 'Personal' ads biweekly from July 1972 to July 1991. Moreover, much of the solicitation takes the form of illegal ads for prostitution, further complicating the nature of the violence...

"In an interview [personal interview with Reisman, February 23, 1986] on serial rape-murder, Robert O. Heck, chief police investigator of the Office of Juvenile Justice and Delinquency

Prevention, U.S. Department of Justice, pointed out that many such [gay sex crime] victims have been minors, usually young boys" (Ibid, p. 33).

Reisman further observes:

"On the evidence, neither blacks nor Jews solicit personal violence. Neither The Jewish News nor Jet nor Ebony, etc., can be shown to have printed ads soliciting beatings and insults from Jews, blacks or other interested parties. A reasonable question is, can one compare racial and religious violence -- with its chronicle of lynching, mutilations and cross-burnings of Jews and blacks -- to a people who publicly solicit violence roughly 500 times per gay magazine per month annually?

"On the other hand, there is no record nor any complaint expressed in THE ADVOCATE regarding gay males who harm young boys during the S&M rituals to which the children are on record as subjected. This view of boys as objects for men's sexual violence is seen in the child pornography and child prostitution culture. Some number of gays being 'bashed' will have to be men who are engaging in conduct which got out of hand. Or, the 'hate crime' may be entrapment. July 16, 1991, the AD OF THE ISSUE:

"Getting Arrested TURNS ME ON!!!....Activist nookie is for me! I dig those multiple bod piercings, that animal odor of old leather jackets...and cool tattoos. I've been arrested five times and each time I get an erection when I think about taking the streets shoulder to shoulder with some buzz-cut warrior/stud. Apolitical disco-wimps and body-doll gym blow-ups can go to the concentration camps...I have a HUGE EAGER ROD for the right hell-raiser. Pix or no answer!..'

"... Gays rarely report gay-on-gay torture, harassment, rape, even S&M gang rape, known to be fairly common among boys and men who are picked up at bars and who go to the homes of strangers for sex. The argument has been that to report gay-on-gay assault risks rejection and further abuse by the gay community."

(Ibid, pp. 34-36)

One wonders, indeed, how many "gay-bashings" and "hate crimes" are in fact the product of gay-on-gay abuse conveniently blamed on "straights" to help promote sympathy for gay extremists that might lead to granting gays special, protected class status.

An article in Quest, Denver's gay tabloid ("A Look at Gay and Lesbian Domestic Violence," May 1992, p. 13), reported:

"Relationship abuse is, unfortunately, alive and well within our lesbian and gay community.

"FACT: Every night in Denver another gay or lesbian get [sic] beaten by their lover/mate spouse/roommate every 30 minutes.

"FACT: Only 1 in 50 of these beatings are reported to intervening authorities (police/hospital shelters), and only 1 in 20 are ever revealed to other possible helpers (landlords/family/friends).

"FACT: Domestic violence is still a closeted issue in Denver's gay and lesbian communities. It seems that the taboo against it is not as strong as the taboo to talk against it."

The Preliminary Program of the 13th National Lesbian and Gay Health Conference, which took place July 24-28, 1991, in New Orleans, lists no less than 27 workshops dealing with such topics as child abuse, substance abuse, sadomasochism and gay "domestic violence."

Again, gays sometimes infer that some of the above-cited studies and findings are "outdated," or "do not reflect a representative sample." Gays infer that they have radically changed their sexual behavior and drastically reduced their promiscuity and altered their sexual behavior. Again, we are unaware of, and gays fail to supply, any persuasive evidence to support this inference.

Fallacy of the Beard

Attempting to shore up their claim to "normality," gay extremists argue that: (1) Wildly promiscuous heterosexuals also exist. (2) The range of "normality" is vast.

Their argument is known in logic as the "fallacy of the beard." It's like insisting that the face of a man whose morning shave has missed one whisker is just as hairy as the face of a man with a full beard. No reasonable person can equate the promiscuity levels or disease incidence statistics of the homosexual population with those of the general population.

Homosexual "10%" of Population Numbers and "Normality Status" Doubtful

Several recent studies call into serious question the 1948 Kinsey research figures often quoted by homosexuals to suggest a 10% homosexual presence in the general population.

In their book, Kinsey, Sex and Fraud, (Lochinvar-Huntington House pub., 1990) Reisman and Eichel point out that Kinsey's data base was clearly skewed by his choice to include a high percentage of prison inmates and known sex offenders. Convicted criminals comprised a full 25% of Kinsey's male sample, though they made up less than 1% of the total U.S. population. Both practice homosexual behavior much more frequently than individuals in the general population. (More to this point later.)

Tom W. Smith's much more recent, previously cited study Adult Sexual Behavior in 1989: Numbers of Partners, Frequency and Risk, conducted among a full probability sample of the adult U.S. household population, reported that "Overall... less than 1% [of the study population] has been exclusively homosexual."

Jeffrey Vitale, President of Overlooked Opinions, a Chicago-based market research firm which "is compiling the results of an ongoing national survey of a panel of about 20,000 homosexuals" estimates that "even in California and New York, two well-known [gay] havens, the gay population is less than 8 percent" (American Marketplace, "Gay Community Looks for Strength in 'Numbers,'" Vol. 12, No. 14, July 4, 1991, p. 131).

Recent national surveys of about 10,000 subjects conducted by the National Center for Health

Statistics and the U.S. Centers for Disease Control report less than 3% of men as saying they have had sex with another man "at some time since 1977, even one time ("AIDS Knowledge and Attitudes for January-March, 1990, Provisional Data From the National Health Interview Survey," Deborah Dawson; Joseph E. Fitti and Marcie Cynamon, op. cit. for April-June, 1990; Pamela F. Adams and Ann M. Hardy, op. cit. for July-September, 1990, in Advance Data, #s 193,195,198, National Center for Health Statistics, Centers for Disease Control, Public Health Service, U.S. Department of Health and Human Services, p. 11 in all three documents).

The September 2, 1992, Dallas Morning Times (pg. 4C) reported on a "University of Chicago study aimed to be the most significant study [on American sexuality] since Mr. Kinsey's" and a related study by the National Opinion Research Center. The findings:

"...An estimated 3 percent of the population claimed at least one act of homosexual sex during 1991. Over the respondents' lifetime, 4.5 percent claim some such sex... The final conclusions from the University of Chicago's study may confirm a figure far lower than Mr. Kinsey's. They may also show that American sexual behavior is quite conservative. The mean number of sexual partners over an individual's lifetime is probably around six or seven" ("Study of U.S. sex habits may contain surprises").

Science magazine, July 3, 1992, reports a very recent French study that found only 4.1% of men and 2.6% of women said they'd had homosexual intercourse at least once in their lives. Only 1.1% of men and 0.3% of women said they'd had homosexual intercourse in the past 12 months (as reported in "Homosexual figures grossly exaggerated," AFA Journal, September, 1992, pg. 9).

Likewise highly suspect and tainted is the homosexual community's vaunted "normality status," gained in 1973, when the American Psychiatric Association removed homosexuality from its DSMII listing of psychological disorders.

The 60% of APA members voting in favor of this decision did so under enormous intimidating pressure, the result of constant disruptive and confrontational tactics by homosexual activists. Ronald Bayer, a gay extremist sympathizer, described the situation at that time as follows:

"There was a shift in the role of demonstrations [by gay activists] from a form of expression to a tactic of disruption. In this regard, gay activists mirrored the passage of a confrontation politics that had become the cutting edge of radical and antiwar student groups. The purpose of the protest was no longer to make public a point of view, but rather to halt unacceptable activities. With ideology seen as an instrument of domination, the traditional willingness to tolerate the views of one's opponents was discarded" (Homosexuality and American Psychiatry: The Politics of Diagnosis, New York, 1981, p. 98-99, emphasis added).

Furthermore, only about 25% of APA members voted on the proposed change. In late 1977, 68% of American Medical Association psychiatrists responding to an anonymous poll still viewed homosexuality as a pathological adaptation as opposed to a normal variation (reported in "Hope for Homosexuality," Free Congress Foundation, 1988, p. 53).

As Dr. Joseph Nicolosi wrote in the February, 1989, issue of The California Psychologist, "Many members of our profession still privately express the opinion that homosexual development is not normal. The 1973 APA ruling did not resolve the issue -- it simply silenced 80 years of

psychoanalytic observation."

(Employing similar "brownshirt" tactics, gay "AIDS activists" have also gained controlling influence with the AIDS medical research establishment. A recently published book, The Fragile Coalition: Scientists, Activists and AIDS, Robert M. Wachter, M.D., St. Martin's Press, New York, 1991, documents how gay activists achieved this control.)

Gay activists repeat the 10% figure with broken-record frequency because they know it is key to their efforts to advancing their political agenda. Activist Bruce Voeller said in a recent book:

"I campaigned with Gay groups and in the media across the country for the Kinsey-based [10%] finding that 'We are everywhere.' This slogan became a National Gay Task Force leitmotif. And the issues derived from the implications of the Kinsey data became key parts of the national political, educational and legislative programs during my years at New York's Gay Activist Alliance and the National Gay Task Force. And after years of our educating those who inform the public and make its laws, the concept that 10 percent of the population is gay has become generally accepted 'fact.' While some reminding always seems necessary, the 10 percent figure is regularly utilized by scholars, by the press, and in government statistics. As with so many pieces of knowledge and myth, repeated telling made it so -- incredible as the notion was to the world when the Kinsey group first put forth its data or decades later when the Gay Movement pressed that data into public consciousness" ("Some Uses and Abuses of the Kinsey Scale," Bruce Voeller, Homosexuality, Heterosexuality: Concepts of Sexual Orientation, The Kinsey Institute Series, June Machover Reinisch, ed., Oxford University Press, 1990, p. 35, emphasis added).

In a recent article, The New American reported: "Ever since the Alfred Kinsey study, homosexual activists have been insisting that they represent about ten percent of the the total population. This notion, based on faulty science, has been generally accepted as fact by the popular culture. Even *Newsweek* discovered this discrepancy in a recent issue, reporting that 'ideology, not sound science, has perpetuated a 1-in-10 myth. In the nearly half century since Kinsey, no survey has come close to duplicating his findings,' Patrick Rogers wrote in the February 15th issue. 'Most recent studies place gays and lesbians at somewhere between 1 and 6 percent of the population.' "The story also reported that some homosexual activists now admit that they exploited the inflated Kinsey figures for political reasons. 'We used that figure when most gay people were entirely hidden to try to create an impression of our numerousness,' says Tom Stoddard, former member of the Lambda Legal Defense Fund [a sort of gay ACLU]" ("The Homosexual Numbers," March 22, 1993, p. 37).

An even more recent major national survey of male sexual behavior concluded that "Nearly one-fourth of American men under 40 have had 20 or more sexual partners during their lifetimes, and only 2 percent ever engaged in homosexual behavior... A team of researchers from the Battelle Human Affairs Research Centers in Seattle published a series of reports on their study in the March-April [1993] issue of *Family Planning Perspectives*, the magazine of the Alan Guttmacher Institute.

"...Only 2.3 percent of the men reported any homosexual activity in the past 10 years, and just 1.1 percent said they had engaged in exclusively homosexual sex. That is far less than the 10 percent figure attributed to the landmark Kinsey report from 1948" ("Homosexual activity lower than believed, study shows," Colorado Springs Gazette Telegraph, April 15, 1993, p. A-13, emphasis added).

Gay extremists respond to revelations about the extremity of their behavior and smallness of their numbers by saying "it is a repressive society that drives gays to compulsive and dangerous sexual behavior." I.e., because society does not support committed homosexual relationships, homosexuals are "forced" into the counterculture of bars, bathhouses and other "cruising" places. This assertion doesn't stand up to analysis. Fifty or 60 years ago, society almost universally condemned heterosexual pre- and extramarital sex. Yet no such incredible levels of heterosexual promiscuity were in evidence.

Today, in cities like New York City, San Francisco, and Laguna Beach, California, where male homosexual relationships are most accepted and legally protected, the level of promiscuity remains enormously high relative to the general population. These cities also retain the highest levels of AIDS cases and the highest levels of sexually transmitted disease infection in the homosexual community.

Gay extremists occasionally cite low gay disease incidence statistics in isolated conservative communities as proof that such a thing exists as "healthy homosexuality." But close analysis reveals the figures presented prove no such thing. First, the statistics presented are never accompanied by exact tallies of these communities' gay populations. Furthermore, gays admit that many of their number are still "in the closet" and unaccounted for. Some diseased individuals claiming to be "straight" may well be "closet gays." Therefore, these apparently "favorable findings" are statistically meaningless.

Though homosexual authors Hunter Madsen and Marshall Kirk also largely blame society for rampant gay STDs, they admit in their book, After the Ball (op.cit., pp. 47, 48): "There is more promiscuity among gays (or at least among gay men) than among straights... Correspondingly, the snail trail of promiscuity -- sexually transmitted disease -- also occurs among gay men at a rate five to ten times higher than average."

Studies of homosexual (and highly promiscuous heterosexual) behavior, and of frequent users of pornography, strongly suggest that sexual license does not assuage sexual appetite -- but rather increases both appetite and frequency of behavior. Gay activists at times compare statistics about the behavior of other, legitimate ethnic groups, in an attempt to link themselves with these groups as another "oppressed class." Colorado lesbian gay activist Robin Miller has written: "Could health statistics be used to 'prove' that black people are 'bad?' Blacks have 28 percent of the AIDS cases but constitute only 12 percent of the population... The syphilis rate among blacks is five times that for whites... Anyone claiming that blacks are 'bad' because of this would be rightfully censured for racist prejudice..." (Colorado Springs Gazette Telegraph, July 28, 1991, pg. B-10).

We answer: Ms. Miller's comparison of blacks and gays is false. The behavior, good or bad, or sexual fantasizing, of black people does not define their claim to minority status. A black person is identifiable from birth as black, before he or she ever manifests good or bad behavior or experiences sexual fantasies. Gays, however, are defined, by Ms. Miller's own admission (op. cit., this study, pg. 3) solely by orientation/behavior. Thus, the potential impact on society of giving gays special status is not only an appropriate, but a critical issue in any debate about giving protected class status to "gayness."

Miller's "argument" raises another question. Would any rational person suggest that society

excuse the dangerous behavior of any minority group simply because it is a minority? Should dangerous behavior be legitimized or protected simply because it is indulged in by minority groups, legitimate or illegitimate?

This is the very kind of irrationality gays are asking us to endorse -- that we legitimize and specially protect gay behavior, however dangerous, behavior which is gays' only demonstrable claim to minority status, without analyzing its impact on society. Again, America's people would be utterly remiss to do so.

Gays Want Information About Their Behavior Concealed

Gay extremists don't want this kind of information publicized. Homosexual writers Marshall Kirk and Erastes Pill admitted as much in their 1987 Guide magazine article, "The Overhauling of Straight America," which outlines media and public relations strategies for winning protected class status for homosexuals (also in Kirk's previously-mentioned After the Ball):

"In the early stages of any campaign to reach straight America, the masses should not be exposed to homosexual behavior itself. [emphasis the authors'] Instead, the imagery of sex should be downplayed and gay rights should be reduced to an abstract social question as much as possible. [emphasis added] First let the camel get his nose inside the tent -- and only later his unsightly derriere!"

So, homosexual extremists accuse opponents who reveal such information of bigotry, verbal abuse or "gay bashing." But facts do not hate. They simply are. And society would be highly irresponsible not to take these facts into account before we consider granting homosexual behavior special ethnic status and class protection.

Why, one might well ask, if homosexuality truly possesses qualities of ethnicity, has this not been self-evident to all civilizations throughout history? Only now, in our permissive era, have some in our society seen fit to even tolerate the brazen claim of homosexuals to ethnic status.

Dare society give special protection to the behavior of or consider normal highly promiscuous individuals whose actions may expose millions of sexual partners -- and innocent contactees including children -- to a host of highly communicable, even incurable, diseases? Dare we ignore the potential impact of such behavior in sensitive occupations like health care, child care and food care? We think not.

Numerous diseases most frequently suffered by homosexuals, including hepatitis A and B, are easily transmittable by the kind of hand-to-mouth contact common in these occupations. As previously mentioned, AIDS transmission, both from health care workers to patients, and from patients to health care workers (then possibly to other patients), is increasingly becoming a public issue.

AIDS sufferers have recently been shown to be incubating virulent new strains of tuberculosis that are practically incurable, in addition to other new variations of disease easily transmissible through incidental contact (Dooley, S.W., et. al., "Nosocomial transmission of tuberculosis in a hospital unit for HIV-infected patients," Journal of the American Medical Association, 1992:267:2632-35, 25).

Some argue that the incidence of AIDS (and other disease) transmission in such settings is too low to be of great concern. They continue to argue against mandatory testing of either caregivers or patients. We beg to differ. Are we to regard protecting the license to practice dangerous, deviant sex as more important than life itself? Is not life too precious to be sacrificed on the altar of a handful of people's perilous sexuality? Surely, even one life lost by specially protecting irresponsible behavior is too many!

According to the Colorado Department of Health, 1.9% of the state's AIDS sufferers did not acquire the disease through high-risk behavior. Some health authorities believe that by the mid-1990s, it will be difficult for sick persons in America to get hospital beds because of overcrowding by AIDS-infected homosexuals. Some authorities also believe that, under special gay advantage legislation, payments to homosexual AIDS patients may threaten to drain Social Security's trust fund for retirees. Should society be unconcerned about the plight of these guiltless victims?

Others have argued that behavior-borne diseases (like AIDS) can't be controlled by government, so it is government's chief role to protect the "civil rights" of sufferers of diseases like AIDS. We beg to differ. Is it not also the government's role to protect the general population from the consequences of the "divergent" behavior of a few?

When research demonstrated that cigarette smoking harmed non-smoking people, national campaigns were launched against smoking, and smokers' "rights" began to be severely limited in order to protect non-smokers from the effects of "passive smoking." Should Americans suddenly embrace the idea that taxpayers should pay the medical costs of smokers who refuse to quit smoking and consequently develop lung cancer? AIDS-infected homosexual extremists are vigorously (and sometimes violently) pressing society to "pay the tab" for their irresponsible behavior, by making taxpayers, through state and federal governments, pay for the medical care of AIDS sufferers.

Surely, society cannot heedlessly overlook the deadly consequences of unhealthy gay behavior and give special preference to those who unrelentingly practice it. Is society "blaming the victim" when it expresses concern over the consequences of homosexuals' heedless sexual license? Is it not society's right and duty to protect itself against the impact of this behavior -- by at least not granting that behavior protected class status and special advantages?

"Gayness" -- A "Healthy, If Divergent Lifestyle"?

Is homosexuality "a healthy, if divergent, lifestyle"? Not only is the sexual behavior of gays and lesbians deviant from the norm, it is well documented that homosexuals and lesbians exhibit drug and alcohol abuse far in excess of the general population.

For instance, nearly 31% of homosexual men participating in a survey of 700 homosexual and lesbian San Francisco residents reported using drugs or alcohol at dangerous or addictive levels, according to the San Francisco Lesbian and Gay Substance Abuse Planning Group (which commissioned the survey). About 18% of lesbians surveyed reported dangerous or addictive use of drugs or alcohol. Substance abuse of both homosexuals and lesbians surveyed were far higher than substance abuse rates of heterosexual men and women, according to the survey group (The Advocate, [a gay national magazine], Dec. 3, 1991).

Family Research Institute founder Dr. Paul Cameron has compiled compelling evidence that homosexuality is anything but healthy. (Gay activists frequently attempt to discredit Cameron, citing Cameron's largely gay activist-engineered breach with the American Psychological Association. It seems Cameron refused to stop publishing unflattering information about gay behavior -- an "offense" which gay activists had pressured the APA into making an "ethics violation." Gay activists gnash their teeth at many of Cameron's findings, but have yet to successfully refute his research.)

In his study The Homosexual Life-Span, Cameron compared 4,153 homosexual or lesbian obituaries from 10 homosexual journals with a random sample of obituaries from urban newspapers. (We've recently learned that Cameron's study sample now totals more than 4,800, with no significant change in results.) He concluded (study pg. 1):

"[The urban newspaper obituaries] were very similar to national averages for longevity: the median age of death of married men was 75, 80% died old (65 or older); the median age for unmarried men was 57, 32% died old. The median age of death for married women was 79, 85% died old; the median age for unmarried women was 71, 60% died old.

"For the 4,083 homosexual deaths, the median age of death if AIDS was the listed cause was 39, irrespective of whether or not the individual had a long time sexual partner [LTSP], <1% died old; the median age of death from unlisted causes was 38 if the individual had a LTSP, 45 if he did not, 1% of both groups died old.

"For those 414 homosexuals who died of non-AIDS causes, the median age of death was 43 and 7% died old ... "The 70 lesbians registered a median age of death of 45 and 24% died old. Lesbians exhibited high rates of violent death and cancer as compared to women in general."

Cameron comments: "The discrepancy between the median life-span of married men and homosexuals (i.e., 75-43=32 years ignoring AIDS deaths) or married women and lesbians (i.e., 79-45=34 years) is considerably larger than any registered discrepancy between lifestyles (e.g., smokers and non-smokers) which we could locate in the [medical] literature."

Cameron also discovered a curious fact in scientific literature regarding homosexuals compiled from 1858 to 1990: "Old homosexuals have been significantly absent or proportionately less numerous than their heterosexual counterparts... The pattern of early death evident in the homosexual obituaries is consistent with the pattern exhibited in the published surveys of homosexuals" (pg. 1).

The Health Verdict is In

The laws of many states still reflect society's historic disapproval of homosexual behavior. The State of Colorado, for example addresses the practice of sodomy in its Criminal Code. The code refers to both sodomy and fornication, defining sodomy as "deviate sexual intercourse." It prescribes penalties for the crime of "promoting sexual immorality," in section 18-7-208 (Colorado Revised Statutes, Volume 8B, 1986 Replacement Volume, Criminal Justice II), which it describes as follows:

"Promoting sexual immorality. (1) Any person who, for pecuniary gain, furnishes or makes available to another person any facility, knowing that the same is to be used for or in aid of sexual intercourse between persons who are not husband and wife, for or

in aid of deviate sexual intercourse, or who advertises any such facility for such purposes, commits promoting sexual immorality. [emphasis added]

"(2) 'Facility', as used in this section, means any place or thing which provides seclusion, privacy, opportunity, protection, comfort, or assistance to or for a person or persons engaging or intending to engage in sexual intercourse or deviate sexual intercourse." [emphasis added]

This statute doubtless contains a lingering echo of Colorado's now-repealed sodomy laws. It might well allow Colorado citizens to refuse to rent property to homosexual or unmarried heterosexual couples. Yet in Colorado and elsewhere, special gay advantage supporters seem intent, despite the conclusive evidence of public health and safety dangers, on endorsing and protecting gay behavior, and advancing the gay extremist political agenda.

One former Colorado Civil Rights Commission official (who also co-chaired the State's most prominent pro-special-gay-advantages advocacy organization), though sworn to uphold the laws of this State, has been quoted as saying that he wouldn't care if 99% of Colorado's citizens voted down special gay advantage legislation by referendum. He would continue to urge Colorado's legislators to overrule the people's will -- and also, evidently, the laws of the State of Colorado.

Would this official (along with others who've supported special gay advantages) succumb to the demand of homosexuals for "Immediate release of all Gay women and men now incarcerated in detention centers relating to victimless crimes or sexual orientation; and that adequate compensation be made for the physical and mental duress encountered; and that all existing records relating to the incarceration be immediately expunged" (The 1972 Gay Rights Platform)? It's all too likely.

Nevertheless, the public health and safety verdict on homosexual activity is in. Homosexuals are "not just like everyone else." They practice extremely unhealthy, even life-shortening, behavior, which radically deviates from the norm. Society has largely tolerated more than two decades of increasingly unbridled homosexual activity. We have a broad base of evidence on which to decide whether or not homosexual behavior merits special legal protection.

We conclude, on the basis of public health considerations alone, that America would be remiss indeed to grant ethnic status and special legal protection to a group with nothing more in common than a lifestyle of shared sexual behavior constituting a clear danger to the public's health and safety.

Gay extremists claim they need protected class status to bring them "human dignity." But granting special advantages, forced public acceptance and subsidy to such a special interest cannot confer dignity on the lifestyle it embodies. And gay extremists are not really asking for rights, but demanding license and special advantages -- license not only to continue engaging in their "divergent" sexual behavior, but to continue do so with special advantages and at society's expense. But we again state clearly:

Despite the willful arrogance or unwitting ignorance of special gay advantage-supportive public officials, America's citizens have every right -- and duty -- to judge dangerous behavior on its lack of merit, and withhold protected status from that behavior as we see fit. We urge all Americans to exercise that right and perform that duty before gay activists succeed in securing the special class protections, entitlements and status they seek.

PART TWO

Protected Class Status for Gays: Civil Right -- or Uncivil Wrong?

Part One of "Special Protections for Gays: A Question of 'Orientation' and Consequences" presented an analysis of gay behavior and the possible health and safety consequences of giving protected class status to gays.

Gay extremists are asking for recognition of gays as a class with full protected class minority status and privileges, based on their "divergent" sexual behavior (or mere desire) alone. Since behavior/desire plays the only defining role in gay extremists' claim to any sort of class status, it is imperative that society, before awarding gays the status they seek, carefully examine gay behavior and determine, by "common-sense" analysis whether this behavior/desire merits special class protection. While we stated clearly that we do not wish to see gay citizens deprived of any rights legitimately theirs under the U.S. Constitution, we concluded that, on the basis of health and safety dangers posed by gay behavior and its effects alone, gays should not be given protected class status and advantages.

At the outset, we must make clear that the special protected class status and advantages we believe gays should be prevented from securing are not the fundamental rights and protections guaranteed to all Americans under the U.S. Constitution. The Supreme Court has clearly ruled that citizens may benefit from all fundamental rights and protections without possessing special, protected class status, which is reserved for truly disadvantaged, politically powerless and obviously distinct minorities, under strict Court-established criteria (see below).

Thus, Part Two of this paper will present the significant civil rights grounds that should compel society to reject legislation granting special advantages to gays. First, we will prove that gays do not qualify for special class protections historically given to disadvantaged minorities and that awarding those protections to gays would result in significant harm to legitimate minorities. Second, we will make clear that gays are not, in fact, in any sense, a disadvantaged minority class, but an affluent, powerful special interest attempting to "hijack" civil rights status for even more gain. Third, we will demonstrate that granting gays protected class status would result in dangerous abuse of the fundamental rights of all Americans. Fourth, we will refute commonly-heard, groundless arguments advanced in favor of special class advantages for gays.

Protected Class Status for Gays Unwarranted Under All Three Traditional Criteria

The first question we must consider is this: Do gays, as a group linked solely by shared sexual behavior (or alleged desire), warrant protected class status by any criteria which have given that status to legitimate ethnic groups? Historically, courts and civil rights authorities have employed three "touchstones," in awarding protected class status to groups of people who...

1. **As an entire class have suffered a history of discrimination evidenced by lack of ability to obtain economic mean income, adequate education, or cultural opportunity.**
2. **As an entire class exhibit obvious, immutable, or distinguishing characteristics, like race, color, gender or national origin, that define them as a discrete group.**
3. **As an entire class clearly demonstrate political powerlessness.**

(Cf. "Frontiero vs. Richardson," 411 U.S. 677,684-687, 93 S.Ct. 1764, 1769-70, 36 LED 2nd Ed. 583, 1973; "San Antonio Independent School District vs. Rodriguez," 93 S.Ct. 1278, 1293, 36 LED 2D16, 1973; "Massachusetts Board of Retirement vs. Murgia," 96 S.Ct. 2562, 2566, 49 LED 2D520, 1976; "Plyler vs. Doe," 457 U.S. 202, 216, N14, p. 219-223, 102 S.Ct., 2382, 2394, N14, 2395-2397, 1982; "City of Cleburne vs. Cleburne Living Center," 473 U.S. 432, 440-441, 105 S.Ct., 3249, 3254-55, 87 LED P2D, 313, 1985; restated also in "Jantz vs. Muci," March 29, 1991, 759 Fed. Supp. 1543.)

This means not all "minorities" are eligible for protected class status. Top corporate executives, for example, are definitely a "minority" in America. Yet they are obviously unqualified under the above criteria, because, if organized, they would represent a special interest group, not a true minority. Other groups, such as disadvantaged African Americans, rightly qualify for protected class status. Let's consider whether gays as an entire class warrant protected class status in light of each of these criteria.

Criterion #1

A history of discrimination evidenced by lack of ability to obtain economic mean income, adequate education, or cultural opportunity.

Are gays economically, educationally or culturally disadvantaged? Any gay claims to that effect seem clearly bogus in light of emerging marketing studies that show gays to be, to the contrary, enormously advantaged relative to the general population -- and astronomically advantaged when compared to truly disadvantaged minorities. A July 18, 1991, Wall Street Journal article, entitled "Overcoming a Deep-Rooted Reluctance, More Firms Advertise to Gay Community", reported the following findings by the Simmons Market Research Bureau and the U.S. Census Bureau:

- * **Gays have an average annual household income of \$55,430, versus a general population income of \$32,144. Mean income of disadvantaged African-American households is only \$12,166 (Statistical Abstract of the United States, 1990).**
- * **More than three times as many gays as average Americans are college graduates (59.6% vs. 18.0%) -- a percentage dwarfing that of truly disadvantaged African-Americans and Hispanics. More than three times as many gays as average Americans hold professional or managerial positions (49.0% vs. 15.9%) -- again, making gays embarrassingly more advantaged than true minorities in the job market.**
- * **65.8% of gays are overseas travelers -- more than four times the percentage (14.0%) of average Americans -- and more than 13 times as many gays as average Americans (26.5% vs. 1.9%) are frequent flyers.**

The article quotes Rivendell Marketing Co. president Joe Di Sabato as saying, "This is a dream market" -- an opinion echoed by other market research studies (one of massive scale, involving about 20,000 gay and lesbian individuals) reported in recent issues of Marketing News, ("Gays Are Affluent But Often Overlooked Market"), December 24, 1990; The San Francisco Chronicle ("Gay Market a Potential Gold Mine"), August 27, 1991; Travel Weekly magazine ("For Gays, Ship Charters Are a Boon, Say Two Travel Companies"), August 5, 1991; The Rocky Mountain News ("Corporate America comes out: Companies trying to win share of lucrative gay market"), November 30, 1991; The Wall Street Journal, ("Leaving the Corporate Closet"), November 22, 1991; Overlooked Opinions [a Chicago-based market research firm, study released January 1, 1992, boasting +/-1% accuracy at the 95% confidence level]; Marketing to Women, ("Demographics: The Lesbian Market") March 1992, Vol. 5, No. 5) and gay newspapers, The Bay Area Reporter ("Where the Money Is: Travel Industry Eying Gay/Lesbian Tourism"), September 19, 1991; and Quest magazine, a Denver gay tabloid ("Invisibility = Stagnation"), February, 1992:

- "According to Overlooked Opinions more than half of the gay men's households surveyed had income of \$50,000 or more, and nearly 30 percent of the lesbian households were in the same income group" (BAR).
- "The national average income of lesbian households is \$45,927" (RMN).
- "Companies across the country are beginning to woo the gay market in an attempt to cash in on a relatively untapped section of society that has more disposable income, has an average household income of \$55,000 (which is \$23,000 more than the national average) and who live on the edge of society and therefore [are] more inclined to try new products" (Quest, gay tabloid).
- "Together, gay men and lesbians earn over \$514 billion annually" (Overlooked Opinions survey, op. cit.).
- "Jeffrey Vitale, the president of Overlooked Opinions, described the lesbian/gay market segment as having 'tremendous buying power and lots of discretionary income'... One of the firm's findings: nearly 40 percent of the lesbians and gays surveyed had traveled overseas during the past year" (BAR, emphasis added).
- A cruise line executive, specializing in a boom market in all-gay luxury cruise vacations said, "Fifty-two percent of the passengers sign up for a cruise in the next year while on the cruise" (TW, emphasis added).
- 7% of gays live in households with annual income of over \$100,000 (Overlooked Opinions survey, op. cit.).
- Gays households are four times as likely as average Americans to be earning in excess of \$100,000 annually (SFC).
- "54.1% of gay male households have annual incomes over \$50,000" (RMN).
- "[Overlooked Opinions president Jeffrey Vitale] pointed out that 2% of the lesbians on his panel make more than \$200,000 annually, which is a higher percentage than gay males

surveyed" (MN).

- . "More than 90 percent of gay men and 82 percent of lesbians report that they read magazines as a hobby or special interest" (Overlooked Opinions survey, op. cit.).
- . "And a reader's poll conducted for the Advocate, a national gay magazine, last year showed that its readers (98% of whom are men) have average household incomes of \$62,100" (WST).
- . 47.7% of gay males and 43.1% of lesbians own their own homes. 31.7% of gays and 33.1% of lesbians reside in suburban areas (Overlooked Opinions survey, op. cit.).
- . "56.2% of cohabiting lesbian/gay couples' household incomes top \$50,000 a year" (Overlooked Opinions survey, op. cit.).
- . "...Almost 30% of lesbian households earn over \$50,000 annually" (MTW).
- . 62% of gay males are college graduates (vs. 24% of all U.S. men). 59% of lesbians are college graduates, compared with 17% of all U.S. women. "30.1% of gays and lesbians have advanced degree(s)" (RMN).
- . "America's gay and lesbian community is emerging as one of the nation's most educated and affluent, and Madison Avenue is beginning to explore the potential for a market that may be worth hundreds of billions of dollars... 'It's a market that screams opportunity,' said Eric Miller, editor of Research Alert, a consumer research newsletter based in New York" (SFC).
- . While 32.8% of African Americans live below the poverty line (\$8,343 for 2-person households under age 65 [Statistical Abstract of the United States, 1990]), 62% of gay households earn more than the average American household, and more than 95% of gay households live above the poverty line (Overlooked Opinions survey, op. cit.).
- . Only 19% of gay households earn less than \$20,000 annually (Overlooked Opinions survey, op. cit.).
- . "'Gay greenbacks are very powerful and the gay and lesbian community is a virtual motherlode of untapped sales,' said Robert Bray, spokesman for the National Gay and Lesbian Task Force in Washington" (RMN).

"[Agency president Jeffrey] Vitale's Overlooked Opinions has recruited gays around the country to answer regular mail surveys. While some are still 'in the closet' and using phony names, the sheer number of respondents assures accurate sampling" ("Gay community looks for strength in numbers," American Marketplace, Vol. 12, No. 14, July 4, 1991, p. 131).

"Editor and Publisher magazine reports that there are now more than 125 newspapers catering to homosexual readers presently being published in the United States, with a combined circulation of more than one million" (The New American, October 8, 1991) -- newspapers, our sampling shows, packed with advertising.

"'Everybody's going after gay business,' said Sean Strub, the owner of the [Strub Media Group] direct-mail company in Rockland County, N.Y. 'This is happening in such a targeted way that no one else would recognize it.'

"It is also happening in ways that everyone recognizes. For example, a 60-foot-high billboard for a cruise company, now on view in West Hollywood, Calif., shows two men in bathing suits, with one man's arm around the other. 'RSVP Gay Cruises,' it reads. 'Call Your Travel Agent.' Smaller versions of the ad are on display in Greenwich Village in Manhattan and in San Francisco subway stations. And then there is the glossy new catalogue that landed in 250,000 mailboxes last fall. Shocking Gray, 'the catalogue for the other 25 million people,' resembles countless others... but only same-sex couples are shown." [Early results of this mailing show extremely high percent and dollar response. Shocking Gray's second catalogue is being mailed to 400,000 people ("Gay consumers come out spending," American Demographics, April, 1992.)

("With Varying Degrees of Openness, More Companies Lure Gay Dollars," The New York Times, March 2, 1992)

An Advertising Age, July 27, 1992, space ad reads: "TAP INTO THE \$377 BILLION UNTAPPED GAY MALE MARKET. Introducing DIRECT MALE, the cost-effective direct response advertising vehicle for as little as 2.6 cents per contact. For your media kit call (202) 483-1300 WinMark Concepts, Washington, D.C."

The Advocate, a national gay "slick" magazine with a readership of over 120,000, reported advertising revenues doubled from \$1.9 million in 1990 to \$3.8 million in 1992, and its advertising budget goal for 1993 is \$4.6 million (as reported in Marketing News, July 20, 1992, "Mainstream marketers decide time is right to target gays," pp. 8, 15).

Lesbian activist Robin Miller has called gay advantage opponents' objections to special gay entitlements on the grounds of gay affluence akin to "the prejudice of Nazis against rich Jews." Not so. For one thing, Jewishness is an innate characteristic or religious belief, not a class status based on behavior. Second, Nazis' depictions of what Hitler described as "Jewish subhumanity" were manifestly untrue; information given about homosexual behavior, income status and political "clout" is medically and sociologically verifiable and a matter of public record.

Third, Jews as a class have never attempted to use the persecution Jews have experienced as leverage to achieve added benefits at the expense of truly disadvantaged people. On the contrary, Jews have nobly turned the fact of their maltreatment into an impetus to compassionate championship of protections and rights for the truly disadvantaged. Gay activists show little beyond token interest in advancing anyone's status but their own.

(Interestingly, according to Jewish rabbinic tradition, even non-Jews are obligated to abide by seven basic guidelines, known as the Noahide Laws, based on the Torah's Book of Genesis. The sixth of the Noahide Laws is "To refrain from robbing one's fellow man.")

In truth, to equate gays with any true ethnic group is a travesty of logic, a fallacious false comparison. "Gayness" can only be equated and compared logically with other sexual behaviors or fantasies, like heterosexuality, bestiality, necrophilia, rape, pedophilia and even, as in the case of a

Jeffrey Dahmer (who was sexually excited by eating human flesh), serial murder and cannibalism. Again, why homosexuality, with all the disease and psychological distress that accompany it (see Part I of this analysis) should deserve special preference, rather than some of the bizarre behaviors above is a question gay extremists would be hard put to answer logically.

Noted African American leaders are not deceived by the counterfeit of civil rights gay extremists have raised in their own interest. Denver civil rights legend Rev. Leon Kelly has said, "I never saw gays riding in the backs of buses or denied service at restaurants." Others comment:

"The equation of homosexuality with the noble history of civil rights in this country serves only to dilute, distort and denigrate true civil rights."

-- Dr. Anthony Evans
Executive Director
The Urban Alternative
(America's largest ministry
to African American families)

"'Gay rights' cannot be likened in any fashion to the Black struggle for Civil Rights. 'Gay rights' is not, nor will it ever be, a Civil Rights issue, but rather a question of morality and individual values."

-- Rev. Gill Ford
Pastor, Salem Baptist Church
Denver, CO

"Skin color is a benign, non-behavioral characteristic. Sexual orientation is perhaps the most profound of human behavioral characteristics. Comparison of the two, racial and sexual discrimination, is a convenient but invalid argument."

-- Gen. Colin Powell
The Retired Officer, July, 1992

An African American church pastor in Kansas City, MO, put it no less accurately, if a bit more colorfully: "The Freedom Bus that went to Selma was never intended to go on to Sodom." As former Colorado Civil Rights Commission Chairman John Franklin and others have observed, if having "divergent" sex becomes all it takes to be considered "ethnic," with full minority status and privileges, the concept of ethnicity will soon lose all traces of meaning or value. The rights of legitimate ethnic groups weren't won so easily, or on such flimsy and ignoble grounds.

Criterion #2

Specially protected classes should exhibit obvious, immutable, or distinguishing characteristics, like race, color, gender or national origin, that define them as a discrete group.

There is no credible scientific evidence to support gay claims that "gayness" is either genetically determined or immutable. In fact, the weight of scientific evidence is to the contrary:

"Homosexuality, the choice of a partner of the same sex for orgiastic satisfaction, is not innate.

There is no connection between sexual instinct and the choice of a sexual object. Such an object choice is learned, acquired behavior; there is no inevitable genetically inborn propensity toward the choice of a partner of either the same or opposite sex" (Socarides, C.W., "Homosexuality: Basic Concepts and Psychodynamics," International Journal of Psychiatry, Vol. 10 [March 1972, pg. 118], emphasis added).

"The genetic theory of homosexuality has been generally discarded today... Despite the interest in possible hormone mechanisms in the origin of homosexuality, no serious scientist today suggests that a simple cause-effect relationship applies" (Masters, Johnson and Kolodny, Human Sexuality, Boston: Little, Brown & Co., 1984, p. 319)

"No one has ever found a single, replicable genetic, hormonal or chemical difference between heterosexuals and homosexuals" (Dr. Judd Marmor in Homosexual Behavior: A Modern Reappraisal, New York: Basic Books, 1982 [Marmor is past President of the American Psychiatric Association]).

"Homosexuals are made, not born 'that way.' From my 25 years' experience as a clinical psychologist, I firmly believe that homosexuality is a learned response to early painful experiences and that it can be unlearned" (Dr. R. Kronenmeyer, New York Tribune, May 6, 1983).

"We're born man, woman and sexual beings. We learn our sexual preferences and orientations" (William Masters and Virginia Johnson, interview, UPI, April 23, 1979).

Alfred Kinsey was convinced "that the psychologists were making matters worse by starting with the assumption that homosexuality was an inherited abnormality which could not be cured simply because it was inherent. Kinsey was confident that there was absolutely no evidence of inheritance..." (W.B. Pomeroy, Dr. Kinsey and the Institute for Sex Research, New York: Harper & Row, 1972, p. 247).

"There is little evidence of the existence of such a thing as innate perversity... There is an abundance of evidence that most human sexual activities would become comprehensible to most individuals if they could know the background of each individual's behavior" (Alfred Kinsey, as reported by W.B. Pomeroy, Dr. Kinsey and the Institute for Sex Research, New York: Harper & Row, 1972, p. 273).

"The experiences of homosexual arousal during childhood and adolescence and involvement in genital-type homosexual activities were very strong indicators of future, adult homosexuality" (A.P. Bell, M.S. Weinberg, S.K. Hammersmith, Sexual Preference, Bloomington, Indiana University, 1989, p. 113).

"Contrary to once popular belief, there is little evidence to suggest that genetic, chromosomal, organic, and other physical variables play any role in the development of the sexual preference of the overwhelmingly vast majority of homosexuals. Male homosexuals simply are not 'female' in hormonal makeup, and lesbians are simply not 'male' in hormonal makeup" (Abnormal Psychology, Schumer, D.C. Heath & Co., Lexington, MA, 1983 [citing Masters and Johnson, 1979; Tournay, Petrilli and Hatfield, 1975]).

"Neither present day endocrinological tests nor microscopic or clinical examination have revealed any physiological differences between the heterosexual and homosexual individual" (McCary, J., Sexual Myths and Fallacies, New York: Van Nostrand Reinhold, 1971, pg. 94).

A Kinsey Institute report (Bell and Weinberg, Homosexualities: A Study of Diversity Among Men and Women; op. cit.; Hammersmith, S.K., Sexual Preference: Its Development in Men and Women, Bloomington: Indiana University Press, 1981) stated that 84% of gays and 29% of heterosexuals shifted or changed their "sexual orientation" at least once in a lifetime. 32% of gays and 4% of "straights" reported another shift. 13% of gays and 1% of heterosexuals claimed at least five changes in sexual orientation!

In his 1987 publication, Psychoanalytic Theory, Male and Female Homosexuality: Psychological Approaches, Dr. Reuben Fine, director of the New York Center for Psychoanalytic Training, wrote: "I have recently had occasion to review the result of psychotherapy with homosexuals, and been surprised by the findings. It is paradoxical that even though politically active homosexual groups deny the possibility of change, all studies from Schrenk-Notzing on have found positive effects, virtually regardless of the kind of treatment used... a considerable percentage of homosexuals became heterosexual..."

"If the patients were motivated, whatever procedure is adopted, a large percentage will give up their homosexuality. In this connection, public information is of the greatest importance. The misinformation spread by certain circles that 'homosexuality is untreatable by psychotherapy' does incalculable harm to thousands of men and women" (pp. 84-86, emphasis added).

Dr. Michael Ross, an Australian AIDS/homosexuality researcher commented in a recent study on fluid change from homosexual/bisexual involvement to heterosexuality:

"Married men with homosexual experience were, predictably, significantly more personally concerned about AIDS and more scared of the disease. They were more likely to know homosexual people, and less likely to think that sex should be limited to marriage. In terms of sexual behavior, those with homosexual experience were also significantly less likely to have had sex with a woman in the past 12 months, and more likely to have ever used intravenous drugs.

"On the Kinsey Scale, predictably, they were more likely to consider themselves bisexual (although 63 percent now rated themselves as completely heterosexual; category 0). This last piece of data suggests that a substantial proportion of men who have had previous homosexual experience may now think of themselves currently as completely heterosexual, and that sexual behavior is, as Kinsey et al. (1948) found, reasonably fluid across the lifespan" (Marriage and Family Review, 14, no. 3/4, 1989, pp. 35-57, excerpt p. 40).

One wonders how "immutable" behavior can be "reasonably fluid across the lifespan."

No wonder "gayness" has yet to achieve legal recognition as an immutable trait. The 9th Circuit U.S. Court of Appeals ("High-Tech Gays vs Defense Industrial Security Clearance Office," 1990) ruled:

"Homosexuality is not an immutable characteristic; it is behavioral and hence is

fundamentally different from traits such as race, gender, or alienage... The behavior or conduct of such already recognized classes is irrelevant to their identification."

Elsewhere, the Court said in a footnote:

"After **Hardwick**... It would be quite anomalous, on its face, to declare status defined by conduct that states may constitutionally criminalize as deserving of strict [or heightened] scrutiny under the equal protection clause."

Recently, a "study" has surfaced correlating the supposedly common homosexual behavior of fraternal twins as "proof" of a possible genetic origin for homosexuality.

But significantly, the "study" (by Bailey and Pillard [a homosexual]) fails to compare twins raised in separate environments. Only studies of twins raised separately in very different environments might even conceivably be true indicators of physiological origins for homosexuality.

Anne Fausto Stirling, a developmental biologist at Brown University has said, after analyzing Bailey's and Pillard's study: "In order for such a study to be at all meaningful, you'd have to look at twins raised apart. It's such badly interpreted genetics" (Newsweek, Feb. 24, 1992, p. 48).

Several quotes from The APA [American Psychological Association] Monitor highlight serious doubts about Bailey's and Pillard's "twin study":

"... Leon Kamin, a psychologist at Northwestern University, said twins studies do not show that any trait is heritable. Twin studies 'tell you absolutely nothing' about the influence of genes versus the environment, he said. 'There is nothing new here.' Identical twins share many more experiences than do other siblings and are more apt to be similar in all regards, he asserted.

"Moreover, Kamin said, the researchers did not include in their heritability estimate their finding that only 9 percent of the subjects' non-twin siblings were homosexual. This is lower than what Bailey and Pillard found for adopted brothers and fraternal twins. If homosexuality had a large genetic component, then siblings should be more apt to be alike than adopted brothers, and as similar as fraternal siblings, who are no more genetically similar than non-twin siblings, Kamin said.

"... 'A lot of people think this [study] says something about whether people can choose to be straight,' Bailey said. But the study 'really can't' do that. Just because sexual orientation 'is biological [which we do not concede] does not mean it is immutable,' he said. However, he added, research does show that one's sexual orientation is very difficult to change.

"... Also, advertising in gay publications [how Bailey and Pillard secured their study's sample] does not necessarily guarantee a representative sample. 'The sampling method in this study falls short of the ideal genetic epidemiological study, which would involve systematic sampling from a well-specified population,' the authors acknowledged."

(Vol. 23, #2, Feb. 1992, "Study links genes to sexual orientation," pp. 11-12, emphasis added.)

Furthermore, as Dr. Paul Cameron has pointed out, "In this study, the hint of a finding that appeared when homosexuals testified to the sexual orientation of their brothers, disappeared when the brothers themselves testified. When siblings spoke for themselves, there was no difference between fraternal twins and adopted brothers in the proportion who were homosexual." Cameron concludes that, however shoddy, Bailey's and Pillard's data in fact support a model of "contagion" or "incest" among homosexual siblings rather than any genetic connection. Even Bailey admits "There must be something in the environment to yield the discordant twins" (David Gelman, et. al., "Born or Bred?" Newsweek, Feb. 24, 1992, p. 46).

Another "gay twin" study, providing very different results, has recently been reported in The British Journal of Psychiatry (March 1992, Vol. 160, pp. 407-409). Michael King, M.D., senior lecturer in a British medical school, and Elizabeth McDonald, a psychologist/researcher with a London psychiatric institute, reported a much lower concurrence of homosexuality among twins than was reported in the Bailey/Pillard study.

Only two among 20 identical twins reported that their twin was also homosexual. Three reported having a bisexual twin. Combined concurrence of homosexuality was only 25%, compared with 52% in the Bailey/Pillard study. Two fraternal twins reported that their twin was homosexual; only one reported that he or she was bisexual. Concurrence in this case was only 12%, compared with 22% in the Bailey/Pillard study. The authors concluded that "genetic factors are insufficient explanation of the development of sexual orientation." Despite these disparities, this study was very sparsely covered in U.S. media. Further more, in this study, as in the Bailey/Pillard study, "contagion" offers a more reasonable explanation than genetics for the concurrences reported.

Nor does a recent, much-publicized study by an avowed homosexual, purporting to discover "homosexual brains" (LeVay, S., Science, 253 (1991): 1034), afford any credible substantiation to a "genetically determined" hypothesis for the origins of homosexuality.

Simon LeVay's study of the brains of 19 homosexual male corpses (all died of AIDS complications) noted a difference in size compared with that of a group comprised of 16 presumably heterosexual male and six female corpses. Dr. Paul Cameron has commented:

"If... all homosexual brains contained smaller INAH3s [a neuron group], then we might have an interesting hypothesis to work with. But that's not the case. First, LeVay couldn't verify the sexual orientation of his non-gay subjects -- a fact that severely limits the meaning of general differences in his study.

"Second, 3 out of 19 homosexuals had a larger INAH3 than the mean size for 'heterosexuals' (the 2nd largest INAH3 belonged to a gay) and 3 of 16 'heterosexuals' had smaller INAH3 than the mean size for homosexuals...

"According to [LeVay's] theory, 3 of the 'heterosexuals' 'should' have been homosexual, and 3 of the homosexuals 'should' have been heterosexual. When you completely misclassify 6 of 35, you don't have much of a theory."

Similarly, gay writer Michael Botkin remarks, in a Bay Area Reporter article entitled "Salk and Pepper" (September 5, 1991, pp. 21, 24):

"... It turns out that LeVay doesn't know anything about the sexual orientation of his control group, the 16 corpses 'presumed heterosexual.' A sloppy control like this is... enough by itself to invalidate the study. LeVay's defense? He knows his controls are het[erosexual] because their brains are different from the HIVer corpses. Sorry, doctor; this is circular logic. You can use the sample to prove the theory or vice versa, but not both at the same time."

Botkin concludes: "... [Even] if LeVay actually did find a difference between the 'gay' brains and the 'presumed heterosexual' brains, this reflects a difference in social identity, not in sexuality."

In another of the study's serious lapses, 6 of the reportedly "heterosexual" men had died of AIDS. This represents 37.5% of LeVay's sample -- a much higher percentage than men in the general population.

LeVay himself has admitted that, even were his findings totally consistent, they would not distinguish whether the observed difference in brain size was a probable cause of homosexual orientation, or an effect of AIDS infection or the gay lifestyle itself.

(A number of prominent gay activists have recently attempted to disparage LeVay and his "findings" and hold that homosexuality is indeed a choice, for a curious reason: They fear that if "gayness" can be proved to be genetically determined, it will therefore be "surgically correctable." They fear "fascists" and "homophobes" may try to round up gays and "correct" their sexual orientation "under the knife" or even kill infants determined genetically to be homosexual!)

Self-identified lesbian writer Donna Minkowitz comments on the "innateness" question in a recent Advocate article, entitled "Recruit, recruit, recruit!":

"Remember that most of the line about homosex being one's nature, not a choice, was articulated as a response to brutal repression. 'It's not our fault!' gay activists began to declaim a century ago, when queers first began to organize in Germany and England. 'We didn't choose this, so don't punish us for it!' One hundred years later, it's time for us to abandon this defensive posture and walk upright on the earth. Maybe you didn't choose to be gay -- that's fine. But I did."

Also, studies of prison inmate behavior, both male and female, clearly demonstrate that, behind bars, for a variety of reasons, homosexual behavior is practiced by inmates who have not previously engaged in homosexual behavior -- and who do not practice "gay" behavior after their release from prison. About lesbianism in women's prisons, one authority on inmate sociology remarked:

"Graphic excerpts from interviews seemed to suggest that [homosexual] social organization among the women prisoners had an institutional origin, since most of the participants had not been involved in homosexual liaisons prior to the prison experience and were evidently unlikely to continue homosexuality after leaving prison" (Society of Subordinates, Charles Title, Indiana University Press, Bloomington, IN, 1972, pg. 17).

The same author discovered, about male homosexuality in prisons . . .

"For males [behind bars] homosexual activity seemed to focus primarily on physical gratification; in many instances it represented a commodity for economic exchange; and it was

likely a transitory act" (Ibid., pg. 71).

Tittle quotes a male inmate: "Well, everyone has to have sexual satisfaction... I buy the job for five or six packs of cigarettes" (Ibid., pg. 71).

Obviously, the fact that homosexual behavior can be situationally chosen and unchosen at will, by individuals with no previous and no subsequent history of homosexual practice, adds to a considerable weight of evidence casting serious doubt on gay claims that "gayness" is innate and immutable.

Finally, very recent studies reporting the incidence of homosexuality among compared ethnic groups cast serious doubt on the "genetic" or "innateness" theory of homosexual origins. Dr. Paul Cameron comments:

"The American Psychological Association [APA] asserts that homosexuality is-not a matter of 'individual choice,' 'does not increase or decrease with any particular moral code or set of social or moral attitudes,' 'is found consistently in about ten percent of the male population' and, in 'different historical eras and in totally different cultures the incidence of homosexuality remained the same irrespective of public attitudes and prohibitions' [Testimony of Bryant Welch, Executive Director for Professional Affairs, APA, before the American Bar Association House of Delegates, 2/6/'89]...

"Since the APA holds sexual orientation to be heritable and constant across cultures, the proportion of Blacks who engage in homosexuality, bisexuality or exclusive heterosexuality should not differ from the proportion of Whites in those same categories. If the proportions vary significantly, application of the APA's position on intelligence [and crime, i.e., that ethnic group differences in measured I.Q., and crime statistics, etc., must be due to cultural and environmental factors] would suggest that environment and learning must influence sexual orientation. In addition, the APA's claim that 10% of males are universally 'born that way' would become untenable" (Family Research Report, March-April 1992, pp. 3,8).

Cameron analyzed statistics gathered in studies conducted by Chu, et. al., ("AIDS in bisexual men in the US, American Journal of Public Health, 1992, 220-24; Trocki, Sex Research, 1992:29:85-94, a random questionnaire of California adults; and Remafedi, et. al., "Demography of sexual orientation in adolescents," Pediatrics, 1992:89, 714-21).

The figures would seem to indicate, Cameron comments, that if "people are 'born' with immutable homosexual desires and act on them irrespective of 'moral code' or 'prohibitions,' then it would appear that Blacks are born homosexual over twice as frequently as Whites! Application of the same logic would have Blacks born bisexual over four times as frequently as Whites! Since Hispanics (7% of the population) fall in between Whites and Blacks on proportions participating in both homosexuality and bisexuality, would the APA contend that homosexuality and bisexuality are a function of skin color? Obviously not. So how can these substantial racial differences be explained? The same way the APA accounts for other racial differences: the learning experiences must have been different...

"If the rate of homosexuality did not vary by subculture, we might suspect that the APA was correct about homosexuality's immutability. But the finding that the proportion of U.S. men

claiming to be homosexual as well as those who behaviorally engaged in homosexuality varies among the races/subcultures suggests that homosexuality is no more immutable than criminality or scores on I.Q. tests. We must look to adverse learning experiences, not defective genes as the root cause of homosexuality."

In March, 1992, The National Association for Psychoanalytic Research and Therapy of Homosexuality (NARTH) "was founded... by psychoanalysts and psychoanalytically informed individuals who believe that obligatory homosexuality is a treatable developmental disorder," according to the group's literature.

The group, which includes distinguished therapists from across the U.S., was formed to counter what NARTH leaders called "disturbing recent movements within the psychiatric and psychological professions" and to "Combat efforts to declare homosexuality a 'non-condition' and label those who treat it as 'homophobic' and 'unethical,' and to "make available to comprehensive referral system of informed psychotherapists" able to treat and correct the condition of homosexuality.

The group said, in a joint position statement: "We have seen many homosexual men and women who are profoundly distressed by their condition. Homosexuality is completely contrary to their social and/or religious values and their conviction that all men and women are created naturally heterosexual." The group will "Endeavor to protect the rights of [such] patients to receive treatment" to change their homosexuality. As of this writing, almost 50 psychologists and other professionals have joined the new organization.

Columnist Joseph Sobran wryly commented in his December 30, 1992 column on the duplicity of gay activists' and supporters' claim that "gayness" is innate:

"Lately we have been told that homosexuality is implanted by nature, not by nurture or free preference. So far, though, the scientific evidence for this is at best tentative. Yet gay rights advocates are already treating the idea as established fact. This strikes me as a case of wishful thinking.

"...The wish that begets this thought, it seems to me, is the desire for a public morality and a public policy that treat homosexuality not as a fluid category of conduct, but as a fixed 'natural' category, like gender.

"Yet it was only yesterday that the Latest Progressive Thinkers were eager to minimize the stubborn biological differences between the two sexes. Feminists jeered at Freud's dictum that 'biology is destiny.' We were all expected to assent.

"Now today's Latest Progressive Thinkers are telling us that when it comes to homosexuality, biology is destiny after all. And again, with their passion outrunning their proof, they want us all to assent. Wishful thinking is as old as the human race. But when did it become our democratic duty?"

Perhaps gay militants are not so much practicing wishful thinking as they are indulging in a politically self-serving double standard, propagated by self-serving rhetorical double-talk.

Criterion #3

Specially protected classes should clearly demonstrate political powerlessness.

Far from being politically powerless, gay activists have in recent years demonstrated enormous political "clout" relative to their numbers. Combining economic and educational advantage with high-pressure lobbying tactics, gay activists have ridden waves of tolerance emanating from the sexual revolution to a position of almost irresistible influence in today's America. They have:

Secured, as mentioned previously, "normality" status from the American Psychological Association. Captured the AIDS research establishment and molded policy so as to make AIDS history's first "politically protected" plague.

Secured passage of legislation granting gays protected class status in eight States and scores of communities across America. Secured passage of the Federal Hate Crimes Statistics Act of 1990, as a means to monitor so-called "gay bashing," and prepare for launching nationwide special gay advantage legislation. Secured Executive Orders in several States barring discrimination on the basis of sexual orientation in State employment, etc. Secured political office both in the U.S. Congress and on numerous major U.S. city councils.

Secured privileges and benefits for live-in lovers and "domestic partners" identical to those of married couples, and other kinds of preferential treatment and lifestyle promotion in several major U.S. corporations.

Secured implementation of gay-created curricula promoting homosexuality (despite much evidence to the contrary) as a valid, healthy alternative to heterosexuality.

Gained ordination in mainline church denominations. Case in point: On December 12, 1991, the Colorado Springs Gazette Telegraph reported:

"A prominent Marin County, Calif., lesbian minister has been named the first openly homosexual pastor of a member church of the Presbyterian Church U.S.A. The Rev. Jane Adams Spahr... will become a co-pastor of the Downtown United Presbyterian Church of Rochester, N.Y., on April 1.

"The Rochester church is part of a network of 45 Presbyterian churches in the nation that have declared themselves 'More Light Churches,' open to anyone 'without regard to sexual orientation or affectational preference.'"

In vivid contrast to the dignified non-violence which characterized the African American civil rights movement as led by Rev. Dr. Martin Luther King, gay extremist attempts to ride the civil rights bandwagon have been anything but civil.

Recently, gay activists vandalized California State office buildings. Burned State flags and California's governor in effigy after his veto of a special gay advantage bill. And pelted the governor himself with garbage at a speaking engagement following his veto.

In 1989, gay "AIDS activists" invaded a Roman Catholic mass at New York City's St.

Patrick's Cathedral, shouting obscenities and defiling Communion elements. A few participants in this blatant desecration incurred slight legal penalties.

On Saturday, November 16, 1991, "A group of AIDS demonstrators dressed in suits and ties infiltrated the Family Concerns Conference brunch Saturday at First Baptist Church of Atlanta, then peppered the diners with hundreds of condoms while chanting 'Safer sex saves lives.' The demonstrators were removed by church security guards and police. Outside, 90 placard-waving protesters marched in front of the church at Peachtree and Fifth streets, chanting and waving at automobiles as drivers honked and waved. There were no arrests.

"A catalogue to an AIDS art show, partly funded by the National Endowment for the Arts, reflects the general tone [of gay "arts" attacks against the Roman Catholic Church]: [New York's] Cardinal O'Connor is a 'fat cannibal in skirts' and his cathedral is a 'house of walking swastikas'... Savage mockery of Christianity is now a conventional part of the public gay culture. A ridiculous looking Jesus figure carrying a cross is always featured in the gay Halloween parade in New York..." ("The gay tide of Catholic-bashing," U.S. News and World Report, April, 1991, p. 15.)

"The action was staged by the National Organization for Women, Atlanta Pro-Choice Action Committee, and ACTUP/Atlanta [a radical gay activist organization]. The groups oppose the conservative Christian group's stands against both abortion and high school sex education courses that provide information about the use of condoms to prevent AIDS transmission" ("AIDS activists crash church brunch," Atlanta Journal Constitution, Sun., Nov. 17, 1991, emphasis added).

The National Endowment for the Arts (NEA) has given generous grants to homophile "works of art" which blatantly blaspheme traditional religious and family values -- to the applause of liberal gay advantage supporters who would doubtless fight any suggestion of federal funding for religious art "tooth and claw."

Gay activists' behavior at non-violent, pro-life Operation Rescue protests has been notoriously violent and even obscene. The Los Angeles Times, October 6, 1991, reported:

"Members of ACT UP, the AIDS Coalition to Unleash Power, spit on, kiss and stick needles into Operation Rescue members and then shout 'Welcome to the world of AIDS,' claims Bill Soucie, a Glendale abortion foe. Some ACT UP members push and shove Operation Rescue members, while others drop their trousers and moon their opponents or lift T-shirts to expose their breasts, he said..."

About the nudity, ACT UP member David Barton is quoted: "'Sure, it's militant behavior,' he said. 'These people are so offensive to us, we do whatever we can to offend them.' Nudity is sometimes just a spontaneous action, said [ACT UP member Judy] Kristel, who exposed her breasts at [a] June 29 demonstration. Her action and that of three others who exposed themselves was videotaped and the tape given to El Monte police for possible prosecution."

It is surely a measure of gay activists' political power that no arrests were made and no charges filed. Nor were charges filed or arrests made at San Francisco's 1990 and 1991 Gay and Lesbian Pride Parades, of which we have video footage depicting:

- o Public nudity, both male and female.
- o Lewd and lascivious acts, including public fondling of genitalia and several acts of what appears to be public anal sex between homosexuals.
- o Transvestism, "leather culture," sadomasochistic paraphernalia, open promotion of pedophilia and savage ridicule of religious objects and symbols.
- o Clear evidence of police presence, plus footage of San Francisco's mayor, who rode in and endorsed these parades.

San Francisco police authorities were contacted and asked why no arrests were made. Their explanations were as follows:

- (1) Police officers present "may not have seen indecent behavior or received formal complaints."
- (2) Police "may have seen such behavior," but primary responsibility on that date was to "reflect community standards and maintain crowd control."
- (3) Mayor Art Agnos endorsed and participated in the parade, and the police department had to assume that his sanction was on anything that took place.
- (4) "These people [gays present] have shown they will riot at the drop of a hat, and it was the primary responsibility of police officers to keep the peace, even at the possible cost of tolerating public indecencies."

In Madison, Wisconsin, on Sunday, September 8, 1991...

"About 100 ACT Up protesters charged the Capitol... defacing the hallway leading to the governor's office with food and stickers and staging a 'die-in' in the rotunda. They were protesting what they call 'criminal' state policies against prison inmates with AIDS..."

"The protesters were met by Capitol police and security officers, who closed the governor's office and blocked the group's entry. The protesters then tossed sandwiches and towels toward the door, and left numerous ACT Up stickers on the walls that portray [Wisconsin's governor Tommy] Thompson as a public health menace because of the prison policies. Other protesters used some type of black marker to write on the marble floor..."
 ("AIDS protesters deface Capitol," The Capital Times, September 9, 1991)

No arrests were reported in relation to this incident.

Obviously, that gay extremists can indulge in this kind of license, while ordinary rules of law are suspended, reflects considerable political power -- power gay activists themselves boast of having achieved. As recently as 1987, a report issued by the Federal Elections Commission stated that "The Human Rights Campaign Fund" [HRCF], the national homosexual PAC, was at that time the "16th largest independent political action committee (PAC) in the nation" and "the 39th largest PAC overall." Considering that at the time, more than 4,500 PACS had registered with the FEC, this represents enormous political power.

The HRCF's executive director, Robert Basile commented on this news: "We have clearly become a big-league PAC, which means the gay and lesbian community has increasing power in

American politics... This means we have recognizable clout in the election and in the legislative process of this country... For better or for worse, politics in this country responds to money, and politicians now know they had better respond to our community" (The Dallas Voice, June 19, 1987).

During the 1986 elections, HRCF raised more than \$1.4 million. This put it in the top 1% of PACS nationwide. HRCF funded candidates in 112 political races -- "an incredible political achievement," according to political experts.

By fiscal year 1991-1992, the HRCF's budget had grown to nearly \$4 million. Recently, the HRCF announced a 1992-1993 projected budget of over \$5 million (The Washington Blade, May 8, 1992, "Activists from around the country descend on the Hill"). Political powerless this is not.

Is Gay Activists' "Civil Rights" Claim a Machiavellian "Scam?"

For the above reasons and more, we hold it likely that gay activists' use of civil rights rhetoric to gain special advantages is largely a matter of calculated political expediency and use of "big lie" tactics, rather than a measure of a true minority's truly felt oppression against a truly bigoted opposition.

Gays Not a True Minority, But a Powerful Special Interest

We have given compelling evidence that gays as an entire class do not constitute a true minority eligible for protected class status. They are not disadvantaged. "Sexual orientation" possesses neither obvious, conclusively inborn, nor immutable characteristics.

Faced with the evidence above, top gay advantages spokespersons have recently been forced to admit that, as Colorado lesbian activist Robin Miller stated in testimony before Colorado's Attorney General, "of course" being gay isn't the same as being an ethnic minority. Yet somehow, gay activists assert that they should have special anti-discrimination protections despite their admitted lack of qualifications for true protected class status.

Now, if gays, as they themselves admit, are not a true minority class, what are they? F. Tom Duran, State Director of Regional Offices of the Colorado Civil Rights Division (an outspoken opponent of "gay rights" on traditional civil rights grounds) has cut through gay activist "civil rights" rhetoric with this insight:

The "gay rights" movement is nothing other than a powerful special interest lobby masquerading as a "minority" and applying its money and political clout to "muscle in on" the special status and entitlements properly reserved for the truly disadvantaged.

In other words, "gay rights" activists no more represent a true minority than an environmental activist group, a trade union, or any other special interest lobby with a determined political agenda.

Now that gay affluence and political clout have been exposed, gay activists are trying to say they want only "protection from discrimination." But never have special interest groups been

avored with anti-discrimination laws protecting their behaviors, desires or political agendas from public scrutiny, criticism and control.

Special interest groups who can't get their way through legitimate political means simply don't have redress for their grievances under anti-discrimination laws.

It is deception of the rankest order for a special interest group to masquerade as a "disadvantaged minority" in order to secure benefits for itself. Will powerful gay extremists get their way and secure the benefits and entitlements of the poor? Would this not be the height of injustice for the people of America to capitulate to such a concerted and deceptive attempt to "hijack" the status of the disadvantaged? What special interest groups would ask for special protection next? Pornographers (they also represent "sexual orientations")? Smokers? Television watchers? On close analysis, the idea is patently absurd.

"Gay Rights" Strategies Involve Conscious Deception And Wholesale Manipulation of Public Opinion

When homosexual author James Spada, in The Spada Report, a survey of homosexual attitudes and behavior (New American Library, 1979), asked homosexual subjects "Have you ever had your rights denied you because you are gay?" -- 72.1% of his respondents answered "No" and an additional 10% gave no answer or said they "didn't know."

Yet, gay marketing professionals (and activists) Marshall Kirk and Erastes Pill, recommending political strategies designed to lead to, as they put it, "The Overhauling of Straight America" (Guide Magazine, November, 1987), suggest:

"Portray gays as victims, not as aggressive challengers. In any campaign to win over the public, gays must be cast as victims in need of protection so that straights will be inclined by reflex action to assume the role of protector...Straight viewers must be able to identify with gays as victims. Mr. and Mrs. Public must be given no extra excuses to say 'they are not like us'... Our campaign should not demand direct support for homosexual practices, but should instead take anti-discrimination as its theme" (Emphasis the authors').

At the same time, Kirk and Pill recommend:

"Make the victimizers look bad... The public should be shown images of ranting homophobes whose secondary traits and beliefs disgust middle America. These images might include: the Ku Klux Klan demonstrating that gays be burned alive or castrated; bigoted southern ministers drooling with hysterical hatred to a degree that looks both comical and deranged; menacing pugs, thugs, and convicts speaking coolly about the 'fags' they have killed or would like to kill; a tour of Nazi concentration camps where homosexuals were tortured and gassed."

This attitude shows striking resemblance to, of all things, a Communist Party directive, quoted in the 1956 Report of the House of Representatives Committee on Un-American Activities (Volume 1, p. 347):

"Members and front organizations must continually embarrass, discredit and degrade our critics... When obstructionists become too irritating, label them as fascist or Nazi or anti-Semitic... Constantly associate those who oppose us with those names that already have a bad smell. The association will, after enough repetition, become 'fact' in the public mind."

Despite concerted gay advantage opponents' attempts to prevent possible violence to gays (one traditional values organization even promoted a "Citizens' Boycott" of a gay pride parade in a Colorado city where gays feared violence -- so gays marched down virtually empty streets), and a total absence of "gay-bashing" during controversial hearings on the gay advantage issue, gay activists continue to brand all their opposition as "hate mongers," "KKKers," "neo-Nazis" and "bigots."

Perhaps the supreme irony underlying this name-calling by gay extremists was revealed in a recent Washington Blade (D.C.'s gay tabloid) "First Person" article (January 31, 1991), in which ACT UP/D.C. founder Eric M. Pollard made the following startling admissions:

- o "I have helped to create a truly fascist organization..."
- o "The decision to create ACT UP/D.C. was conceived when I and another early member attended at OUT! rally. I had taken copious amounts of LSD. We were impressed with the energy, and with the self-righteous anger of the crowd."
- o "We conspired to bring into existence an activist group that... could effectively exploit the media for its own ends, and that would work covertly and break the law with impunity... Under the influence of powerful, illicit drugs, it really seemed like a good idea" (emphasis added).
- o That the group subscribed to consciously "subversive modes, drawn largely from the voluminous Mein Kampf [by Adolf Hitler], which some of us studied as a working model. As ACT UP/D.C. grew, we struck intently and surgically into whatever institution we believed to stand in our way..." (emphasis added).
- o "I have left ACT UP, more correctly, they have thrown me out for insisting on the viability of individual dissent" (emphasis added).

Strange admissions indeed, about a group given to stridently accusing its opposition of employing "neo-Nazi" tactics (one of which happens to be accusing your opposition of acts and attitudes of which you are, in fact, guilty). Evidently, this kind of gay extremist view readily coincides with Adolf Hitler's opinion in Mein Kampf: "The victor will never be asked if he told the truth."

Perhaps these admissions become more understandable in light of Judith Reisman's as-yet-unpublished study of "gay culture" as revealed in the national "mainstream" gay "slick" magazine The Advocate from 1972-1991.

Reisman concluded that, despite "homosexual claims of fascist persecution -- and requisite 'gay' loathing for fascism... In contrast to similar straight publications, up to 5% of THE ADVOCATE [content] glamorizes specifically nazi features and costume while the prevailing 'gay' tough guy culture (i.e., 'thoughts, emotions, manners, tastes habits, skills, art'... fits the key features of

a fascist culture" (A Content Analysis of THE ADVOCATE, 1972-1991, p. 57, Dr. Judith Reisman, 1992, used by permission of the author).

Reisman continues: "Overall, 72% of THE ADVOCATE data socialized a set of core values -- glorified nazi dress, language and 'blonde' Aryan male beauty and brutality; contempt for 'fems, fats' and blacks; threats toward 'politically incorrect'... homosexuals, churches and others -- romanticizing 'fascist' culture to a 'younger generation.' Nazi costumes/fascist concepts are a common component of THE ADVOCATE and thus largely condoned by prevailing 'gay' cultural values" (Ibid, p. 57).

Reisman quotes a personal advertisement from the July 3, 1974, issue of The Advocate: "NAZI ANYONE? For Info write to: National Socialist League, Box 26496A, Los Angeles, CA 90026."

Reisman comments: "No equivalent straight magazine (TIME, NEWSWEEK) has ever carried an advertisement to join the nazi party... Beyond the general claims of gay supremacy and focus on dominant white muscle men in black leather (symbols of nazi power) issues of THE ADVOCATE often carry ads of men in fascist caps, wearing black SS-type hip boots or carrying the inevitable SS whips and such. These culminate with ads like the 'Slave Ad' April 9, 1991: 'ACHTONG! Teutonic Lord Muscle Master...'" (Ibid, p. 57).

Gay extremists often attempt to gain sympathy by recalling the extermination of thousands of homosexuals under the tyranny of Hitler's Third Reich. But Reisman points out a paradox: "The World War II notion of Hitler's persecution of homosexuals is based on his assault of "fems" not gay nazi supermen. Many of Hitler's 'Inner Circle,' and the key men who recruited for the party, and who led the party, including the most brutal military brigades, the Storm Troopers (SA), and the Infantry School -- were homosexual: Ernest Roehm [head of the SA], Rudolf Hess and Gerhard Rossbach, while the infamous Goering was also said to be a type of transvestite... Walter Langer, writing in The Mind of Adolf Hitler (1972), noted that Rudolf Hess 'was generally known as Fraulein Anna.' There were many other [gays close to Hitler] and it was supposed, for this reason, that Hitler too belonged in this category" (Ibid, pp. 57-58).

Reisman adds in a footnote: "See Berthold Hinz, Art in the Third Reich (Pantheon Books: New York, 1979) about the display of brazenly homosexual nazi male imagery and concepts, and see especially S. William Halperin, writing in Germany Tried Democracy: A Political History of the Reich from 1918-1933 (Norton Books: New York, 1946). Here, Halperin describes the role of public homosexual activists within Hitler's nazi party, even to major posts of import" (Ibid, p. 65).

Perhaps not surprisingly, while gay militants call opponents of their agenda "racists" and accuse opponents of "discrimination," they admit to difficulties with racism in their own ranks. After gay activists failed to defeat Colorado's citizen initiative, Amendment 2, which forbids the granting of "protected class" status to "gayness" in that state, gay writer Craig E. Dietz pointed, in a Quest (Denver's gay tabloid) article, to racism as a contributing factor to gay extremists' failure:

"A Latino activist (requesting to be identified as 'Desidario Fernandez') believes there was no intentional plot to exclude people of color, but racism certainly pervaded the [gay activist strategy] meetings on a subtle, potent level... Despite EPOC's [the leading militant gay organization opposing Amendment 2] ability to rope in outside [financial] support, within the

gay/lesbian community the perception of subtle and overt discrimination was a concern for many people. It was a problem dating back to the original Denver ["gay rights"] Ordinance campaign. 'Fernandez' notes that there were 'no people of color' and 'few were involved in the day-to-day operations' of the campaign.

"Several people of diversity approached EPOC in 1991 at a general meeting, among them Carmelo Flores... She was one of many who wanted to get involved but stated, 'We could see there was a lot of insensitivity in terms of racism.' Flores believes, '...these people were not willing to see it.'

"...By never coming to grips with the scourge of perceived racism in the community, and their own exclusionary practices [EPOC's] leadership allowed deep chasms of distrust to develop" ("EPOC: A Look at the Campaign and the Organization," December, 1992, pp. 16-18).

Who really does the bashing when the gay advantages issue is contested? Lesbian activist Robin Miller, asked whether she thought the people of Colorado should have the right to determine whether or not that State should grant gays protected class status, answered, "No." Miller also answered "No" when asked if she thought individuals should be allowed to express disagreement with or distaste for gay lifestyles or the gay political agenda. Obviously, Miller and other gay activists have little regard for their opponents' First Amendment rights to petition and free speech.

And while gay activists appeal on the one hand to Democratic liberals on the grounds that they are "oppressed" and need government protection, they attempt at the same time to gain a foothold in the more conservative Republican party. Their rationale? To quote David LaFontaine and Patrick Ward, writing in Denver's gay monthly tabloid, Quest (June 1991, pp. 25, 30):

"We believe that the allegiance between gay people and the Republican party is a very natural expression of a shared desire to prevent government intrusion into the private lives of American citizens... The Republican party at its best has always been a champion of individual rights and liberties... If we, as gay people, can only cast aside foolish preconceptions of what it means to be a Republican, and give suitable Republican candidates our full support, we stand to gain an unprecedented degree of power and influence."

Summing up, despite their manifestly two-faced "civil rights" claim, gays as a class simply do not warrant protected class status under the above three historically established civil rights criteria. Protected class status is a privilege which, in certain circumstances, may even be forfeited by legitimate minority groups which as a class achieve income, educational or cultural parity or superiority to the general population.

(Qualified oriental American students often now get the "short end" of "affirmative action" allotments in college scholarships and other minority benefits despite their unquestioned ethnicity -- because their demonstrated academic superiority is perceived as giving them an edge over less-educationally advantaged minority groups.)

Gays as a class would actually need to (1) greatly reduce their mean income, educational and cultural stature, (2) discover some other basis than mere shared sexual behavior or alleged "orientation" and (3) relinquish the evident political power base gays have achieved to date in order to begin qualifying for protected class status by traditional civil rights criteria. Somehow, we suspect that

gay activists have no plans to make such concessions in order to achieve legitimate protected class status.

As we have seen, there is little substance to the surface reasons gay activists give for promoting legislation granting protected class status to homosexual orientations, i.e., that gays are subject to frequent discrimination, "bashing" and other abuse. All civilized people abhor violence and abuse of any sort generated by bigotry and hatred. Numerous criminal laws are now in force to administer appropriate punishment for assault and other violent crimes, as well as for various other forms of abuse and intimidation against individuals. Special gay advantage laws would add nothing to the protections already available to gays.

"Time" magazine recently reported on a study by the FBI "based on information supplied by law-enforcement agencies in 32 states," [which] found that 4,558 hate-crime incidents were reported in 1991. Racial bias motivated 6 of 10 offenses reported, religious bias 2 of 10, ethnic and sexual orientation bias 1 of 10 each." The article continued: "According to the FBI's classifications, blacks are the targets of most bias attacks (36%), followed by whites (19%) and Jews (17%)" (January 18, 1993, p. 22).

The City of Colorado Springs, often referred to these days by the media and gay activists as the "hate capital of the nation" since the State of Colorado passed Amendment 2 (which originated in Colorado Springs), banning protected class status for gays, recorded a total of two "hate crimes" against gays in all of 1992 -- during which the Amendment 2 battle raged for the entire year -- both alleged, unproved instances of name-calling.

Considering that the National Gay and Lesbian Task Force's own figures credit "verbal abuse or threats" as being the source of nearly 80% of these "hate crimes" statistics and considering the enormous amount of gay-on-gay bashing prevalent in the homosexual community [see Part I of this analysis], the figures hardly argue for a desperate need for protection of gay people above and beyond that afforded every citizen by laws governing assault and other crimes against persons.

And the fact that individual gays may experience society's rejection based on their behavior does not compel society to award all gays protected class status. The writer of this paper, a Caucasian male, was assaulted and robbed by ethnically different individuals several times during eight years of residence in New York City's ghettos. However, the fact that I, and other individuals like me, suffered "bashing" under like circumstances, and that, according the study just cited, nearly twice as many Caucasians are victims of "hate crimes" as gays, simply do not add up to sufficient grounds to argue that Caucasian males should be awarded protected class and special rights and benefits.

Again, clear away the spurious "civil rights" smoke screen behind which gay extremists have advanced their agenda and you find an avaricious special interest group, cleverly masquerading as a "disadvantaged minority," so as to garner special advantages and entitlements -- and protection from all criticism by using government to silence its critics.

Granting Protected Class Status to Gays Would Deprive Others of Fundamental Rights

Perhaps the most alarming issue raised by the special gay advantage movement is that of the **loss of rights** all Americans stand to suffer if gays secure the special status they seek. Under special gay advantage legislation, non-gay Americans stand to lose their right to protect their persons, their businesses and their property from undesirable gay influence. Their right to speak freely against lifestyles they consider immoral. Their right to protect their children from being taught and cared for by individuals they consider unhealthy and even dangerous role models. Their right to reject prospective employees whose behavior conflicts with their churches' doctrine. Their right to freely associate with people who share their cherished values.

It can be argued that gay activists' drive to achieve protected class status threatens to impact **more individuals in more life aspects than any other single political movement today**. Special gay advantage legislation threatens:

- o **Parents, who fear the influence of homosexuals on their children.**
- o **School teachers and administrators, both public and private, against whom enormous pressure is now being exerted, both to hire homosexual teachers, and to persuade children that homosexuality is both normal and attractive behavior.**
- o **Employers, business owners and America's military services, which face coercion to hire, recruit and promote homosexuals, and criminal action if they attempt to fire homosexuals.**
- o **Employees, forced to "value" homosexual behavior or lose their jobs.**
- o **Health care providers and workers, vulnerable to disease because of privacy given mostly-homosexual AIDS sufferers.**
- o **Banks and insurance companies, compelled to endorse, protect and subsidize homosexual behavior financially.**
- o **Legitimate minority groups, who face the loss of status and benefits by the de facto equation of their ethnicity with homosexuality.**
- o **Landlords, forced to rent to homosexuals, thereby protecting behavior both landlords and renters may conscientiously deem reprehensible.**
- o **Day-care operators, compelled to hire homosexuals to give care to small children.**
- o **Churches, pastors, church workers and parachurch ministries, faced, in contradiction to firmly-held doctrine and belief, with having to hire homosexuals, threatened with criminal action and loss of tax-exempt status for merely speaking adversely of homosexual behavior.**
- o **Governments and government workers, including America's military services, forced to hire and promote homosexuals based on sexual behavior (or mere alleged desire) alone, forced to award spousal benefits to homosexual "domestic partners," forced to share quarters and**

latrine facilities with homosexuals, forced into advocacy of the homosexual political agenda at all levels and in all branches of government service, enforcement of special gay advantage statutes and costly defense of those statutes against inevitable court challenges.

Any movement giving a special interest group special advantages that would end in the forced destruction or compromise of the protected rights and standards of an entire society cannot be considered just. Let's examine in detail why serious civil rights abuses of non-gays would result from a decision to grant special ethnic status and advantages to gay "sexual orientations."

Why equating gay sexual orientation with true ethnicity would deprive individuals sincerely and intelligently opposing gay sexual practices of certain fundamental rights and attempt to compel those individuals, under threat of criminal prosecution, to violate private conscience.

Why granting "gayness" special minority status would bankrupt businesses in an already struggling economy, through deliberately provocative litigation and "affirmative action" demands by gays resulting from special gay advantage laws.

Why pooling homosexuals, bisexuals and lesbians with legitimate ethnic groups would cause government expenditures on gay extremist litigation and promotion that would rob true ethnic groups (including the handicapped) of urgently-needed resources, minority contracts and entitlement benefits.

Why special gay advantage laws would force schools to aggressively promote acceptance by students of gay lifestyles and encourage students to experiment with gay behavior.

Gay Advantage Laws Would Change Criminal Law

To begin with, special gay advantage legislation would have effects far beyond merely penalizing crimes of physical violence (now redressable by criminal statutes). Comments by gay extremists after a Colorado House Judiciary Committee hearing (on adding "sexual orientation" to the State's Ethnic Harassment Bill) made it clear that some gay activists present regarded the mere public sharing of medical and public health facts about homosexual behavior equivalent to felony harassment or ethnic intimidation.

Gay activists commonly report such occasions to federal authorities as "hate crimes" against themselves, to be tallied under the Federal Hate Crimes Statistics Act of 1990. Incidents like these give us reason to believe the rights of thousands of non-gay American citizens, now protected under the U.S. Constitution's First Amendment, including freedom of religion and freedom of speech, as well as other basic rights, will eventually be jeopardized by special gay advantage legislation.

When simply speaking the truth about matters of public record or sharing conscientious convictions becomes a crime, what will become of the rights of many who reasonably and openly oppose gay extremist behavior?

Under special gay advantage legislation, might a Christian minister or Sunday School teacher publicly calling homosexuality a sin be prosecuted for verbal abuse and felony harassment? Might a day care center owner who declined to offer a care-giver's position to an avowed homosexual AIDS sufferer be prosecuted for felony harassment?

Might an elderly lady of delicate sensibilities be prosecuted for ethnic discrimination if she refused, conscientiously, to rent a room in her small boarding house to practicing homosexuals? Might a church face criminal prosecution and the threat of loss of its tax exemption if it refused employment to a practicing homosexual?

The State of Hawaii recently passed S.B. No. 1811, legislation giving protected class status to "sexual orientation." In answer to an inquiry regarding the bill's effects on church hiring, Attorney General Warren Price wrote: ". . . Non-sectarian employees of the church, church-sponsored activities or programs are not exempt. This would include secretaries, janitors, gardeners, teachers, etc." [emphasis added]

"Conservative Presbyterians failed to gain exemption from a gay rights provision in New Jersey's anti-discrimination laws [to which "sexual orientation" has recently been added]. The 3rd U.S. Circuit Court of Appeals denied a request from the state presbytery of the Orthodox Presbyterian Church for an injunction barring the state from enforcing [a] gay and lesbian civil rights provision against it. The OPC had argued that its First Amendment freedom would be violated if it were forced to hire or retain homosexual employees" (PCA Bulletin Supplement, April, 1993).

How would provisions in such legislation protect religious individuals and organizations who publicly oppose homosexual extremism from gay activist harassment? (Writings by gay activists, such as Teal's The Gay Militants, Jay and Young's Out of the Closets and Tobin and Wicker's The Gay Crusaders, also often express the conviction that all organized religions should be condemned for aiding in the so-called "genocide" of homosexuals (op. cit., Gay Is Not Good). Might they be familiar with the Institute for the Scientific Investigation of Sexuality's study entitled "What Causes Homosexuality and Can It Be Cured?" (ISIS, 1984), which concluded that children raised in non-religious homes have a 450% greater chance of practicing homosexual behavior?)

As Berean League reporter Doug Trouten has commented...

Even when religious organizations have prevailed under challenges from special gay advantage laws (as in the case of Father John Buchanan, a St. Paul, Minnesota, Roman Catholic priest, sued for discrimination in 1977 for refusing to hire a homosexual to teach in a Catholic school, and finally settled in Buchanan's favor), the process of fighting such a challenge is costly and time-consuming. "And while the homosexual bringing the complaint is represented by city-paid [or state-paid] attorneys, the church must bear the cost of defense alone."

Early drafts of recently-defeated proposed Colorado Springs, Colorado, municipal legislation giving protected class status to "sexual orientation" (written with the assistance of Colorado Springs' gay community) contained, according to constitutional attorneys, conspicuous threats to citizens' rights granted under the U.S. Constitution's 1st, 4th, 5th, 6th, 9th, 10th and 14th Amendments.

American society has always forbidden attempts to control private conscience and free speech. But we question whether the rights of individuals and organizations holding traditional values would prevail should they conflict with the interests of gays protected by such legislation.

Gay advantage opponents have been told, "Don't worry -- cases like those you've proposed are only hypothetical. Civil rights authorities will judge each case on its merits." But what is any law if not a statement about how government will respond to situations that may only possibly occur?

The scenarios presented here are in fact highly likely to occur under special gay advantage legislation. Recently, the Catholic Archdiocese of Minneapolis, Minnesota, was assessed \$20,000 in damages and \$15,000 in fines -- because it refused to allow a homosexual club to hold meetings in Church-owned facilities.

In May, 1989, two Madison, Wisconsin, heterosexual women were initially fined a total of \$1,500, required to write letters of apology, assigned to attend "sensitivity" classes taught by gays involving graphic depictions of gay sexual behavior, and forbidden to ask further rental applicants about their "sexual orientation." These women's crime? Refusing to share their apartment with a lesbian applicant.

Privacy eventually prevailed in this case -- but not until late July, 1992. And this kind of issue is scarcely settled once and for all nationwide. The Wall Street Journal commented: "The question is: Where do we draw the line? The lesbian roommate case was a painful one... As the definition of discrimination continues to expand, the definition of privacy continues to shrink. Today the fight is apparently over in Madison. But tomorrow in some other city [someone] may find himself in court, defending the very issue of whether he has the right to choose with whom he will live" ("Privacy and the 'Lesbian Roommate' Case," July 20, 1992).

In fact, in Boulder, Colorado today, under a "gay rights" ordinance, apartment dwellers and dorm-residing college students are being told they are legally prohibited from asking if a prospective roommate is gay. Furthermore, if they've been lied to and want to change roommates, the financial burden is on them.

Wisconsin's former Governor Lee Sherman Dreyfus signed into law that State's bill granting protected class status to "sexual orientation." He was assured that the bill would have no effect on religious institutions like the 40-year-old Rawhide Boys' Ranch, a home for troubled boys.

Shortly after Dreyfus left office, two male homosexuals appeared at the Ranch, demanding to be hired as boys' counselors. Dreyfus later wrote the bill's supporters, expressing his sense of betrayal at the homosexual community's breach of promise.

Evidence has recently surfaced indicating that not only was the provocative action Dreyfus complained of deliberate, it was planned by the Wisconsin Governor's Council on Lesbian and Gay Issues. In minutes from an October 19, 1985, meeting of that Council, under the heading "RAWHIDE," we read: "Jim Thideman [one of eight members present] has asked some people to apply for a job [at Rawhide] and pursue filing a discrimination report with ERD upon refusal of employment, assuming it will be that clear cut. Kathleen Nichols [another Council member] reported that Char McLaughlan is acquainted with a lesbian with a son at Rawhide who has been refused family counseling sessions if accompanied by her lover. Follow-up is necessary to see if this woman would be willing to file a complaint."

According to sources at Rawhide, heading off these conspiratorial plans cost in excess of \$30,000. Relief only came through passage of additional legislation that exempted religious institutions like Rawhide. But Rawhide still has outstanding debts remaining from this episode. Under legislation granting special minority status to gays, we can expect a plethora of similar nuisance suits and test cases to clog our legal system and bleed defendants dry financially.

Protected Class Status for Gays Would Destroy the Foundation of Special Civil Rights

In the considered opinion of former Colorado Civil Rights Commission Chairman John Franklin, litigation arising from gay special advantage legislation would ruin Colorado's civil rights infrastructure and make satisfactory disposition of legitimate minority complaints nearly impossible. As Franklin has pointed out, under such laws, the very issue of qualification for approved "gay status" would be insolubly complex.

How would gay class status be determined? Simply on the word of a job or contract applicant? After a gay performed homosexually before a panel of civil rights authorities? The first time someone engaged in sex with a member of the same gender -- even accidentally, as in a drunken or drugged encounter? After someone became exclusively gay? For how long?

Grant protected class status to the special interest group claiming that status by virtue of gay "sexual orientation" and extraordinary civil rights enforcement complications would ensue. Once gayness was confirmed (whatever the confirmation process) would protected class status and all accompanying entitlements then become retroactive to birth? Would bisexuals be eligible for only half protection, because their "straight" behavior needed no protection? Would lesbian mothers call for additional entitlements because they were not just lesbians but mothers? Would a disadvantaged black lesbian be entitled to triple protected status benefits the moment she came out of the closet? Retroactive to birth? What if she became a mother? Then became handicapped?

The mind boggles! How would status and entitlements ever be equalized given all these new factors? In light of the extreme affluence of gays relative to the general population (see this study, pp. 25 ff.), what would prevent opportunistic individuals from becoming closet heterosexuals, claiming gay class status in order to secure benefits only available to minorities? The New American reports, from an early-1993 Los Angeles Times article:

"Producer-turned-gadfly Julia Phillips says that being a lesbian is such a chic '90s thing in Hollywood that many heterosexual women are actually faking an attraction to women to get ahead in the industry" ("It's Hip to Be "Gay," March 22, 1993, p. 37).

In states still maintaining sodomy statutes, the problem of "gay rights" becomes even more acute. "Gay rights" laws cannot be passed with homosexual behavior as their basis, because "gay rights" statutes would plainly represent a condoning of criminal acts. Thus "gay rights" laws would have no more substantial basis than alleged fantasy or inclination -- obviously impossible qualities to prove, and making "gay" status impossible to define or limit in numbers. No "microphone" exists capable of "amplifying" human thoughts; no camera exists able to capture mental visual sexual imagery. Thus, most narrowly defined, the entire concept of "gay rights" is utterly lacking in Constitutional merit or rational basis. We might as well award "sexual orientation" protection to religious fundamentalists who practice (or wish to practice) sex in man-on-top-"missionary"-position only. Such people probably outnumber homosexuals in America. Or why not "gentlemen who prefer" buxom blonde women only? Again, "sexual orientation" as defined by gay militants to constitute desire but not behavior affords an utterly insubstantial and unprovable basis on which to build an entire new edifice of special status protections. Until and unless it becomes possible to monitor thoughts and/or sexually-related mental imagery, "sexual orientation" can only be alleged -- and special rights laws protecting gays so defined cannot be rationally established or enforced.

In an era when only 16% of African American women and 12% of African American men hold professional or managerial jobs (vs. 49% of gays), and black-owned businesses annual grosses average less than \$50,000 per year (vs. \$50,000+ average yearly earnings for individuals comprising gay households -- see The Denver Post, "L.A. riots renew focus on minority firms' plight," May 17, 1992, p. 3-H), to allow gay advantages legislation to bestow resources on a new "protected class" that is in no way disadvantaged, is in truth a special interest and cannot be established or limited on any rational basis would be simply unconscionable. Furthermore, a curious paradox ensues if "sexual orientation," always defined in "gay rights" laws as including homosexuality, bisexuality and heterosexuality, is granted protected class status: Suddenly, even if "sexual orientation" could be proved, more than 90% of the adult population would become equivalent under law to a disadvantaged "minority" class -- regardless of income, education, behavior, political clout, or even ability to prove their "orientation." Come again? 90% of nothing definable suddenly becomes a "minority?"

Clearly, grant protected class status and special privileges solely on the basis of how a few people representing a concerted special interest choose to have (or desire to have) "divergent" sex, and the whole concept of special civil rights protections and their enforcement will become hopelessly compromised, meaningless -- in fact, destroyed.

Gay Protected Class Status Would Undermine Traditional Family Values and Structures

For gays as a class to be awarded protected class status would not only threaten the edifice of civil rights protections in America, it would threaten the foundation of values and institutions, including marriage, which undergird all of American society.

Homosexual activists frequently express deep hostility to traditional, Judeo-Christian moral beliefs and values. Writings by gay activists show contempt for and determination to do away with the institution of the nuclear family. Gay social agendas detailed in Teal's The Gay Militants, Jay and Young's Out of the Closets and Tobin and Wicker's The Gay Crusaders specify that:

"The family as we know it be abolished... That homosexuals be placed in positions of caregivers and permitted to become teachers, clergy, counselors, therapists and social workers. That they be allowed to participate in the rearing and education of children... That children be placed in communal care away from their parents, with boys and girls reared the same and cared for by adults who are under the direction of lesbian women... That children should be reared in a unisex role", etc. (as reported in Gay Is Not Good, pp. 104, 105, Frank M. duMas, Nashville, TN, Thomas Nelson Publishers, 1979).

Gay activist Michael Swift echoed the frequent tone of such diatribes, writing: "[The family] is a spawning ground of lies, betrayals, mediocrity, hypocrisy and violence -- and will be abolished. The family unit, which only dampens imagination and curbs free will, must be eliminated" (Gay Community News, Feb. 15, 1987).

Ironically, while gay activists are widely recognized to be the most vigorous of anti-traditional family and pro-abortion protesters, they seem quite interested in developing their own versions of "alternate families." The Washington Blade, a self-styled "gay weekly of the nation's Capital,"

printed a front-page article in its August 23, 1991 issue revealing a "Lesbian baby boom underway":

"The Sperm Bank of California... is serving an increasing number of Lesbians, according to its executive director, Barbara Raboy... Of 465 women who reported conception using the bank's services between 1982 and 1991, more than half were Lesbians... The increase is attributable partly to increased access to alternative insemination technology, partly to the increased awareness and acceptance by Lesbians of the possibility of becoming mothers, and partly to the increased acceptance by society of Lesbian mothers."

Much of this "alternative insemination" is reported to involve semen donated by homosexual males.

Gay activists are seeking legitimization of "domestic partnerships" and demanding benefits for "domestic partners" equivalent to those enjoyed by married couples, including the right to adopt children. Again, it is obvious that awarding such status and benefits would result in complex civil rights "snarls." What would logically prevent a homosexual (or heterosexual, for that matter) living with numerous unmarried "domestic partners" from claiming benefits for all live-in parties concerned? Recently, encouraged by a Madison, Wisconsin, special gay advantages ordinance...

"Madison's teachers union wants gay and lesbian couples to qualify for family insurance coverage and other benefits in its new employment contract with the Madison School District. The union's proposal to recognize the 'designated family partner' of gay and lesbian teachers, unveiled at Monday's opening round of negotiations with the district, topped an exchange of controversial demands that promise tough and perhaps bitter talks ahead..."

"When asked if the term 'domestic family partner' also would apply to non-married heterosexual couples in serious, committed relationships, [Madison Teachers Inc. executive director John] Matthews said "we'd have to work out a definition with the district" ("Teachers union wants insurance for gay couples," Wisconsin State Journal, September 10, 1991, pp. 1D-2D).

That legitimization of gay relationships by marriage is a goal of gay activists is abundantly clear from numerous sources. Gays clearly see the advantages of such recognition...

"The most obvious advantage is the hope that society, including but not limited to, our families, schools, and churches, will not only accept our relationships, but, our homosexuality as normal... In addition to societal and religious benefits, we will have all of the tax, insurance, and legal benefits available to 'straight' married people. The marital and spousal deductions and diminished inheritance and estate taxes alone would save us millions and maybe even billions" (Quest, February, 1992, "Gay and Lesbian Marriages: To Be Or Not To Be", pg. 20).

This gay writer, at least, seems utterly unconcerned about what these "savings" to gays would cost the rest of society, which would be forced to share the cost consequences of gays' dangerous, profligate and medically disastrous lifestyles.

Gay extremists try to protest that they're not seeking special advantages and privileges, or to impose acceptance of their lifestyle on anyone; they want only "equal rights." Yet homosexual

activists like Jeffrey Levi, formerly executive director of the National Gay and Lesbian Task Force, have stated on numerous occasions their desire to see their lifestyle "affirmed" and "recognized in the law." Levi's statement to the National Press Club prior to gay extremists' 1987 "March on Washington" is highly revealing in this regard:

"The demands of the March on Washington reflect what [our] agenda will be in the years ahead. They include passage of the gay and lesbian civil rights bill, an executive order dealing with that branch's discriminatory policies -- from the military to security clearances; passage of similar measures at the state level as well as repeal of sodomy laws.

"But our agenda is becoming broader than that: we are no longer seeking just a right to privacy and a right to protection from wrong. We also have a right -- as heterosexual Americans have already -- to see government and society affirm our lives.

"Now that is a statement that may make our liberal friends queasy. But the truth is, until our relationships are recognized in the law -- through domestic partnership legislation or the definition of beneficiary, for example -- until we are provided with the same financial incentives in tax law and government programs to affirm our family relationships, then we will not have achieved equality in American society" (emphasis added).

A critical factor society must consider about the question of marriage-legitimizing gay unions is the manifest instability of the gay lifestyle itself, which offers little hope for ongoing success in marriage or child-rearing. Homosexual "marriages" will only erode traditional family structures, sap financial resources from legitimate, traditional families (by increasing disease-driven insurance rates, etc.) and cause measureless misery to helpless children, who would be the most wretched victims of such "marriages." In these ways and more, as Don Feder has written, in a January 17, 1992, column: "Legitimizing lifestyles [like homosexuality] further undercuts the family. Providing spousal benefits for homosexuals, condoning cohabitation and removing the stigma from out-of-wedlock births reduce families to the status of a mere preference."

Self-styled "gaylegal" scholar William Eskridge reveals an even more comprehensive perspective -- that of replacing American society's currently operative norms to suit the "gay rights" agenda -- in a recent article in one of America's most prestigious legal journals, The Yale Law Review. No one can tag Eskridge's comments as representing the "lunatic fringe" of the "gay rights" movement:

"...Bisexual, gay, and lesbian activists ought to deny the centrality of heterosexuality, particularly as it has been developed around rituals and taboos of manhood in American society. As Adrienne Rich has suggested, bisexual, gay, and lesbian consciousness can undermine claims that compulsory heterosexuality is the universal norm for our society. Rich challenges Americans to rethink sexuality, not from the assumption that everyone must be heterosexual if at all possible, but from the assumption that people are polymorphously sexual, that there is a 'lesbian in us.'

"If Rich's point is true (and I believe it is), then the bisexual, gay, and lesbian community should reject the image that we are a subculture on the margins of mainstream heterosexual culture, for this internalizes the traditional assumption that we are deviants from the norm. Instead, legally as well as culturally, the norm is up for grabs, and as a community we must

contribute to the reformulation of the norm.

"The gaylegal agenda then becomes something more than just our struggle for equal rights to engage in sexual intimacy, marriage, and military service. Often in alliance with feminism and critical race theory, gay, lesbian, and bisexual legal studies becomes one fulcrum for shifting the norms that surround intimacy, marriage, and the military."

(The Yale Law Journal, "A Social Constructionist Critique of Posner's *Sex and Reason: Steps Toward a Gaylegal Agenda*," Volume 102, October 1992, Number 1, pp. 374-375)

Lesbian writer Donna Minkowitz affirms this perspective in her recent Advocate article, "Recruit, recruit, recruit!":

"We [gays] have been on the defensive too long. It's time to affirm that the Right is correct in some of its pronouncements about our movement. Pat Buchanan said there was a 'cultural war' going on 'for the soul of America' and that gay and lesbian rights were the principal battleground. He was right. Similarly, [homo]'phobes like Pat Robertson are right when they say that we threaten the family, male domination, and the Calvinist ethic of work and grimness that has paralyzed most Americans' search for pleasure.

"Indeed, instead of proclaiming our innocuousness, we ought to advertise our potential to change straight society in radical, beneficial ways. Het[erosexuals] have much to learn from us: first and foremost, the fact that pleasure is possible (and desirable) beyond the sanction of the state. Another fact gleaned from gay experience -- that gender is for all intents and purposes a fiction -- also has the potential to revolutionize straight lives."

Gay Protected Class Status Would Give A Special Interest Extraordinary Advantages

As things now stand, gays, contrary to their assertions, enjoy the same rights guaranteed under our Constitution to other law-abiding citizens, i.e. the rights of free association, free speech, freedom to engage in contracts and conduct business, etc. (If gays object that they cannot marry one another, well, neither does American society allow anyone who so desires to marry a sibling, a child, an animal or more than one spouse.) But gay protected class status legislation would grant practicing gays special advantages and privileges, and thereby create serious constitutional conflicts related to equal protection under the law.

Once such legislation establishes a divergent-sexual-behavior-equals-ethnicity precedent, preferential treatment in the form of affirmative action, quotas, set-asides, marriage and adoption privileges, etc., will surely follow.

Impact on Businesses

Several individuals have reported their experiences as employees of businesses specially protecting "sexual orientation." These lead us to believe non-gays would suffer severe harassment and reverse discrimination in the workplace. One prominent Colorado Springs, Colorado, firm

recently established a policy under which employees holding traditional values were compelled, as a requirement for performance review, to "value the difference" between themselves and gay people.

Failure to do so resulted in forced appearance before a "Valuing of Differences Committee," and sensitivity training designed to encourage acceptance of gay sexual behavior. Protecting gay status thus led this firm to defy clear Policy Statements under Title VII of the Civil Rights Act of 1964, which protect the right to private conscience. We fear many other such civil rights abuses would ensue from legislation granting protected class status to gays.

Gay special advantage legislation's economic impact on states' business community and economy would doubtless be devastating. California governor Pete Wilson acknowledged this probability in recently vetoing such legislation.

Contributing mightily to Wilson's veto was tremendous pressure from the business community, which saw the likelihood of an avalanche of nuisance litigation that would further complicate doing business in an already ailing economy. (Legal costs of taking a single special gay advantage "discrimination" case to the U.S. Supreme Court are estimated in excess of \$250,000.)

The Chamber of Commerce of Colorado Springs also recognized the possible negative impact of special gay advantage legislation during a recent battle in that city over a proposed Human Rights Ordinance. In a position paper on the issue, the Chamber stated unanimously:

"The proposed city ordinance grants additional, broad, investigative and enforcement powers to an expanded commission on the local level, which are unnecessarily duplicative and costly.

"The ordinance would add another layer of regulatory bureaucracy with which employers and virtually every business enterprise must comply, increasing the likelihood of interagency conflict, added costs and confusion on the part of employers, and litigation.

"It is unlikely that existing Federal and State agencies' regulatory powers would be eliminated or diminished in favor of local jurisdiction in such cases; rather the creation of the City Human Rights Commission [a new bureaucracy charged to enforce the "gay special advantage" provisions of the proposed ordinance] would add to the burden of employers, property owners and business operators to comply with additional regulations, broad policing powers, and little recourse for frivolous actions or complaints. Moreover, the expanded Commission represents a costly addition to the city budget that is not justified by current or past experience."

Potential Legal Costs

- * In 1991, a California Superior Court ordered Shell Oil to pay \$5.3 million for wrongful discharge of Jeffrey Collins, a homosexual manager. Collins was terminated when his superiors discovered a memo he wrote on an office computer advertising an off-the-job "safe sex" party for gay men. The Court ruled that Collins' memo was "political activity" protected under California Supreme Court precedent.
- * In 1982, The Christian Science Monitor discharged an alleged lesbian because of her sexual orientation. Though the Massachusetts Supreme Court ruled that the Monitor had grounds to

terminate based on religious interests, they have allowed the alleged lesbian to pursue tort damages. The Monitor has declined to reveal the amount of their escalating legal expenses, for fear of encouraging other similar lawsuits.

Resolving claims of discrimination based on "sexual orientation" could prove extremely costly. If an employer is found guilty, penalties can be exorbitant. Again, under state or municipal "gay rights" ordinances, an employer charged pays not only for its own defense, but, through taxation, for its own prosecution. An employer eventually cleared of discrimination charges may still face substantial attorneys' fees in addition to being penalized by lost time and inconvenience.

(The above cases, while pointing to potential dangers of "gay rights" ordinances, also reveal, however, the extent to which gays are already protected from wrongful discharge under tort law -- not on the basis of their homosexuality, but on the basis of exemplary employment. Additional protections are available to homosexuals who are members of duly established protected classes, again, not on the basis of homosexuality, but because of age, ethnic status, skin color, etc.) But legal hazards arising from awarding protected class status to "sexual orientation" would also be compounded by the following potential complications:

Disciplinary Actions

- * Julie Brienza, a former Supreme Court reporter for United Press International, was terminated in 1991 when her supervisors learned that Brienza used UPI's time, credentials and resources while writing a free-lance story for a gay newspaper. Brienza has filed a \$12 million lawsuit alleging "sexual orientation discrimination."

(The Brienza and Shell Oil cases raise serious considerations about limitations placed on employers regarding disciplinary action. How will "sexual orientation" make itself known [and establish for certain its identity] in the workplace? Will employers be prohibited from taking normal disciplinary actions?)

Wrongful Discharge

- * Two alleged gay men, a lesbian and a woman (who believes she was perceived to be a lesbian) are suing San Francisco law firm Pettit and Martin, alleging "sexual orientation" discrimination after they were laid off from their jobs as legal secretaries. The firm says they dismissed the plaintiffs and five other employees due to a "downturn in staff requirements" in 1991.
- * Alleged homosexual Daniel Coulter is suing "French Chef" Julia Child's American Institute of Wine and Food for \$3 million. Institute co-founder Richard Graff asserts that Coulter was not selected because his professional background did not meet the needs of the post.

Unlike age, gender and ethnicity, "sexual orientation" is not readily apparent to an employer. How can an employer know if the prospective employee is homosexual? How can an employer be protected against "sexual orientation" discrimination claims unfairly lodged by disgruntled employees?

Affirmative Action

- * While some "gay rights" laws by clear provision include affirmative action for homosexuals (e.g., a proposed Colorado Springs, CO, "Human Rights Ordinance", and Boulder, CO's "gay rights" ordinance both contain, in the opinion of some civil rights authorities, clauses allowing for affirmative action for gays), implicit affirmative action obligations have ensued benefiting all previously protected classes (except religion, because church-state conflicts prohibit) and would almost certainly arise from "gay rights" laws, when coupled with other state and federal anti-discrimination statutes. Unquestionably, granting "sexual orientation" special, protected class status will raise questions of affirmative action obligations. U.S. Presidential Executive Order 11246 specifically orders all government agencies and companies seeking government contracts to immediately establish affirmative action for **any non-religious group** attached to the Civil Rights Act of 1964. Gay activists have been attempting to attach themselves to this act for 20 years. The courts have also consistently awarded affirmative action to any group granted the right to make claims of discrimination. Giving gays that right would virtually guarantee that they enjoyed affirmative action remedies.
- * Gays have already sought and received affirmative action recognition, in San Francisco, for instance, where 20% of all city appointments have been granted to homosexuals, and in Seattle, where the police department has established hiring quotas for gay officers.

Right of Refusal

- * In 1984, a Los Angeles Superior Court found a restaurateur guilty of "sexual orientation" discrimination because he refused to seat an alleged lesbian couple in an intimate, curtained dining booth reserved for "romantic evenings." The owner was fined \$500 and ordered to pay the plaintiffs' attorneys' fees of \$27,000.
- * In Pittsburgh, PA, two alleged homosexual men have recently filed suit against a radio station that refused to play their song dedication to one another on the air.
- * Numerous restaurants in Madison, WI, have been sued as a result of deliberately provocative "kiss-ins" by alleged homosexual and lesbian couples since passage of a "gay rights" ordinance there.

The right to refuse business services will be unreasonably encumbered by "sexual orientation" protective laws.

(Most of the above cases have been researched from case files compiled by the Lambda Legal Defense Fund, chief legal arm of the "gay rights" movement nationwide.)

Employee Morale

- * According to a recent Time/CNN poll, a majority of Americans still hold negative opinions of homosexuality. Most employees would find it extremely distressing to imagine they might be objects of sexual attraction to same-gender co-workers. Sexual tension in the workplace is

already well-known to lower morale, yet would be legally sheltered from remedy by "gay rights" laws.

Gays In America's Military Services?

On May 20, 1992, Colorado Congresswoman Pat Schroeder introduced legislation intended to compel the Department of Defense (DOD) to change its current position and admit self-acknowledged, practicing homosexuals and lesbians into the armed services. Before his election, President-elect Bill Clinton promised gay activist groups that he would issue a Presidential Executive Order to accomplish the same purpose. These actions are the results of concerted attempts by "gay rights" activists and sympathetic supporters like the American Civil Liberties Union to overturn DOD policy, which presently disallows the presence of openly admitted gays in America's military services.

With Schroeder's proposed legislation and Clinton's promised Executive Order, the "gay rights" assault on the DOD is now being waged on three fronts: in Congress, in the courts, and through direct pressure exerted on military leadership. Let it be said immediately that the United States military has played a critical role in protecting and expanding civil rights for qualified minority groups. As a result, Americans of diverse ethnic origin now enjoy a greater level of economic and career advancement opportunity in the military than ever before. In turn, both service persons and the Armed Services themselves benefit greatly from the dynamics of ethnic diversity in the ranks.

However, there are compelling reasons to believe that awarding protected status and special standing to a group of people whose sole identity is derived from their sexual behavior and/or desires, whose true profile resembles that of a non-ethnic special interest group would adversely affect the military services in a host of ways.

Before describing these adverse effects, let's consider several recent related events. First, several military-related court cases have won notoriety, among them the 1989 9th U.S. Circuit Court of Appeals decision overturning the discharge of Army Sgt. Perry Watkins, an admitted homosexual; homosexual activists' "outing" [or, revealing the secret homosexual identity] of DOD Public Affairs spokesperson Pete Williams; and gay militants' touting of homosexuals' presence in the recent Gulf war.

What would be wrong with freely admitting self-acknowledged homosexuals into the military community? Nothing, say homosexual activists. They assert that this would be no different from the results of President Truman's 1948 Executive Order racially integrating the services.

In a recent letter to Joint Chiefs of Staff Chairman Gen. Colin Powell, Rep. Schroeder argues that opposing homosexual "integration" would be closely parallel to racial bigotry during the 1950s. Homosexual lobbyists cite "homophobia" as an evil akin to racism which must be overcome at all costs. Are Schroeder and other "gay rights" proponents correct -- or do completely different considerations apply to the question of gays in the military?

Behavior/"Orientation" vs. Ethnicity

- * As Gen. Colin Powell has written (see Gen. Powell's remarks quoted earlier in this analysis) there are significant differences between the very concepts of racial and homosexual "integration." Racial integration is based on the recognition that racial alienage is non-behavioral in nature. Nor is racial alienage based on mere fantasy if, as some gay militants insist, special class protections for gays are not based on behavior, but on "orientation." Again, to compare ethnicity with "sexual orientation" is, as Gen. Powell pointed out "a convenient but invalid argument."

- * The military has always maintained a deep-rooted historical perspective recognizing sodomy as an unhealthy, unproductive practice which (cf. the USAF Academy Department of Laws' publication Law for Commanders) "endangers the well-being of the public at large" and "violates the sense of [social] decency or morality." The Uniform Code of Military Justice (UCMJ) defines sodomy (participation in anal or oral sex with another person, or carnal copulation with an animal) as a crime punishable by court martial. This Code, similar to Georgia's sodomy statute, upheld by the U.S. Supreme Court in "Bowers vs. Hardwick," 1986, is the basis for current DOD policy.

We hold that such a view does not reflect "homophobia" or any fear of homosexuals. Instead, this view reflects recognition that homosexual behavior does not constitute an acceptable, healthy and socially beneficial lifestyle, and homosexual desire does not constitute an "orientation" conducive to the performance of the mission of the military services.

Arguments Favoring Current DOD Policy

- * **Maintenance of Proper Military Discipline, Order and Morale.** Gen. Colin Powell has spoken of the apprehension and resentment most heterosexual would feel if forced to occupy close quarters and bathing facilities with people who may view them as potential sex objects. The military is not a private corporation, and choosing roommates and showermates is often not a military person's option.

Some argue that "closet" homosexuals are already in the military, and fraternization-harassment regulations would still be in effect to curtail such problems if gays were openly admitted. We answer: Why hasn't the military already mandated "unisex" bathrooms and male/female roommates as standard policy? Obviously, the futility of maintaining any semblance of dignified professionalism given such an environment is a reasonable consideration "homosexual rights" advocates choose to ignore. Columnist Stephen Chapman has observed, comparing the experience of the military with women in the Gulf War with the likely effect of gays in the military (Colorado Springs Gazette Telegraph, Feb. 9, 1993, p. B5:

"A Roper survey found that two-thirds of the personnel in coed units serving in the Gulf War said there was sexual activity between men and women in their unit -- in violation of regulations. Most of them said it damaged morale.

"What lessons can be found here for the matter of admitting gays [to the military]? Perhaps the most obvious is that if gays are admitted, there will be homosexual

liaisons within the ranks. It's easy to say you can admit gays and ban this sort of conduct, but banning it won't prevent it. If heterosexual acts harm morale, homosexual acts are likely to hurt it in spades.

"Another is that if homosexuals don't perform as well as heterosexuals, or get promoted at the same rate, there will be pressure to change the performance standards [as has occurred in the case of women] and to establish unwritten quotas for promotion."

In a footnote to his recent Yale Law Journal article (op. cit., footnote 221, pp. 377-378), avowed gay legal scholar William Eskridge adds another perspective to the sexual aspects of admitting gays into our military forces:

"Because homosocial environments such as the military contain concentrated numbers of potential sexual partners, search costs for same-sex partners will tend to decline. The number of potential partners is also somewhat higher than for the population as a whole, because the higher search costs for different-sex partners will impel more 'opportunistic homosexuals' to accept same-sex partners instead. As a consequence, bisexuals, gay men, and lesbians might be expected to gravitate toward the military in disproportionate numbers."

- * **The "Security Risk" Question.** The DOD has always recognized the possibility of homosexuals being blackmailed or otherwise disgraced because of their behavior. Critics dismiss this argument, sometimes citing a report showing that only six of 130 espionage cases involving homosexuals have resulted in reports of blackmail. This proves, they say, that homosexuals are equally capable of handling positions of trust. Of course, gay militants say, any potential for blackmail would be eliminated were the military to relax its constraints and let servicemen and women "out of the closet."

Genuine as these arguments may sound, they are spurious at best. First, the same "gay rights" advocates who boast that homosexuals are not liable to blackmail also declare that 99% of homosexuals in the military go unnoticed and unannounced. (Homosexuals must lie about both their "sexual orientation" and practices to gain admission into the military.) Therefore, if 99% of military homosexuals effectively masquerade as heterosexuals, how valid can such findings as the above be?

Second, as the above-cited case of Pete Williams demonstrates, homosexuals may still not "come out of the closet" even if they are immune from discharge. Williams was a civil servant, not a serviceman. His job was not in jeopardy even had he admitted practicing homosexuality. Williams kept his homosexuality a secret for other-than-employment reasons. How many gays do the same despite having sympathetic employers? How many would continue to do so in the military -- and be tempted to pay a high price for their secrecy?

- * **Health Risks Associated with Homosexuality.** The sexual practices associated with homosexual behavior (see Part I of this analysis) mandate a high risk of AIDS (and other disease) exposure and transmission. War is, of course, a bloody business. AIDS-tainted blood splashing into cuts or abrasions has been conclusively implicated in the spread of AIDS. As U.S. Rep. William Dannemeyer has observed: "What wounded soldier in his right mind is going to allow blood to be transferred into his system from a guy who just the night before had anonymous sex encounters with other men? A better question is, what right does society

have to impose that kind of risk on those asked to defend our country?"

Given the military's total responsibility for its members' health, these kinds of concerns cannot be ignored. Every AIDS sufferer in a military hospital is one less service person capable of performing the mission, and one more who will siphon off enormous medical resources. These sheer fiscal and operation constraints will not disappear simply because the military services become "politically correct."

- * **A Higher Moral and Behavioral Standard.** Throughout history, members of the U.S. Armed Services have consistently been held to a higher moral and behavioral standard than society at large. In 1990, when several Air Force Academy cadets were discovered performing vulgar and indecent acts in their dormitory, major national news coverage resulted. Doubtless, a similar incident would have received little attention if it had taken place at a state university?

Likewise, the military has consistently upheld appearance standards that go beyond duty hours. It could be (and has been) argued that these standards contribute nothing to the mission. But for the sake of public image, these standards remain.

Although overlooked by nearly every other court in the nation, the military still punishes the act of adultery. The fact remains that American citizens rightfully expect more from America's military in the way of character than from most civilian professions. Whether gay extremists like it or not, a vast majority of American citizens, when confronted with acts like homosexual anal penetration, seminal and fecal ingestion, anal "fisting" and "water sports" are sickened by such behavior, which, as we have seen, are common in the homosexual lifestyle. Should the military allow such behavior among members in the ranks merely because of the intimidation of a vociferous and bogus pseudo-minority?

Many members of the U.S. Armed Forces have probably never considered until now the prospect of being forced to serve with openly admitting homosexuals. Should gay activist efforts to overturn DOD policy succeed, military members who oppose homosexuality on conscientious grounds must be prepared to hold their tongues or face disciplinary procedures currently reserved for racial or gender discrimination. Furthermore, military leadership must consider the possible limitations that may be placed on officers regarding disciplinary actions. Again, how will "sexual orientation" make itself known (and establish for certain its identity) in the military workplace? Will officers be prohibited from taking normal disciplinary actions against open homosexual behavior? Unless all homosexuals in the military take, and keep, a vow not to practice or promote homosexual behavior, these considerations will certainly become volatile issues in the arena of military discipline.

Furthermore, how would command decisions be affected by the close proximity in battle of homosexual lovers? What potential would exist for sexual harassment of service persons of inferior rank by homosexual superiors of the same gender? Would these sorts of inevitable conflicts and dilemmas be conducive to the most effective accomplishment of the military's mission? In reference to such questions, economist Thomas Sowell has written:

"...Does anyone expect either military discipline or morale to be unaffected [by the admission of avowed gays in the military]? Without discipline and morale, what is a military unit but a disaffected mob? We need not limit ourselves to speculation. As homosexuality has become increasingly accepted on many of our leading college

campuses, gays have become another privileged class.

"Students have been punished merely for daring to criticize the homosexual lifestyle. On some college campuses, men's toilets have become rendezvous centers for homosexual activity to such an extent that gay activists have published annually updated guides to the best places for such encounters.

"Toilets in libraries at Georgetown University, Howard University and the University of Maryland, for example, have made that list. Holes have been drilled in the toilet stalls to facilitate anonymous homosexual activity from Dartmouth to Georgetown to the University of Florida and the University of California at San Diego.

"Concentrations of young males in institutions that accept homosexuality have proven to be magnets for gays. Toilets at the University of Florida have attracted gay men from as far as 40 miles away. Are we now to turn the military into another concentration of young males in an institution that accepts homosexuality?

"When you can't even go to the toilet without being a witness to or a target of homosexual activity, we are no longer talking about how someone does his individual job. Can anyone imagine how soldiers, Marines or paratroopers are going to react to such situations?"

("Homosexuals in the military," Forbes, December 21, 1992, p. 146)

- * **Personal and Spousal Benefits.** Would the awarding of "spousal" or "domestic partnership" benefits become mandatory for sexual partners of gay service persons (or, because of the extraordinary benefits extended to these single persons, would such benefits also have to be extended to single heterosexual relationships as well)? Given the demonstrated instability of the vast majority of homosexual relationships (again, see Part I of this analysis) what would be the effects on the spousal benefit structure of all the military services of admitting freely-acknowledged homosexuals into the military?
- * **Lastly, and above all, unity of purpose and action within the ranks is essential to accomplishing the mission of America's armed services.** It is no accident that military training, from the first days of "basic," is focused on the development of military personnel as a coordinated fighting unit. It is difficult to see how the systematic, conscious introduction and promotion of the profound behaviorally and psychologically based "open diversity" of homosexually "oriented" persons can help but undermine the crucial unity of purpose, attitude and action -- the vital *esprit de corps* needed to accomplish the mission of the effective military defense of America.

It should never be forgotten that all-volunteer military forces "vote with their feet." Many in the armed services have already expressed their determination to abandon valued careers if avowed gays are admitted to the military. It's true that a certain number of these dissidents will eventually reconsider, "go along and get along." But a sizeable number will not -- making retention as perilous a consideration as morale if the ban on gays in the military is rescinded.

We hold that it would be irresponsible and negligent indeed not to take the above considerations (together with numerous others this analysis raises, including the complete lack of either Constitutional or rational basis for any such concept as "gay rights") into careful account before

summarily or hastily overruling current DOD policy regarding "sexual orientation."

Impact On Colleges, Universities Public Schools and Private Associations

Right now, college and university students throughout the United States are under extraordinary pressure from gays and "politically correct" pro-gay educators and administrators to accept Statewide special class protection for "gayness." On August 30, 1991, the Office of Student Activities of the Metropolitan State College of Denver (MSCD), largest campus in Colorado's State University/College system with 37,000+ students, issued a memorandum to all 90 campus clubs, reading in part:

"All students who wish to participate in club events must be allowed to do so regardless of age, race, color, creed or sexual orientation. Clubs which are found to have discriminated against students on these grounds will have their recognition status revoked. What that means is clubs will loose [sic] all privileges associated with club recognition including:

- . Club Funding
- . Club Travel
- . Student Union Room Reservations
- . Club Office Space

... All clubs will now be required to have the following statement in their club constitution:
Membership to this organization shall be open to all students
regardless of age, race, color, creed, gender or sexual orientation.

According to Percy Morehouse, Vice President of MSCD in charge of Equal Opportunity (as reported by on-campus religious club leader Rick Drebenstedt), gay extremists are pressuring the Regents and Trustees Board in the State University/College system to demand that all Offices of Student Activities issue such edicts, to apply to all clubs, including religious clubs which may conscientiously oppose the gay extremist agenda.

Minority author Dinesh D'Souza's recently published book, Illiberal Education, (The Free Press, New York, NY, 1991) contains more evidence of gay sympathizers' disregard of non-gay students' rights on college campuses:

"Graduate student Jerome Pinn checked into his dormitory at the University of Michigan to discover that his roommate had covered the walls with posters of nude men. When the young man told Pinn he was an active homosexual who expected to have partners over, Pinn approached the Michigan housing office and asked to be transferred to another room. 'They were outraged by this,' Pinn says. 'They asked me what my problem was. I said that I had a religious and moral objection to homosexual conduct. They were surprised; they couldn't believe it'" (pp. 8-9).

Clayton Duvall, a Rutgers University student, was reprimanded for putting, in jest, a sign on a friend's door saying "you're a fag" -- after the friend had put a note on his door that read "Clayton's a geek." Duvall was sentenced to 30 hours of janitorial work for violating the university's "insult policy." It was asserted that if a gay student saw the note, he would be offended. Duvall claimed his own sensibilities had been offended by on-campus gay behavior:

"Mr. Duvall, for his part, says that the university tolerates cruising in the basement bathroom of the library, where, he says, he has seen men exposing themselves to each other. James D. Anderson, associate dean of the School of Communications and chairman of the university's committee for lesbian and gay concerns, says the committee reviewed the library bathroom question and recommended that the university take no action on the grounds that the bathroom cruising would just move elsewhere if the university stopped it in the library. Says Mr. Duvall: 'If a little sign that says "fag" offends them, stuff like that offends me" (The Wall Street Journal, pp. A1, A4, February 3, 1992, "Gay students enjoy programs, protections at Rutgers University" [emphasis added]).

In a University of Iowa incident, the complaints of students were likewise disregarded. Approximately 45 students enrolled in German composition and conversation classes. In these classes they were required to watch a film graphically depicting homosexual acts: "Teachers defended their decision to show the film and said they did it to help students learn spoken German. But several students called the film pornographic and said it was repulsive, not educational. 'I have to discuss this film tomorrow in class, and I don't even think I know the German words for what the people in the film were doing,' said Kathryn Worthington, a senior... Students said they were not warned of the graphic content of the film" ("Iowa students forced to watch homosexual porn films," American Family Association Journal, November/December 1991, p. 12, summarizing an article published in the September 27, 1991, Des Moines Register).

These actions constitute naked aggression against the Constitutional rights to free association and freedom of private conscience of students and organizations -- and speak volumes about gay activists' blatant disregard for the fundamental rights of opponents of gay extremist aggression.

Gay Activist Inroads Into Elementary and High Schools

Gayness-promoting, value-free sex and "AIDS" education have also made deep inroads into America's public schools. Right now, for instance, Denver, Colorado public school teachers and counselors are being pressured and trained to teach children beginning in kindergarten that gayness is a normal lifestyle (See The Denver Post, Dec. 2, 1990, p. 1).

A newly-released Denver Public Schools Health and Science Education teachers' guide entitled "Gay and Lesbian Youth Tools for Educators," presented to teachers by gay instructors during a taxpayer-funded continuing education course, states bluntly:

"There is no biblical sex ethic. The Bible knows only a love ethic, which is constantly being brought to bear on whatever sexual mores are dominant in a given country, culture or period." [emphasis added]

This guide contains a questionnaire designed to be answered by heterosexual high school students. It asks, among others, the following questions:

- "3. Is it possible your heterosexuality is just a phase you may outgrow?
...**
- 5. Is it possible that all you need is a good gay lover?
...**

7. If you have never slept with a person of the same sex, how do you know that you would not prefer to do so?
...
12. The majority of child molesters are heterosexuals. Do you really consider it safe to expose children to heterosexual teachers?
...
14. How can you hope to become a whole person if you limit yourself to an exclusive heterosexual object choice and remain unwilling to explore and develop your normal, natural, healthy homosexual potential?
...
19. How could the human race survive if everyone were heterosexual like you, considering the menace of over [sic] population?"

In addition to aggressively promoting acceptance of homosexuality, bisexuality, lesbianism and condom use (with graphic descriptions of these behaviors and techniques) this teachers' guide suggests that teachers distribute resources to children including pamphlets containing telephone numbers of adult gays who might possibly serve as mentors, to encourage children to "explore their gay identities" and experiment with gay behavior.

Los Angeles public school districts pioneered this kind of gay-promoting "mentor" program with the notorious Project 10, and similar programs have now spread to dozens of American communities. Special gay advantage laws could make it mandatory for private schools also to include such programs to promote this sexual special interest in the curricula, despite evidence that a teenager induced into homosexual behavior has a one in four chance of contracting AIDS within five years after initiation into "gayness" (see Gay and Lesbian Youth, Harrington Press, 1989, p. 185).

As mentioned in Part I of this analysis, in a recent, notorious New York City controversy, school authorities have attempted to force a so-called "Rainbow Curriculum" on supposedly locally-controlled public school systems. This "K-12" curriculum requires that homosexuality be presented as a healthy, desirable lifestyle in every subject taught. It is strongly suggested by this curriculum that first and second graders be assigned to read books such as *Daddy's Roommate* and *Gloria Goes to Gay Pride*, which depict "happy, healthy" homosexual and lesbian-headed "families" with small children. (As mentioned, these books' publisher, when not producing such "children's literature," is known to specialize in books marketed to the adult gay community -- including numerous titles encouraging pedophile practices and telling gays where and how to procure underage sex.)

Impact on Private Clubs and Organizations

Despite complaints (previously documented in Part I of this analysis) of homosexual molestation in the Boy Scouts (which, again, have cost the organization dearly in legal fees to prosecute offenders), U.S. West, Colorado's biggest corporation, threatened recently to remove several hundred thousand dollars in funding from the Scouts -- because the Scouts refuse to accept avowed homosexuals as leaders of young boys.

Overwhelming public pressure forced U.S. West to withdraw its threat, but gay special advantage legislation would doubtless weaken the resolve of many organizations who would oppose promotion of gay behavior/"orientation" and the "gay rights" political agenda.

Gay Protected Class Status Would Be a Retreat, Not an Advance, in Civil Rights

We conclude that allowing the special interest of "sexual orientation" the status of ethnicity would not be a "civil rights" advance, but a retreat -- a clear and present threat to the civil rights, physical, spiritual and mental health of the United States and her people -- by using the power of government as a "billy club" with which to inflict punishment on non-gay individuals and institutions and a "megaphone" with which to promote gay extremists' political and ideological aims.

And again, truly disadvantaged minorities would stand to lose most by the awarding of protected class status to gay special interests. True minorities would be forced to compete with gays for protected class benefits, minority contracts, and government-subsidized health care, with gays siphoning off countless dollars reassigned to pay the cost of already well-funded AIDS research and treatment. Gays, an already highly-favored group, would be granted extraordinary privileges -- at the expense of the truly disadvantaged and just about everyone else. As former Colorado Civil Rights Commission Chairman John Franklin has said:

"Making sexual orientation a protected class does a disservice to all those people presently being discriminated against or mistreated, by diluting the significance of civil rights protection. I would hate to see resources taken away from those who are truly in need of protection."

We can come to no other conclusion than that granting gays special advantages and protected class status would cause America's people to forfeit every true standard of rights, justice and morality we have traditionally raised and defended.

Gay Special Advantage Position Rests On Baseless Arguments

How, in the face of such compelling evidence, and in the absence of any valid claim to protected class status or special minority advantages, do gay activists and special gay advantage supporters argue in favor of their aims? They employ a variety of fallacious arguments to "shore up" their position. Among these are the following:

"It's a Simple Individual Rights Issue"

Gay activists and supporters argue: "This is not a complex, but a simple individual rights issue. Every person has an inalienable right to behave or express him/herself and pursue happiness as he/she chooses."

Such a categorical "right" simply doesn't exist. Any person's ability to continue pursuing life, liberty and happiness always depends on his or her maintaining good behavior -- as judged by society. In many of the United States today, acts of murder cause individuals to forfeit all three of these basic rights.

Attorney Kenneth R. Gray has commented: "Under the Declaration [of Independence], rights were said to be inalienable. That is a specific legal term which means that the right cannot be sold, exchanged, divested, or taken away without just cause or 'due process'. It is not an absolute right. The only proper way an 'inalienable right' can be taken away is if the person with the right has committed an act which is a breach of the duty that goes with the right. For example... if one man kills another, the murderer has violated the rights of his victim, and has breached his own duty to not violate the rights of others. Under these circumstances, he may forfeit his life in order to vindicate the life of his murder victim, but only if the government obtains a murder conviction with 'due process'" ("Why Roe v. Wade Is Worse Than You Thought It Was," article by Kenneth R. Gray, copyright 1990, emphasis added).

Again, society must make judgments about which behaviors it will protect and which it cannot. Laws, prisons and institutions for the mentally-impaired exist as a result of such judgments. Homosexual behavior, like all other behavior, is subject to society's judgment as well as society's commitment to due process. Such a judgment should not, we believe, result in homosexual behavior's receiving protected class status and entitlements. And again, special interests are simply not eligible for special anti-discrimination class protections.

"We've Never Asked for Protected Class Status" Argument

Now that it has been conclusively demonstrated that gays as an entire class in no way qualify for protected class, "higher scrutiny," minority or ethnic-equivalent status, gay activists are trying to deny that they've ever sought or now desire, such status. They say, "We don't want any of that. We don't want affirmative action or quotas -- we just want to be able to make claims of discrimination based on our sexual orientation."

First, they're lying. A 1991 Colorado Springs proposed "Human Rights Ordinance" employed the term "protected status," and included gays under it, numerous times. The same ordinance draft includes all protected classes in the city's Affirmative Action Plan. A proposed Grand Rapids, Michigan, ordinance asks that city to recognize gays as a "protected class." Denver's recently-passed "gay rights" ordinance refers to gays as "a minority group," together with all classes protected under the ordinance. Boulder, Colorado's "gay rights" ordinance contains a clause clearly allowing the practice of affirmative action for all classes protected under the ordinance. Colorado gays would have been included in a proposed, but defeated "Ethnic Harassment Bill," increasing to felonies penalties against harassment of "ethnic groups," including gays.

On February 19, 1991, the Colorado Civil Rights Commission convened at City Council Chambers in Colorado Springs, Colorado. Among the agenda items for that evening, we read:

"VI. Public Hearing/Audience Participation

"The Commission will take public testimony to assist in determining its position on whether sexual orientation should be a protected class under Colorado civil rights laws. The Commission will consider such information in its support of legislation in the 59th General Assembly (1992)"
(emphasis added)

Clearly, the Commission, headed by an individual who at that time served simultaneously as Co-Chairman of Colorado's leading "gay rights" advocacy organization, was considering protected class status for gays on that evening. Only when an anti-"gay rights" group proved, using the arguments developed in this position paper, that gays as an entire class do not qualify for protected class status, did gay activists begin vigorously denying they had ever sought such status.

Second, no persons who are not members of protected classes can make discrimination claims. To claim one doesn't want protected class status but does want to make claims of discrimination, or come under anti-discrimination laws is **deceptive double-talk**. Possession of anti-discrimination protection is possession of protected class status, and all attendant rights and privileges, whether that status, and those rights and privileges are named in the proposed "gay rights" ordinance or not. This "dodge" holds no water, and gay militants should not be allowed to use it unchallenged.

"Fairness/Compassion" Argument

Gay activists claim that those who would deny them special class status and advantages are "unfair" or "lack compassion." This is not a moral issue, they say, but a fairness issue. Morality shouldn't be an issue here, they say. We beg to differ. Nowhere does our Constitution demand moral relativism. As Chief Justice Warren Burger observed in the U.S. Supreme Court's 1986 "Bowers vs. Hardwick" decision, "The law... is constantly based on notions of morality, and if all laws representing essentially moral choices are to be invalidated... the courts will be very busy indeed."

It is impossible to define fairness or compassion without referring to some moral code or ethical standard. And by what code or standard do gays imagine it would be fair or compassionate for America to give legal approval or protected class status to a special interest whose behavior (1) harms nearly all who practice it; (2) threatens the health and civil rights of thousands more people impacted by it; and (3) would forcibly redistribute benefits from the truly needy to the already well-advantaged? As we have seen, it would be no more "compassionate" to pretend that gay behavior is normal and healthy than to encourage alcoholics to "celebrate" drunkenness.

"You're Imposing Your Morality On Everyone Else"

Gay special advantage supporters insist that opponents of gay entitlements are "trying to impose their morality" on society. We ask: What privilege allows gay extremists and their supporters to aggressively force on all Americans special advantages and protected class status for their dangerously promiscuous behaviors?

Colorado Health Department statistics directly implicate homosexual behavior in 85% of that State's AIDS cases. 85.2% of those cases are to be found in the Denver Metropolitan area alone -- which probably means that approximately 85% of Colorado's homosexual community resides in the Denver Metropolitan area. Yet Colorado gays insist on trying to secure statewide "gay rights" laws. Who's trying to force their "values" on whom? What gives gay special interests the license to impose their sense of "political correctness" on society -- and at the same time imagine they can forbid opponents of the gay extremist agenda to express traditional values politically?

The right to express opinions on issues, the right to freely choose one's associates and the right to work to achieve political ends through State, local and Federal political systems are inalienable under our Constitutions. It is gay extremists like Robin Miller who, in fact, wish to deny other citizens' exercise of these rights and impose gay extremists' sense of "values" on the rest of society.

Gay extremists have used "local control" as an excuse to maintain unjust "gay rights" laws against statewide efforts to overturn local ordinances that favor them. Yet they and their supporters are pushing at all levels, federal, state and local, for special gay advantages. After Colorado voters approved that state's Amendment 2, forbidding protected class status for gays, gay extremists mounted a nationwide boycott of the state. If gay militants' wishes are granted, no individual, state or municipality or government agency will have any choice but to accept their political agenda.

Opponents of the "gay rights" agenda have every right, through our system of government, to "push back." And while gay activists accuse opponents of special gay advantage of "mixing questions of church and state," they themselves never hesitate to appeal, with the active assistance of "liberal" clergy, to falsely-constructed notions of "biblical" compassion to support their cause. Marshall and Pill suggest in this regard:

"... [publicizing] support for gays by more moderate churches, raising theological objections of our own about conservative interpretations of biblical teachings... Second, we can undermine the moral authority of homophobic churches by portraying them as antiquated backwaters, badly out of step with the times and with the latest findings of psychology. Against the mighty pull of institutional religion one must set the mightier draw of Science and Public Opinion... Such an unholy alliance has worked well against churches before, on such topics as divorce and abortion. With enough open talk about the prevalence and acceptance of homosexuality, that alliance can work again here." ("The Overhauling of Straight America," op. cit.)

True compassion never condones wrongdoing -- especially persistently selfish behavior that harms others. It offers forgiveness to wrongdoers -- on condition that they repent of and forsake behavior destructive to themselves and others. Jesus said to the adulterous woman He saved from stoning, "Go, and sin no more" not "Go and sin much more."

Homosexual leaders themselves admit the moral deficiencies of gay life. Kirk and Madsen say: "In short, the gay lifestyle -- if such a chaos can, after all, legitimately be called a lifestyle -- just doesn't work: it doesn't serve the two functions for which all social frameworks evolve: to constrain people's natural impulses to behave badly and to meet their natural needs" (After the Ball, op. cit., pg. 363).

Kirk and Madsen's antidote? Of all things, some sort of moral or social code of their own devising! "What gay men want, without knowing it," they say, "is a return to the sacred, and a framework of ethics within which they can begin to trust and believe in one another" (After the Ball, op. cit., pg. 294). Indeed, society cannot exist in a moral vacuum. But we see no reason to allow special gay advantage legislation to impose a new brand of gay extremist "morality" on our nation.

"Denying Special 'Rights' to Gays Threatens the Rights of All"

Cursory analysis makes clear the absurdity of this "old chestnut," long a favorite of political liberals and the American Civil Liberties Union. Denying a murderer the right to life, liberty and the pursuit of happiness in no way threatens the rights of law-abiding persons -- even a condemned murderer's closest relatives, so long as they're innocent. Plainly, if society jails murderers, it won't also imprison people for not murdering. If we hold that every person's rights are threatened every time a wrongdoer is punished, we'll have to give up prosecuting crime and vice altogether! And again, gay special interests are not really seeking "rights" but special status and advantages for which they do not, as we have seen, qualify.

Institutionalizing civil rights fraud protects no one's civil rights. And surely, no one's civil rights are threatened when a civil rights fraud is prevented; rather, true special civil rights are protected by ensuring that "civil rights" atrocities like "gay rights" do not gain force of law. As John N. Franklin, past Chairman of the Colorado Civil Rights Commission, has said, "... I do not believe that either current special class protections given disadvantaged minorities or basic Civil Rights protections enjoyed by all Americans will be threatened if gays are not granted special protected class status in the foreseeable future."

"Right to Privacy" Argument

Some argue that homosexuals' "right to privacy" should override the public health, safety and civil rights considerations we've raised. As Justice Harlan wrote in "Poe vs. Ullman," 367 U.S. 497, 552-553 (1961): "The right of privacy most manifestly is not an absolute. Thus, I would not suggest that adultery, homosexuality, fornication and incest are immune from criminal enquiry, however privately practiced... but the intimacy of husband and wife is necessarily an essential and accepted feature of marriage, an institution which the State not only must allow but which always and in every age it has fostered and protected."

Again, the Supreme Court in "Bowers vs. Hardwick" refused to grant homosexual behavior an absolute "right to privacy." The Court explained that the right to privacy inheres only in family relationships, marriage and procreation, and does not extend to all private sexual conduct, even between consenting adults. And, problematically, many gays don't practice their behavior in private. Homosexuals commonly engage in sex acts (often with anonymous partners) in public parks, public rest rooms and bars, bathhouses and other establishments open to public patronage (also in public parades, as we have seen).

According to The Gay Report (op. cit., p. 500), homosexual most frequently practice their behavior, not in the privacy of their own bedrooms, but in public rest rooms, bus stations, service stations, public libraries, rest stops, etc. No one compels homosexuals to perform sexual acts in public places. Yet their behavior can easily become an intrusion on the privacy, as well as the health and safety, of others. (The August 3, 1989, Laguna Beach News Post reported that City Council there refused to take action on the complaint of outraged citizens who appeared in support of a distraught mother. Her son had been frightened by three homosexual men engaged in sex in a public rest room. With a gay mayor at the time, and a special gay advantage ordinance, investigating and prosecuting such offenses was not a priority in Laguna Beach.)

Never before the largely-homosexually-spread AIDS epidemic has privacy been a factor in society's dealings with transmitters of highly communicable -- even curable -- diseases. Never before have carriers of incurable diseases been granted absolute rights to privacy, plus special legal protection and privileges. Never before has a special interest group been rewarded by government with total privacy and immunity from criticism. Tragically, the loudest defenders of an absolute "right to privacy" for AIDS carriers are often the same individuals who argue that society should protect the "rights" of criminals at all costs. These First Amendment "defenders" show a warped, but "consistent" unconcern about the fate of innocent victims. We don't share their misguided sense of justice.

Some argue that to deny homosexuals the license to publicly exhibit what they call their affection is to hinder the full expression "of our society's rich diversity." (In The Gay Report, Jay and Young [op. cit.] reported that 51% of gays surveyed thought they should be granted a "right" to engage in public sex at any time.) Must all American citizens be forced to endure as "diversity" what most conscientiously consider depravity? We think not.

If You Oppose Special Gay Advantages, You're "Discriminating" Against Gays

To claim that opposing special gay advantages "discriminates against gays" begs the question; it assumes gays already possess universally recognized, protected class status, which, as we have seen, is not the case. In traditional civil rights terms, one cannot "claim discrimination" without being a member of a protected class. To oppose the aims of gay special interests may violate their wishes and deny them undeserved advantages; it does not "discriminate or create discrimination" against gays or violate their rights. It simply draws a distinction between legitimate minority status and gays' illegitimate claim to that status.

Criticism of, or legal business action contrary to the whims of affluent special interest groups like gays who do not possess or qualify for protected class status does not constitute "discrimination." Saying that a wealthy corporation president doesn't qualify for protected class minority status isn't "discriminating" against him or her. It's simply stating a fact. No amount of non-actionable verbal "millionaire-bashing," for example, will compel government to declare Teddy Kennedy or other plutocrats a protected class. They simply don't qualify for that status, nor do gays, or any other special interest group. As Past Chairman of the Colorado Civil Rights Commission John Franklin has said, "To have discrimination, you have to have a disadvantaged class. And at this point... this class does not meet the judicially recognized criteria for protection."

F. Tom Duran, Director of Regional Offices, the Colorado Civil Rights Division, has said, "I think there is a tremendous difference between gays and lesbians and the traditional protected class minorities... I don't see gay ghettos, I don't see gays [being] homeless, I don't see gays being disadvantaged politically or economically... I think they have tremendous power, they have tremendous economic control, and I don't think that they are in the same disadvantaged class as blacks, American Indians, Hispanics, women and other minority groups." Ignacio Rodriguez, also a Past Chairman of the Colorado Civil Rights Commission, has commented: "If you are economically viable, you can obtain certain things that those who are economically disadvantaged cannot... For all practical purposes, [gays] as a group, are in the advantaged category. So I would not anticipate that anyone would identify this group in those arenas with other, ethnic minorities. For [gays] to indicate that at

any time they, as a group, have suffered the consequences of discrimination that ethnic minorities have suffered is ludicrous."

Furthermore, refusing to grant special advantages to gays does not deprive gay people of a single fundamental Constitutional right. Protected class status bestows rights and privileges additional to the Constitution's fundamental protections. A non-disabled Caucasian male under 40 years of age with no specific ethnic identity is not a beneficiary of protected class status; nevertheless, it cannot be said that he doesn't possess all fundamental Constitutional rights because he does not enjoy special status. It's gay extremists who seem most eager to "reversely discriminate" against most other Americans, by forcing society to accept and subsidize gay lifestyles (and pay for gays' exorbitant medical expenses), criminalize expression of all viewpoints opposed to their own and institutionalize their own value systems by using government as a bludgeon to advance their interests.

No, opposing special gay advantages isn't "discriminating against gays," it's simply making an absolutely critical distinction between a powerful special interest group which already shares all the fundamental rights of American citizenship and far more advantages than most Americans -- and true protected classes. Likewise, opposing special gay advantages is not "singling out gays" for unfair treatment. Gay activists have singled themselves out by aggressively pursuing special protected status to which they demonstrably have no valid claim whatsoever. Thus, gays' "singling themselves out" constitutes nothing less than a fraudulent claim. To deny this claim is only an act of justice.

If You Oppose Special Gay Advantages, You're "Stealing Rights" From Gays

The U.S. Supreme Court's 1986 ruling in "Bowers vs. Hardwick" established that no Constitutional right to engage in homosexual sodomy exists, and that homosexuals do not constitute a specially protected class. How can you "steal" from people something they haven't got?

Is taking action against standing special gay advantage ordinances "stealing rights" from gays? Imagine two women: One is destitute. The other is well-off, enjoying four times the yearly income of the poor woman. Both lay claim to a sizeable grant, to be given only on condition of need. The rich woman applies for the grant dressed in rags. She presents false documents, including a nearly-empty bankbook, and convinces the grantors by these fraudulent means that she is poor as a church mouse, and therefore eligible for the grant.

The grant ends up being divided between the two women -- one who's in real need, the other well-off and greedy. If evidence later comes to light proving that the affluent woman acquired a portion of that grant through fraud, will it be "stealing" for the grantor to reappropriate that money and give it to the poor woman who was truly entitled to it? Or would it be justice served?

We hold that gay extremists have won their grants of protected class status by fraud -- by consciously concealing the truth about their behavior, their economic, cultural, educational and occupational advantages, and their true status as a special interest group. Where gays have gained special advantages, legitimate, disadvantaged minorities now face having to divide their status and its benefits with affluent gay special interests. Clear evidence of gays' advantages and sexual irresponsibility has indeed come to light, revealing that gay special interests have acquired special, protected class status by fraud. Would it be "stealing" for society to forbid special, protected class

status for gays -- and restore the full meaning of that status and its benefits to those disadvantaged people who truly qualify for it? Again, would that not be the only fair and just thing to do?

We believe the people of America have a right to hear all the new evidence about gay behavior and advantages. And we believe Americans have a right to reconsider this issue and make better-informed decisions about both pending and previously-awarded special gay advantage legislation and policies. For gay extremists to deprive Americans of that right would be theft indeed!

"Sympathy" Argument

At root, gay extremists and their supporters offer little argument other than a blatant appeal to sympathy -- often citing verbal or physical abuse of gays as justification for being recognized as a specially protected class. They hope, by concealing the truth, to arouse sympathy and manipulate the consciences of truly compassionate people, and gain the reward of special class status... Their argument boils down to this:

Gays have suffered emotional torment and physical consequences because society disapproves of their behavior. Therefore, society should grant gays special ethnic status and advantages -- to redress their injuries and make them feel better.

First, as we have seen, gays have never been able to demonstrate a convincing pattern of discrimination causing them as an entire class to suffer significant economic, educational or cultural injury. While crying loudly out of one side of their mouths that they are an "oppressed minority," gay extremists boast from the other side of their mouths that they are affluent, prevalent and thriving in all areas of society. Furthermore, no matter how loudly proclaimed, allegations of "discrimination" by gay extremists do not constitute proof that oppression of gays as an entire class exists. All available evidence of gay income levels, educational achievement and political power roundly refute that widespread persecution of gays has occurred.

This writer has investigated some 35 cases from gay legal defense fund files, alleged to represent the dismissal of employees "just because they were gay." He is not satisfied that a single case in point did not involve dismissal for compelling, job-related cause. In case after case, "gayness" seemed to become a factor only after the dismissal was finalized. Also, in many states, Colorado included, gays are protected from "wrongful termination" by tort law. (Incidentally, during a most recent three-year period, the Colorado Springs, Colorado, Human Relations Division recorded a total of two complaints related to either sexual discrimination or ethnic harassment -- neither in any way related to homosexuality.)

Second, injured feelings per se offer no compelling reason to bestow special ethnic status and privileges on a special interest. Should all unhappy millionaires (Sen. Ted Kennedy's recent woes come to mind) be granted special protected status simply because they're miserable? Should all criminals serving sentences for bad behavior be released and given protected status simply because they're unhappy behind bars?

In a variation of their sympathy ploy, gays mourn things like "my inability to simply take a walk in the evening hand-in-hand with the one I love." Besides pointing out that claims like these seem less than credible in today's climate of tolerance toward homosexuals, we remind gays of

something all adults know -- that behavior has consequences. Bestialists, necrophiliacs, pedophiles, practitioners of incest and autoeroticists are also not able freely to publicly exhibit their "sexual orientations" without suffering consequences. What makes how homosexuals practice sex more worthy of special protection than these other behaviors?

Celebrities often complain about the loss of privacy that accompanies their public status. But the fact that celebrities are stared at and approached for autographs, etc., in no way compels passage of laws against "starism" or autograph-hounding. Gays' decisions to pursue what they admit are "divergent" lifestyles bring with them self-induced consequences of all kinds. But the fact that gays may subjectively perceive value in these lifestyles does not compel non-gay individuals to share gays' assessment of "gayness as good" -- or compel society to overlook the potentially perilous effects of granting the special interest of "gayness" special protection, advantages and subsidies.

No Defensible Rationale for Special Advantages for Gays Including Need for "Equal Protection" for Gayness

In the final analysis, gay extremists are forced to resort to these specious arguments because they have no defensible rationale by which to claim protected class status for their sexual behavior. As blatant fallacies, their arguments deserve no credence or place in rational discussion, no matter how stridently advanced. From the mere fact that some special interest has a grievance, it doesn't automatically follow that the aggrieved party is in the right or deserves redress. Society is often correct in not protecting the activities of dangerous, specially interested and anti-social people (the Mafia is one good example).

In fact, 24 of the United States not only don't reward homosexual behavior or desire with protected class status. They place homosexual behavior under penalty of law. Whether sodomy laws should be re-instituted by states that have at some time repealed them is, according to the Supreme Court in "Bowers vs. Hardwick," a matter for individual states to decide. But much new evidence (some compiled for the first time in this analysis) has come to light that mandates the re-examination of currently standing, as well as proposed, special gay advantage legislation. And we do strongly suggest, on reasonable grounds, that "gayness" not be given special, extraordinary class status in any state, and that where "gayness" is awarded such status, citizens fight vigorously to rescind or repeal laws granting that status to this deceptive, two-faced special interest.

What will gays "lose" if special, protected class status is denied them, or rescinded? Not a single fundamental right that all Americans share. As John Franklin, past Chairman of the Colorado Civil Rights Commission has said:

"...Gays already have established recourse against discrimination. They have the right to pursue civil litigation if they have been defamed or held up to ridicule. They are protected against verbal abuse by harassment laws. They are entitled under current laws to protection of their own property and persons. They are entitled to protection by all the criminal laws of this State.

"The basic Civil Rights laws of this country protect all people for basic due process. While gays are not currently elevated to the status of a specially protected class, they do have the same basic protections as all Americans. And I do not believe that either current special class

protections given disadvantaged minorities or basic Civil Rights protections enjoyed by all Americans will be threatened if gays are not granted special protected class status in the foreseeable future." Nor will gay people lose any status or advantages they may be due owing to their membership in any legitimate suspect class.

Claims by gay extremists that a denial of "gay rights" laws represents a denial of equal protection and/or due process are without merit. Gay activists consistently claim denying them special protected status is based on irrational motives -- and due process/equal protection indeed cannot be denied absent a rational basis. But what there is truly no rational basis for is any such thing as "gay rights." Even if there were such a thing as a discernable status based on "sexual orientation," gays as an entire class do not meet established criteria for special, protected class status.

Furthermore, the direct, traditionally-honored, unseverable connection between civil rights law, claims of discrimination and protected class or suspect status cannot be circumvented. The Legislative Council of the Colorado General Assembly, in its Research Publication No. 369, 1992, "An Analysis of 1992 Ballot Proposals," (sent to every voting household in Colorado prior to that State's 1992 General Election) defines all three of these terms, as follows (emphasis added):

"Civil rights laws' refers to local, state, and federal laws designed to protect classes of persons from discrimination in areas such as employment, housing, and public accommodations.

"... 'Discrimination' as commonly used in civil rights law, means any act which denies, prevents, or limits any person from obtaining or maintaining employment, housing, or public accommodations based on race, age, gender, disability, nationality, or religion... [i.e. all the traditionally recognized protected or suspect classifications]

"Protected status' means that a group has been identified for protection from actions which affect a protected or suspect class and which are limited or scrutinized as required by anti-discrimination statutes, ordinances, or common law."

Thus, denying gays protected class or suspect status cannot constitute a denial of equal protection or due process, since gays cannot now qualify for that status under well-established and reasonable criteria. And the fact that no rational grounds for establishing protected (or suspect) class protections on the basis of "sexual orientation" exist means that gays as an entire class may certainly be denied protected class status without violating equal protection or due process. Perhaps Andrew Jackson, 7th President of the United States and a bastion of strength against the special interests of his day, described best the dangers special interests pose to governments -- and the stand determined citizens ought at least to take against these. Jackson's words apply just as well to the spurious claims of "gay rights" activists as they did to 1832's special interests:

"It is to be regretted that the rich and powerful too often bend the acts of government to their selfish purposes... When the laws undertake...to make the rich richer and the potent more powerful, the humble members of society...who have neither the time nor the means of securing like favors for themselves, have a right to complain... If we cannot at once...make our government what it ought to be, we can at least take a stand...against any prostitution of our government to the advancement of the few at the expense of the many." (Message on the occasion of Jackson's veto of legislation

renewing the charter of the Bank of the United States, 1832)

Hope for Homosexuals

We regret having had to recite this litany of unpleasant and embarrassing facts, arguments and concerns. But we've raised issues absolutely critical to the decision America must make about special gay advantage legislation -- and made public information that simply cannot be dismissed as symptoms of so-called "homophobia," "homohatred" or "bigotry."

Calling names cannot establish -- or discredit -- truth. The Greek roots of the word homophobia mean "fear of men." We who oppose granting protected class status on grounds of "sexual orientation" don't fear or hate men. Why should we in any way fear people whose preoccupation with the sole attribute of sexual behavior is so obsessive that it drives them to make only irrational claims, on none but specious grounds? How can we hate people whose identity is so fragile, and so totally defined by sexuality, that they are obviously terrified at what they imagine to be the slightest threat to its unbridled expression?

Attributing negative characteristics to others without proof is the essence of bigotry. We have offered no proof of either hatred or bigotry toward gays. We think it is clear on which side of this issue the real bigotry lies.

What accounts for gays' personal misery? Can their unhappiness be wholly blamed on a "repressive" straight society? Blaming others only for one's woes is characteristic of classic psychological denial. And supposed repression by straight society in no way satisfactorily explains the persistent misery of gays. Certainly not in our era, which has, in fact, been enormously tolerant of gay behavior. Gays themselves must accept responsibility for the consequences of their restless and destructive behavior. Whether gay extremists like it or not, sharing personal responsibility is the price all must pay who wish to exercise personal freedom in our society.

Homosexual Behavior a Misguided Attempt to Love

We believe homosexual behavior has essentially nothing to do with freedom -- or even with sexuality. We believe homosexual practices are misguided efforts to fill love needs not provided for in early childhood by same-gender parents. Homosexual behavior is, as ex-homosexual clergyman and counselor Colin Cook puts it, "a psychic solution to a real problem, but a false solution." Gay behavior is what the Bible calls "sin" because sin defines any attempt to solve human problems or meet human needs without regard to God's wisdom and solutions as found in Scripture and in His saving grace and mercy. We believe gay behavior can be changed. The weight of available psychiatric evidence rests solidly on the side of "gayness" being non-innate, therefore, an acquired and mutable inclination.

Extending a Hand of Restraint and a Hand of Hope

Because homosexual behavior is neither innate nor immutable, and because by no means are

all gay people gay extremists, we ought to oppose granting homosexuals special ethnic status and advantages firmly, but gently. It is my experience that only a small percentage of gay people are gay militants. Many gay people desperately wish to escape the destructive lifestyle and behavior in which they are ensnared. They have no interest whatsoever in "gay rights" -- in fact, they would be glad to discard their own "gayness" altogether.

As we have seen, there is much hope for people struggling to abandon "gayness." Across the United States, support and counseling groups are multiplying, offering love compassion and healing for the wounded spirits of distraught homosexual people. This paper's author and his wife have begun an organization which currently works with nearly 150 people impacted by, or desiring to leave, sexually destructive lifestyles.

Americans of good will should sincerely hope, pray and act with true compassion to encourage all homosexuals, bisexuals and lesbians to reflect deeply on their behavior. To stop justifying it. And to forsake it. In living fact, many homosexuals have done so.

We would ask every gay person to consider a question asked by a great prophet of the Bible: "Why are you striving for that which doesn't satisfy?" (Isaiah 55:2)

Does homosexual behavior meet that need that burns inside us all for deep and lasting love? Gays' extraordinarily fervid promiscuity argues an eloquent "no!" No amount of special gay advantage legislation will bring gay extremists the dignity and fulfillment they crave. But thousands of gay people have stopped striving to find love in ways that don't satisfy. They have found rest from their desperate promiscuity and torment of soul. They have gained true dignity and found love that does satisfy -- in the life-changing grace of God. In happy marriages and biological parenthood. In lives of authentic peace and freedom.

The road to release from the torment of homosexuality is not an easy one. But escape can be found from the false "freedom" of gay behavior and other forms of sexual addiction. Hundreds of ex-gay men and women are living proof that sexual addiction can be conquered through compassionate therapy and the power of God.

That is why the deepest purpose of this paper's author and distributors is to extend a hand of hope to gays. To whenever possible introduce gays and families and friends of gays to friends who can tell them more about this hope and encourage them, every step of the way, to walk in true freedom. To all who reach out for it, we are eager to extend that hopeful hand in return.