CITY AND COUNTY OF SAN FRANCISCO
HUMAN RIGHTS COMMISSION

RELIGIOUS SERVICE PROVIDERS
TASK FORCE

FINAL REPORT
MARCH 13, 1997

A Report by the Human Rights Commission
City and County of San Francisco
25 VanNess Avenue, Suite 800
San Francisco, California 94102-6033
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CITY AND COUNTY OF SAN FRANCISCO
HUMAN RIGHTS COMMISSION
RELIGIOUS SERVICE PROVIDERS TASK FORCE

INQUIRY INTO POSSIBLE BARRIERS TO SERVICE AND EMPLOYMENT
BY RELIGIOUSLY AFFILIATED ORGANIZATIONS HOLDING CITY CONTRACTS

I. INTRODUCTION

A. HUMAN RIGHTS COMMISSION

The Human Rights Commission is the department of the City and County of San Francisco that implements and enforces the City’s anti-discrimination and affirmative action ordinances. Founded in 1964, the Commission monitors City contracts to ensure compliance with the San Francisco Administrative Code’s requirements that City contractors provide a discrimination-free workplace and implement affirmative action programs. The Commission also assists in the reduction of intergroup tensions in San Francisco, and mediates and investigates complaints based on race, color, creed, national origin, ancestry, age, sex, sexual orientation, gender identity, disability, or HIV status.

B. RELIGIOUS SERVICE PROVIDERS TASK FORCE

In February of 1996, the San Francisco Board of Supervisors passed a resolution, authored by Supervisor Tom Ammiano, calling on the Human Rights Commission to investigate whether religiously affiliated service providers holding City contracts were discriminating in the provision of services based on their religious philosophies or tenets. The Board made this request because of earlier concerns that one such organization had written an organizational statement expressing a negative view regarding homosexuality, and the possibility that such views would be a barrier to serving all the diverse communities in San Francisco, including the lesbian gay bisexual transgender communities, without bias.

In response to the Board’s request, the Commission formed a Religious Service Providers Task Force in March 1996, and appointed the following task force members:

Commissioner Martha Knutzen, Chair
Commissioner Agar Jaicks, Vice Chair
Rabbi Allen B. Bennett, former Human Rights Commissioner
Ms. Patricia Chiapellone, Lutheran Social Services
Rev. Harry Chuck, Cameron House
Major Jerry Gaines & Ms. Pat Eberling, Salvation Army
Rev. Jim Mitulski, Metropolitan Community Church
Mr. Bob Nelson, Dolores Street Community Services (former Catholic
Charities Staff Member)
Ms. Rita R. Semel, San Francisco Interfaith Council
Ms. Gloria Soliz, M.Div., former member of HRC’s Lesbian Gay
Bisexual Transgender Advisory Committee

Larry Brinkin, Coordinator of the Commission’s Lesbian Gay Bisexual
Transgender & HIV Unit, provided staff support to the Task Force.

The Task Force met approximately every two weeks at the Human
Rights Commission offices at 25 Van Ness Avenue, Suite 800, San
Francisco.

II. SCOPE OF INQUIRY

A. SCOPE

The Task Force began by reviewing the City’s anti-discrimination
ordinances, particularly Chapter 12 of the Administrative Code,
which prohibits discrimination by City contractors. Discussion
took place regarding the intent of the Board’s resolution and the
mission and responsibilities of the Task Force.

The Task Force agreed that it was not its mission to formally
investigate any particular service provider; if discrimination were
found as the inquiry proceeded complainants would be referred to
Commission staff. City ordinances provide that individuals
alleging discrimination in San Francisco may file complaints with
the Human Rights Commission, and Commission staff are assigned to
mediate and investigate these complaints.

The Task Force took a more global approach, inquiring as to whether
patterns of discrimination could be identified. Therefore, if
information was found about particular agencies, it would not be
necessary to name those agencies.

The Task Force agreed to survey agency practices involving
discrimination against any protected class. However, special focus
would be on issues of sexual orientation and gender identity
discrimination, as those areas were paramount in the initial
complaint that had come to the Board of Supervisors’ attention.

A "service provider" is defined as a non-profit organization which
provides social and/or medical services to the public, including
such services as medical care, temporary shelter, housing
assistance, substance abuse treatment, legal assistance, job
training, HIV services, meals and food delivery, adult day health
care, child care, etc.

The religiously affiliated providers the Task Force surveyed
include: Ark of Refuge, Catholic Charities, Catholic Youth
Organization/Mission Day Care, Church of the Advent of Christ King,
Epiphany, Episcopal Community Services, Glide Foundation, Good Samaritan Family Resource, Hartford Street Zen Center/Maitri Hospice, Holy Family Day Home, Jewish Vocational Services, Lutheran Social Services, Salvation Army, St. Mary’s Hospital, St. Paulus Family Place, The St. Vincent De Paul Society, St. Vincent’s School, and Third Baptist Church.

B. AREAS OF INQUIRY

1. BARRIERS TO SERVICES AND EMPLOYMENT

The Task Force agreed to determine whether any barriers existed that would cause potential clients and potential employees to shun religiously affiliated organizations, even if services were needed, due to possible perceptions that religiously affiliated organizations were biased against certain classes of people.

2. ILLEGAL DISCRIMINATION AGAINST CLIENTS

The Task Force agreed to inquire into policies and practices of service providers regarding their clients, to determine whether such policies or practices constituted discrimination as defined by San Francisco ordinances.

3. ILLEGAL DISCRIMINATION AGAINST EMPLOYEES

The Task Force agreed to inquire into policies and practices of service providers regarding their employees, to determine whether such policies or practices constituted discrimination as defined by San Francisco ordinances.

III. METHODOLOGY

A. PRELIMINARY INFORMATION

The Task Force heard a presentation from Galen Leung, Contracts Administrator for the Department of Public Health, who educated the Task Force on the administration of City contracts, and who assisted the Task Force in identifying religiously affiliated service providers holding City contracts.

B. SURVEY OF SERVICE PROVIDERS

In order to ascertain whether service providers had discriminatory practices or policies, and in order to ascertain whether providers have anti-discrimination policies in place along with a procedure for handling complaints, the Task Force designed a survey form (see Attachment A). The form inquires into several areas including categories of protected individuals, written anti-discrimination policies for employees and clients, grievance procedures for employees or clients who allege discrimination, policies regarding
treatment of lesbian, gay, bisexual, and transgender employees and clients, and policies regarding expression of religious beliefs.

The surveys were sent to the executive directors of religiously affiliated service providers holding City contracts, under a cover letter explaining the history and purpose of the Task Force and requesting that the survey be completed and sent to the Human Rights Commission.

Following review of the completed surveys by the Task Force, follow-up calls were made by Commission staff if additional explanatory information was needed.

C. SURVEY OF CLIENTS

The Task Force sought to hear from prospective, past, or present clients of the service providers to obtain answers to two basic questions: (1) Has the religious philosophy or tenets of a provider kept a prospective client from visiting a provider for services? (2) Has the client experienced discrimination by a provider?

The survey was not intended to be a scientific study with statistically reliable data. The intent was to ascertain whether any problems could be uncovered and whether there were patterns of barriers to service or discriminatory treatment that could be identified.

Two methods were used to gather information from clients:

1. NEWSPAPER ARTICLES

A press release (see Attachment B) was prepared by the Task Force and distributed to several San Francisco newspapers. The release was printed or referenced in Frontiers, San Francisco Bay Times, the Independent, and the San Francisco Weekly. A news article about the work of the Task Force was printed in the Bay Area Reporter. The articles described the Task Force and invited readers to call the Human Rights Commission if they had relevant information.

2. SURVEY FORM

A survey form (see Attachment C) for prospective, former, or present clients was designed by the Task Force. Questions on the survey inquired as to barriers prospective clients thought existed to getting discrimination-free services from providers, and whether clients had experienced discrimination by the providers.

Supplies of the survey form were sent to all of the religiously affiliated service providers holding City contracts, and to other locations where clients might be found, such as public medical
clinics, Department of Human Services, and non-religiously affiliated service providers. The surveys were distributed with a cover letter asking the organization to place the survey forms in their waiting rooms or public areas. Clients completing the surveys could send them directly to the Human Rights Commission or the organization could gather the surveys from clients and send them to the Commission. Approximately 1000 survey forms were distributed.

The surveys were anonymous. However, a space was provided for clients to furnish a name and phone number if they were willing to be interviewed by the Commission.

IV. SURVEY RESULTS

A. SERVICE PROVIDERS

Surveys were returned from 98% of 25 religiously affiliated service providers holding City contracts.

Information obtained from the returned surveys included:

1. Most providers have anti-discrimination policies and procedures for employees and clients. However, several providers did not have written grievance procedures, especially for clients.

2. Many providers did not include gender identity (transgender status) in their list of protected classes, and two did not include sexual orientation. Both categories are included in the City’s list of protected classes -- sexual orientation since 1972 and gender identity since 1995.

3. Most providers with spousal benefit programs did not extend those benefits to employees and their domestic partners.

4. One provider frowned on same-sex couples holding hands on the premises.

5. Some shelters had no clear policies governing whether transgendered clients would be housed in the female or male section.

6. One provider inquired into employees’ HIV status, a practice which in most cases is in violation of federal, state, and local law.

B. CLIENTS

The Task Force had difficulty in obtaining much information from clients. However, the Task Force did receive 43 completed written
surveys. Additionally, Commission staff was contacted by five individuals who offered to be interviewed by the Commission. Commission staff interviewed these individuals by phone or in person. Calls also came from a present employee of a provider and a previous employee of another provider.

Information obtained from clients and the two employees included:

1. One employee said that a provider gave employees permission for a "Lesbian/Gay History Week" exhibit similar to ethnic history exhibits that had previously taken place. The permission for the Lesbian/Gay History Week exhibit was withdrawn, however, with the provider explaining that "It's not the people, but you know how the church feels about that behavior."

2. Eleven respondents said they would feel better about visiting a religiously affiliated service provider if they knew that their contract with the City prohibited discrimination against clients.

3. Ten respondents reported believing they had been discriminated against by providers. Three have filed complaints with the Commission.

4. Three respondents thought they had been discriminated against because of an organization's religious tenets.

5. Seven respondents said that the religious tenets of an organization discouraged them from using the organization’s services. These clients stated that teachings and interpretations of scriptures by some organized religions that are negative regarding homosexuality and transgenderism discouraged them from using the organization’s services.

6. Five respondents believed that a particular provider favored African American clients and discriminated against other clients; two of these said this same provider was "anti-gay."

7. One client reported being told by a provider’s employee that "gay people are sick and are going against God’s will."

8. One respondent told of being a client of a service provider, and being subject to anti-gay remarks by another client. When this was reported to a staff member, the complaining client was told to read his bible and look at his homosexuality, and that God forgives sinners if they have the courage to stop being gay.

9. One respondent reported that while a client at a particular provider offering residential services:
a staff person made racist and sexist remarks to him;
- a staff person said of a Cuban resident, "I'll be glad when he dies; there are too many immigrants anyway;"
- a staff person told residents with HIV that it was their fault they had AIDS because of having gay sex;
- a staff person refused to refer to two transgender women as "she;"
- a straight male resident's girlfriend visited every day, while gay men were allowed guests only one day a week;
- gay men were told not to hold hands in the community room;
- gay newspapers were not allowed in the community room.

10. A transgender woman reported being made fun of by a staff person or volunteer of a provider.

11. A respondent reported that staff members of a provider discussed clients' HIV status in a public area in which the conversation could easily be heard by others.

V. CONCLUSIONS

In the completed surveys, a few clients indicated both real and perceived discrimination on the basis of race, sex, sexual orientation, immigration status, and HIV status. The HRC informed all these clients they could file individual complaints, and three complaints have been filed. Because the survey and requests for information from the public elicited a response too small to signal a major problem, the Task Force agreed that there was no evidence of an organized pattern of discrimination by any City funded religiously affiliated service provider.

However, because clients made some allegations of discrimination, the Human Rights Commission makes recommendations 1-13 (see Section VI) aimed at eliminating discrimination by providers of clients and employees. We believe these recommendations send a clear message to all City contractors that they must abide by all provisions of our anti-discrimination laws.

The Human Rights Commission is disturbed by Survey Results #2, #3, #4 and #5 (see Section IV). We believe these results demonstrate a perception by clients that due to the religious tenets of an organization, its provision of services may be discriminatory. Besides this survey, the Commission held a hearing recently on lesbian, gay, bisexual, transgender, and questioning youth in which young people testified that their religious leaders told them the
teachings of their church do not approve of their sexual orientation or gender identity.

Two students, one from the San Francisco Unified School District and the other from a parochial high school, described their confusion when they listened to negative church doctrine on homosexuality and their schools' emphasis on the importance of honoring and respecting human and cultural diversity.

We also take notice of three events in our San Francisco community in just the past few years that send messages of discrimination to the lesbian gay bisexual transgender community. First, Archbishop Levada, head of San Francisco's Roman Catholic Archdiocese, spoke out against the domestic partner ceremony performed by San Francisco City officials in March 1996. Second, the Evangelical Lutheran Church in America expelled two congregations in San Francisco for ordaining gay and lesbian ministers. Third, the Presbyterian Church passed a resolution requiring "fidelity in marriage and chastity in singleness," with same-sex couples considered to be "single" (see articles attached).

The Human Rights Commission recognizes that teachings and interpretations of scriptures by some religious leaders that are negative regarding the lesbian, gay, bisexual, and transgender communities, as well as racial minorities and women, have contributed historically and continue to form the rationale for some people to commit discrimination and violence against all these communities. When such doctrine becomes a perceived moral basis for discrimination and violence, then the community at large and its elected officials in particular must act to protect our offended population. The Commission finds it disturbing to note that economic discrimination, legislative exclusion, and physical violence against gay men, lesbians, bisexuals, and transgender men, women, and children have either a direct or indirect causal link to some of organized religions' doctrines. (The attached bibliography refers to literature that discusses doctrinaire bases for prejudice.)

We also believe that San Francisco is a city of great diversity, which benefits from a wide variety of services provided by religiously affiliated organizations. The faith communities have made major contributions toward social justice and provide significant help for people in need. We call upon those sectors of the faith communities to, once again, act to bridge the divisions that exist between some religious organizations and some sectors of the public, so that all of our communities can live together peaceably.

The elimination of barriers to accessibility for all members of the public must be a goal of all City contractors, including religiously affiliated service providers. The initiation of a healing process, including an open and positive discussion of the
civil rights of all residents of and visitors to San Francisco, must take place. It is crucial that this discussion include the civil rights of the lesbian, gay, bisexual, and transgender communities.

Recommendations 14 and 15 (see Section VI) are made to alleviate barriers to provision of services and employment by religiously affiliated service providers.

VI. RECOMMENDATIONS

The Human Rights Commission's recommendations for addressing actual or perceived discrimination by religiously affiliated service providers holding City contracts and all City contractors include:

A. RECOMMENDATIONS TO PREVENT AND ADDRESS DISCRIMINATORY PRACTICES

CONTRACT MONITORS:
1. That City contract compliance monitors review contracts to assure compliance with San Francisco Administrative Code Chapter 12B anti-discrimination provisions on a regular basis, at least twice yearly; and that monitors remind contractors that standards for religiously affiliated service providers are the same as for any other service provider with a City contract.

2. That City contract compliance monitors ensure that every contract has an anti-discrimination clause covering both employment and client services, and that the clause include all protected categories listed in Chapter 12B (including gender identity).

CONTRACTORS:
3. That the Human Rights Commission anti-discrimination employment poster be posted at each contract site, as required by Chapter 12B.

4. That all contractors post an eye-catching poster directed at clients, with size and type of lettering easily seen by clients and visitors, with an anti-discrimination statement listing all protected categories covered by City ordinances, with a description of the agency's internal grievance procedure, and with the Human Rights Commission's phone number.

5. That contractors adopt and post written policy that clients may express personal opinions, including on religious topics that may differ from those of the contractor organization or its affiliates.

6. That contractors recognize sexual orientation and gender
identity as descriptions of status, not as indicators of behavior, and that it be understood that recognition and celebration of lesbian, gay, bisexual, and transgender history and civil rights issues are not endorsements of sexual acts.

7. That contractors develop protocols for serving transgendered clients consistent with City law and Human Rights Commission guidelines.

8. That fair grievance procedures for employees and clients be written, clear, and adhered to, and that staff (including management) be well-trained in handling grievances.

9. That contractors’ staffs be trained annually in diversity, including training regarding sexual orientation and gender identity discrimination.

10. That contractors assure safety and equal treatment for all clients, including those displaying affection for members of the same sex.

11. That contractors remember that the law requires that they refrain from inquiring into employees’ and clients’ HIV status, except as required by the contract or for legitimate program purposes; and that if the HIV status is known, the contractor will assure confidentiality and refrain from discussing it in public areas.

12. That employees of contractors understand that acts of discrimination, including use of epithets or other verbal harassment, may be cause for discipline up to and including termination; that such policy regarding verbal harassment be included in written anti-discrimination policies.

13. That all religiously affiliated service providers comply with the anti-discrimination provisions of San Francisco Administrative Code Chapter 12B that require City contractors to provide domestic partner benefits where spousal benefits are provided. This legislation, signed by Mayor Brown in November 1996, will be in effect June 1, 1997.

The Roman Catholic Archbishop of San Francisco has written a letter (see Attachment D) to the Mayor and the Board of Supervisors asking for an exemption to this anti-discrimination legislation. We urge the Archbishop and all religious leaders to comply with this anti-discrimination ordinance. We believe that if all religiously affiliated service providers comply with the ordinance, it will help alleviate the perception that a religiously affiliated service provider may discriminate against clients, employees, or potential employees. We refer again to our Survey Results #2 and #5 (see Section IV), that clients are sometimes
discouraged from seeking services because they have heard discriminatory statements by religious leaders.

Subsequent to the Archbishop’s letter asking for an exemption, an agreement was reached with the Mayor and the Board of Supervisors in which a contractor may agree to provide benefits to any household member employees designate, which could include spouses, domestic partners, or others. The Task Force is hopeful this will serve to provide greater access and equity in benefits. We reiterate our concern that the Archbishop’s negative statements about domestic partners and same-gender marriage contribute to an atmosphere of discrimination and barriers to the public’s willingness to seek services at organizations associated with the Archdiocese.

B. RECOMMENDATIONS TO PREVENT AND ADDRESS DISCRIMINATION THAT OPERATES AS A BARRIER TO PROVISION OF SERVICES OR EMPLOYMENT OPPORTUNITIES

14. That in order to counteract public statements issued by religious leaders which are discriminatory in nature, contractors will publicly state their adherence to anti-discrimination ordinances, and will welcome all clients and potential employees. This should be done in organizational literature, news articles, wall posters, and any other appropriate venue.

15. That the Board of Supervisors, the Mayor, the Human Rights Commission, and Intergroup Clearinghouse organize a forum of religious, government, and community leaders to address the intentional and/or unintentional oppression experienced by the lesbian, gay, bisexual, and transgender communities, addressing particularly the religious contributions to this oppression and the religious contributions, actual and possible, to the demise of this oppression. It is the hope of the Task Force and of the Human Rights Commission that such a forum will lead to supportive statements and policies that will reassure the public and eliminate barriers, and that will result in an ongoing dialogue in the community.
SERVICE PROVIDER SURVEY

Please complete this survey by checking appropriate boxes. If you cannot completely answer by checking a box, please explain further in the side margin, in the back of the page, or attach extra sheets of paper if necessary. If you have any questions or need further information, please contact Larry Brinkin at (415) 252-2510.

Name of Organization ____________________________________________

Name of Program ________________________________________________

Name and Title of Person Completing Survey _________________________

1. My organization has a written anti-discrimination policy covering (check all the apply):
   A. [ ] Employees
   B. [ ] Clients
   C. [ ] My organization does not have any written anti-discrimination policies. (Skip to Question 4)

2. My organization’s anti-discrimination policies are given to clients and employees.
   A. [ ] Yes
   B. [ ] No

3. My organization’s anti-discrimination policies are displayed to clients and employees.
   A. [ ] Yes
   B. [ ] No

If no, please explain.
4. Please check all the protected categories in your organization's written anti-discrimination policy. Check one box for employees, and one box for clients.

<table>
<thead>
<tr>
<th>Protected Category</th>
<th>My employee anti-discrimination policy includes:</th>
<th>My client anti-discrimination policy includes:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Race</td>
<td></td>
<td></td>
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<tr>
<td>Religion</td>
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<td>Color</td>
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<td>Ancestry</td>
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<td>Age</td>
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<tr>
<td>Sex</td>
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<tr>
<td>Sexual Orientation</td>
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<tr>
<td>Gender identity</td>
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<tr>
<td>[Transgender Status]</td>
<td></td>
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<tr>
<td>Disability</td>
<td></td>
<td></td>
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<tr>
<td>Place of birth</td>
<td></td>
<td></td>
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<tr>
<td>Other</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
5. Please check YES or NO for the following statements:

<table>
<thead>
<tr>
<th>Statement</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>My organization has a <strong>written</strong> grievance procedure for employees.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>My organization has a grievance procedure for employees, but it is <strong>not in writing</strong>.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>My organization has a <strong>written</strong> grievance procedure for clients.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>My organization has a grievance procedure for clients, but it is <strong>not in writing</strong>.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>My organization does not have any grievance procedures. (If YES skip to question 8)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

6. Please describe your organization’s grievance procedure for employees. Include the categories of employees who are allowed to make a grievance.

7. Please describe your organization’s grievance procedure for clients. Include the categories of clients who are allowed to make a grievance.
8. Does your organization have different rules for heterosexual as opposed to gay/lesbian/bisexual/transgender employees regarding:

   A. Talking about a partner/spouse while in the facility?
      [ ] Yes
      [ ] No

   B. Displaying a photograph in the facility of the employee and a partner/spouse in an affectionate pose?
      [ ] Yes
      [ ] No

   C. Attending an employee social function with a partner/spouse?
      [ ] Yes
      [ ] No

9. Does your organization's sexual harassment policy cover same-sex harassment?
   [ ] Yes
   [ ] No
   [ ] Our organization does not have a sexual harassment policy.
10. Please check YES or NO for the following statements:

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>Due to my organization’s religious tenets, employees are required to refrain from speaking on some topics while they are working.</td>
<td></td>
</tr>
<tr>
<td>(b)</td>
<td>Due to my organization’s religious tenets, employees are required to refrain from expressing personal (non-official) opinions on certain issues while they are employed by my organization.</td>
<td></td>
</tr>
<tr>
<td>(c)</td>
<td>Our employees are required to read devotional and/or theological material describing our organization’s theological religious tenets.</td>
<td></td>
</tr>
<tr>
<td>(d)</td>
<td>Our employees are required to read materials that take positions on issues relevant to protected groups (i.e. women, people of color, lesbians/gay men/bisexual/transgender people). Please explain and attach any materials.</td>
<td></td>
</tr>
<tr>
<td>(e)</td>
<td>Due to my organization’s religious tenets, clients are required to refrain from speaking on some topics while they are using our services.</td>
<td></td>
</tr>
<tr>
<td>(f)</td>
<td>Due to my organization’s religious tenets, clients are required to refrain from taking positions on certain issues while they are using our services.</td>
<td></td>
</tr>
<tr>
<td>(g)</td>
<td>Due to my organization’s religious tenets, certain clients are denied the use of our facility.</td>
<td></td>
</tr>
<tr>
<td>(h)</td>
<td>Due to my organization’s religious tenets, certain clients are denied the use of some of our services.</td>
<td></td>
</tr>
</tbody>
</table>
(i) Our clients are required to read material describing our organization’s religious tenets.

(j) Our clients are required to read religious materials that take positions on issues about certain groups such as women, atheists, lesbians/gay men/bisexual/transgender people. If yes, please attach.

(k) Are such religious materials displayed in client areas?

If your answer was yes to 10 (a) - 10 (k), please indicate which letter(s) and explain.
11. If your organization offers particular services to families, are same sex couples eligible for these services?
   
   A. [ ] Yes
   B. [ ] No
   C. [ ] My organization does not offer particular services to families

   If no, please explain.

12. If your organization offers particular services to women, are transgender women (e.g. male to female) eligible for these services?

   A. [ ] Yes
   B. [ ] No
   C. [ ] My organization does not offer particular services to women

   If no, please explain.

13. If your organization offers shelter or residency to men and women, a male to female transsexual person would be housed in the:

   A. [ ] Male wing
   B. [ ] Female wing
   C. [ ] We do not offer a shelter/residency program
   D. [ ] We do not offer services to transsexual people.

14. If your organization offers shelter or residency to men and women, a female to male transsexual person would be housed in the:

   A. [ ] Male wing
   B. [ ] Female wing
   C. [ ] We do not offer a shelter/residency program
   D. [ ] We do not offer services to transsexual people.

15. Does your program allow transgender people to receive the gender identified services they choose, for any program covered by a city contract?

   A. [ ] Yes
   B. [ ] No

16. Does your organization allow transgender people to choose the bathroom facilities they wish to use?

   A. [ ] Yes
   B. [ ] No
17. Are same sex couples allowed to hold hands when they use your facilities?
   A. [ ] Yes
   B. [ ] No

18. If your organization has a residential facility, are the rules regarding couples the same for opposite-sex couples and same-sex couples.
   A. [ ] Yes
   B. [ ] No
   C. [ ] Our organization does not have a residential facility

   Please describe________________________________________

   If no, please explain.

19. My organization inquires into the HIV status of our (check all that apply):
   A. [ ] Clients
   B. [ ] Employees
   C. [ ] My organization does not inquire about the HIV status of clients employees (GO TO QUESTION 21)
   D. [ ] My organization does not inquire about the HIV status of employees (GO TO QUESTION 21)

20. If you checked A and/or B in question 19, please describe why your organization inquires about the HIV status of clients/or employees.

21. HIV information is kept confidential for our (check all that apply.)
   A. [ ] Employees
   B. [ ] Clients
   C. [ ] Our organization does not know the HIV status of our employees.
   D. [ ] Our organization does not know the HIV status of our clients.

22. Please add any additional comments on the back or on additional pages that you think might be helpful to the survey.
NEWS RELEASE

For Immediate Release
August 20, 1996

HUMAN RIGHTS COMMISSION ANNOUNCES SURVEY
ON POSSIBLE DISCRIMINATION FACED BY CLIENTS
OF RELIGIOUS SERVICE PROVIDERS

The Religious Service Providers Task Force of the Human Rights Commission is attempting to reach former, present, and prospective clients of religious service providers who hold City contracts, to determine whether individuals have avoided using the services of a provider because of the organization’s religious philosophy, and whether past and former clients think they have been discriminated against by religiously-connected service providers.

The Religious Service Providers Task Force was formed by the Human Rights Commission at the request of the Board of Supervisors in response to complaints of sexual orientation discrimination brought by clients against certain religious providers holding City contracts. According to Martha Knutzen, Chair of the Human Rights Commission and member of the Task Force, "It is extremely important that all organizations holding City contracts provide services free of bias and discrimination regardless of their religious philosophy or that of their clients."

The Task Force invites anyone to contact Larry Brinkin at the Human Rights Commission to report any barriers that have kept them from visiting a religious service provider, or to provide any examples of discriminatory or positive client experiences.

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(415)252-2500 • 25 Van Ness Avenue, Ste. 800, San Francisco, CA 94102-6033 • FAX (415)431-5764 • TDD (415)252-2550
TO CLIENTS OF RELIGIOUS SERVICE PROVIDERS  
(CURRENT OR FORMER CLIENTS)

The Religious Service Providers Task Force was created by the Human Rights Commission at the request of the Board of Supervisors to study the issues arising between religious service providers holding City contracts and their clients when there are fundamental disagreements over religious and cultural beliefs. The Task Force is composed of representatives of the lesbian/gay/bisexual/transgender communities, various ethnic and cultural communities, social service providers, and representatives of religious organizations.

The purpose of the Task Force is to inquire as to whether there are any barriers between an organization’s religious philosophy and its ability to deliver services free of bias. The Task Force is looking for information as to whether or not discriminatory practices are occurring. We are asking clients to complete this survey anonymously, and send it to HUMAN RIGHTS COMMISSION, 25 VAN NESS AVE., SUITE 800, SAN FRANCISCO, CA 94102. You can also call (415) 252-2510 with your comments.

If you come upon a question that you cannot completely answer by checking a box, please explain further in the side margin, on the back of the page, or attach extra sheets of paper if necessary.

1. Have you used the services of any of the following religious service providers in San Francisco?

Ark of Refuge, Catholic Charities, Catholic Youth Organization/Mission Day Care, Church of the Advent of Christ King, Epiphany, Episcopal Community Services, Episcopal Sanctuary, Glide Foundation, Good Samaritan Family Resource, Goodwill Industries, Hartford Street Zen Center/Maitri Hospice, Holy Family Day, Jewish Vocational Services, Lutheran Social Services, Northern California Presbyterian Homes, Salvation Army, Salvation Army Harbor Light Center, San Francisco Network Ministries/Tenderloin AIDS esource Center (TARC), St. Luke’s Hospital, St. Mary’s Hospital, St. Paulus Family Place, St. Vincent De Paul, Brennan House, Rosalie House, St. Vincent’s School, Third Baptist Church, United Jewish Community Center, YMCA, YWCA.

[ ] Yes
[ ] No (SKIP TO QUESTION 6)
2. Do you believe that any of the religious service providers that you used denied you a particular service because of their religious tenets?
   [ ] Yes
   [ ] No

   Please describe:

3. Do you believe that any of the religious service providers that you have used ever discriminated against you in some other way while you were provided the service because of their religious tenets?
   [ ] Yes
   [ ] No

   Please tell what happened and provide the name of the organization.

4. Have any of the religious service providers that you use ever made you feel uncomfortable because of their religious tenets?
   [ ] Yes
   [ ] No

   Please describe:

5. Have you ever been denied admittance to any of the organizations listed in Question 1 in San Francisco because of an organization's religious tenets?
   [ ] Yes
   [ ] No
6. Does the religious orientation of an organization discourage you from seeking their services?

[ ] Yes
[ ] No

Which organization? Please describe.

7. If you knew a religious service provider with a city contract was not allowed to discriminate against clients because of race, sexual orientation, gender, creed, or gender identity, would you feel more comfortable using their services (be more likely to use their services)?

[ ] Yes, I would feel more comfortable
[ ] I do not feel uncomfortable with religious providers, so it would not make a difference
[ ] No, I would not feel more comfortable

8. Please describe your overall positive or negative impressions of any of the religious service providers listed in Question 1 or add any additional comments.

Name and Phone Number (Optional) ________________________________
December 20, 1996

The Honorable Willie L. Brown Jr.
Mayor
City of San Francisco
401 Van Ness, Room 336
San Francisco, CA 94102

Dear Mayor Brown,

As you may recall, I sent you a copy of my letter to the Board of Supervisors in which I asked the Board to postpone its vote on the ordinance which requires City contractors to provide spousal benefits to domestic partners (copy enclosed). The primary reason for that request was to allow time to develop appropriate revisions to the ordinance that would recognize certain important interests of religiously-affiliated contractors.

I now request your help in pursuing an amendment to the ordinance to provide an exemption from the domestic partner provision. The exemption would apply where the contractor involved is a church or religiously-affiliated organization and where the provision would require the contractor to adopt policies which would be contrary to the church or organization's religious and ethical tenets. I will briefly elaborate on why such an amendment is necessary.

Let me begin by saying that the Archdiocese of San Francisco is grateful for the cordial relationship that has existed between the City and such religiously-affiliated public benefit corporations as Catholic Charities and CYO-Youth Activities of the Archdiocese. It is an important role for the Catholic Church in particular, and religious organizations in general, to cooperate with public authorities in serving human needs and the common good.

At the same time, while religiously-affiliated organizations, in recognition of the dignity of every human being, extend their services to any and all who are in need, these organizations must also be permitted to maintain their operations (including employee benefit plans) in a manner that is consistent with their religious principles. This ensures respect for the constitutional guarantees of free speech and religious freedom.
The Honorable Willie L. Brown Jr.
Page 2

A substantial amount of the City's contracts with religiously-affiliated organizations have their origin in federal and state grants, which do not include any domestic partner requirements. There is no compelling state interest to impose such requirements on religiously-affiliated contractors, and it may well be beyond the government's power to ask an organization to contractually waive rights conferred by the Religious Freedom Restoration Act, the First and Fourteenth Amendments of the Federal constitution and State constitutional provisions. In any event, we believe the ordinance is preempted by the Federal ERISA statute.

Should the regrettable situation arise where a legal challenge to the ordinance becomes necessary to maintain our sense of integrity, the limited resources of all concerned will unfortunately be diverted away from those whom we all wish to serve.

I therefore ask you to support a simple, straightforward amendment which would provide an exemption for religiously-affiliated organizations contracting with the City.

I would be happy to hear from you about this important, but delicate issue.

Sincerely yours.

Most Reverend William J Levada
Archbishop of San Francisco

Enclosure

cc: Board of Supervisors
Delegates representing 72 Bay Area churches voted last night to oppose a nationwide crackdown on gay and lesbian ministers, deacons and elders in the Presbyterian Church USA.

The vote was 179 for the change and 214 against the proposed amendment to the church's constitution.

An overflow crowd representing churches in San Francisco, San Mateo, Alameda and Contra Costa counties packed the First Presbyterian Church in San Mateo, listening to 13 speakers on each side.

The proposed change in the constitution would make it harder for gays and lesbians to minister to people in San Francisco, argued the Rev. Timothy Hart-Andersen, pastor of Old First Presbyterian Church on Van Ness Avenue in San Francisco. The amendment would punish gay people for "simply being who God made them."

The Rev. Mary Naegeli of Moraga Valley Presbyterian Church in Contra Costa County spoke in favor of the tighter church standards, arguing Presbyterians must stand against "a world where sexual anarchy reigns."

"We are reaching a point of moral bankruptcy," she said.

Last night's vote was the latest chapter in a 20-year struggle within the Presbyterian Church between gay rights advocates and conservatives who believe homosexual behavior is a sin.

At a national church convention in June, delegates defeated a proposal to allow local congregations the option of ordaining gays and lesbians to church office.

Instead, the convention adopted stricter standards, voting to change the church constitution to limit ordination to Christians who maintain "fidelity in the covenant of marriage of a man and a woman, or chastity in singleness."

That constitutional amendment must now be approved by a majority of the 171 regional presbyteries of the denomination.

As of last week, 15 presbyteries had voted on the amendment. Eight approved it, and seven presbyteries, including San Jose, voted against it.
'It's urban vs. suburban,' said Richard Sprott, a part-time professor at California State University at Hayward and an openly gay elder at Montclair Presbyterian Church in Oakland.

Presbyterians like Sprott are especially concerned about how the stricter church code will be enforced. Some fear conservatives will begin 'witch-hunts' for gays and lesbians.

'As a gay man, it directly affects my participation in a congregation I have been a member of for six years,' Sprott said.

The proposed constitutional amendment states that 'persons refusing to repent of any self-acknowledged practice which the confessions call sin shall not be ordained and/or installed as deacons, elders or ministers.'

Rev. Eugene TeSelle, a professor of church history and theology at Vanderbilt University's Divinity School in Nashville, Tennessee, said he fears that language will be selectively used to go after church members whose alleged sin is homosexuality, rather than those who are guilty of sins such as usury or gluttony.
ELCA expels two San Francisco churches

Congregations refuse to back down on irregular ordinations

On Dec. 31 two San Francisco congregations celebrated their last worship services as part of the ELCA.

The Evangelical Lutheran Church in America expelled St. Francis and First United Lutheran churches because they violated ELCA policy by ordaining three persons not approved for ordination by the ELCA. The trio -- Ruth Frost, Phyllis Zillhart and Jeff Johnson -- were denied approval because they would not agree to being celibate gay and lesbian people.

In 1990 an ELCA discipline committee upheld the Sierra Pacific Synod's charges and suspended the two congregations for five years. The churches were expelled when they did not come into compliance with ELCA policy.

Robert Mattheis, bishop of the Sierra Pacific Synod, presided at St. Francis' service. Some people, he said, "believe that justice is being served in your being expelled" because the churches acted "outside of our common agreements."

But other people, Mattheis said, "regret the real tension and antagonism that was part of the process."

While the congregations are no longer on the ELCA roster, Mattheis said, "you will continue to be one with us in the whole body of Christ. ... That we cannot enter the future together as members of the same denomination is testimony to our fear, our brokenness and our unrelenting need for the grace of God."

Earlier the synod council created a list of initiatives to maintain fellowship with the congregations (December 1995, page 38). The ELCA Church Council affirmed the synod's action but opposed reviewing the expectations regarding the sexual conduct of clergy (January, page 45).

In a statement, H. George Anderson, ELCA presiding bishop, also supported the synod's response to the congregations, saying the council had carried out the ELCA's policies.

Anderson said he joins the ELCA Church Council and Churchwide Assembly in encouraging the synod as it "explores appropriate ways to maintain bonds of fellowship with the congregations as our church continues to address issues relating to homosexuality." See editorial, page 58.)

"Strong and vital"

James DeLange, pastor of St. Francis, said the expulsion will not affect the two congregations' local
ministry.

"We're pretty well-established in the community, and we're a strong and vital congregation," he said. "And I know there is a lot of support for us outside this church."

No members have left the churches due to the expulsion, DeLange said. Parishioners and clergy who want to keep their connection to the ELCA were invited to join area churches while they continue to worship at St. Francis and First United.
The Christian right's anti-gay agenda.

by Sara Diamond

Right-wing Christian activists are using the slogan 'no special rights' as a mandate to seek the repeal of gays rights protections. The evangelical media constantly whips up homophobia which has successfully mobilized election coalitions.

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This year's slate of "no special rights" ballot initiatives is the most visible part of the Christian right's "family values" agenda. In Arizona, Idaho, Michigan, Missouri, Nevada, Oregon, Washington, and Texas, the movement hopes to place on ballots a fairly uniform set of statutes and constitutional amendments that would reverse and pre-empt any laws extending anti-discrimination protections and domestic partners' benefits to gays and lesbians. Such ballot measures have already met with mixed success. Colorado's narrowly passed Amendment 2 was overruled as unconstitutional; however, the Oregon Citizens' Alliance has won passage of anti-gay ordinances in numerous small counties, although not statewide.

Successful or not, however, the Christian right's ballot campaigns keep gay-rights advocates on the defensive. Aroused by fear and loathing of homosexuals, the Christian right can reap the advantages of low voter turnout, predictable during the mid-term election season. We can expect to see more Christian right candidates win elected offices, from which they will, in turn, encroach further on secular, civil liberties.

At one level, then, the anti-gay-rights campaign is a ploy by political professionals. But there's more to the story. Survey data culled by the National Gay and Lesbian Task Force shows the U.S. public to be divided on the necessity of protective legal measures for gays and lesbians. About three-quarters of the public opposes discrimination on the basis of sexual orientation; but one-half to three-quarters of the public also think that homosexuality is immoral and unacceptable. This means that a sizeable segment of the population is receptive to anti-gay-rights appeals and, more broadly, to the Christian right's growing arsenal of homophobic propaganda. This year, hundreds of thousands of people will vote to deny civil rights to gays and lesbians—not just because they get a flyer from Lou Sheldon or Pat Robertson, but because their worst fears about sexual "deviants" have been stirred up by a virulent and growing cottage industry of anti-gay books, newsletters, and videotapes.

The best known of the anti-gay productions is a series of home videos—the prototype was The Gay Agenda—produced largely from risque film footage taken at gay-rights marches in San Francisco and Washington, D.C. But the range of material is much broader, and some of the propaganda themes are particularly ominous. Some of the material is aimed at presenting gays and lesbians as diseased "victims" ripe for healing by Christian counselors. Other materials portray homosexuals as the lynchpins of a sinister conspiracy to destroy American democracy.

To understand—and defeat—the Christian right's anti-gay-rights agenda at the polls, we must delve into the propaganda environment that now invests "queers" with the stigmatized status once reserved for "communists," and now increasingly assigned to Jews and other "foreigners" in Europe's fascist climate.

At the most clinical (but insidious) end of the propaganda spectrum is the California-based Exodus International and its network of some 95 "ex-gay" affiliate ministries around the country. Exodus' goal is to convince gays and lesbians that they can reverse their sexual orientation through prayer and acceptance of Christian mandates against sexual "sin." There is no telling how many gays and lesbians have consulted Exodus' referral service and submitted themselves to counseling by lay ministers who have themselves "overcome a homosexual past." Much of Exodus' counseling is geared toward the bereaved parents of adult children hopelessly lost to the "homosexual life-style."

Exodus has been around since 1976, but its profile has risen noticeably in the past few years. Typically, articles in the Christian right press about AIDS, about politically active gays and lesbians—in short, about anything connected to the "homosexual agenda"—are accompanied by referrals to Exodus and its mail-order "Christian General Store" of anti-gay books and tapes. Among the most widely circulated is Joe Dallas' Desires in Conflict: Answering the Struggle for Sexual Identity. The book is written for Christians struggling to reverse (or repress?) their homosexual tendencies. The book's tone is conversational and encouraging but unyielding on the message that gays must "turn or burn."

But apart from however many "souls" Exodus International might "save," its broader function is less therapeutic than propagandistic. "Former" homosexuals affiliated with Exodus make frequent appearances on

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The Christian right's anti-gay agenda.

Christian TV and radio programs, where their testimonies reinforce the idea—for mostly straight audiences—that homosexuality is demonically inspired. Some of Exodus' affiliates recently told their stories in a magazine cover story for the mega-radio ministry Focus on the Family. The recurrent theme of these stories was the amazing grace that has led ex-gays and ex-lesbians to the heterosexual bliss now so evident in photos of their smiling faces.

The evangelical media's constant repetition of these personal salvation stories is not as innocuous as it might seem. Through its daily broadcasts on more than 1,400 radio stations, its network of several dozen state-based think tanks, and its monthly political magazine, the Citizen, Focus on the Family has played a large role in mobilizing voters for anti-gay ballot measures nationwide. It is important for Christian right supporters to believe that gays and lesbians could straighten themselves out just as easily as they might dye their hair pink. By believing that homosexuality is a willfully chosen "lifestyle," Christian moralists can more righteously choose to deny civil rights to the openly gay.

The sugar-coated "recovery" theme seems to work well enough for the kind of homophobic mass audience tuned into James Dobson's Focus on the Family. The more committed anti-gay activists seem to need more hard-core stimulation, however, and there is plenty to go around. On the heels of their successful fight against open inclusion of gay military personnel, the producers of the blockbuster Gay Agenda video have stayed in business with a new magazine, the Lambda Report. Ty and Jeannett Beeson, two nobodies from the Springs of Life church in Lancaster, California, teamed up with writer Peter LaBarbera, a former editor of Concerned Women for America's monthly magazine. LaBarbera writes the articles, and the Beesons sell the subscriptions at $29.95 apiece. Each issue of the Lambda Report features the inevitable tale of a gay or lesbian gone straight. Mostly, though, the magazine reports on grass-roots campaigns to head off local gay-rights ordinances and harps on two fictions central to homophobic propaganda: the pedophilic North American Man-Boy Love Association as the vanguard of the gay-rights movement; and wealthy gay-rights activists wielding growing—and disproportionate—power over government agencies and politicians.

Together, the package of propaganda themes in the Lambda Report is a coherent one: some homosexuals have the decency to repent and change their ways, but most won't because they're perverts who want to infiltrate the Boy Scouts and spend a fortune on the president's inaugural ball and obscene parades in big cities.

The pedophilia theme is vile and crude, pandering to homophobes' dual sense of repulsion and fascination with homosexual fantasies. The excessive-power theme follows from Clinton's early moves to reverse the ban on gays in the military, but its psycho-political value is more expansive. Psychologically speaking, this propaganda allows the Christian right to project its own power and influence onto its enemies/victims. The trick is to divert attention away from the right's grip on the Republican Party through stories of politicians supposedly beholden to the "gay agenda." The Lambda Report has focused on Massachusetts Governor William Weld, a liberal Republican, who has backed a bill to protect gay students from harassment in public schools. Weld is exceptional among Republicans; but for homophobic propagandists, his stance becomes emblematc.

The political-power theme underlies some of the most paranoid recent additions to the Christian right's homophobic literature. Here we enter the realm of apocalyptic fiction, though fiction peddled in concert with purportedly factual reporting.

During the months when Colorado's Amendment 2 underwent judicial review, its sponsor, Colorado for Family Values, ran in its monthly newsletter serialized excerpts from a forthcoming novel, Colorado 1988, in which homosexuals control the government and exact revenge against Bible-believing Christians. In one of the installments, four-year-old Heather is taken from her father and placed in a foster-care facility after her teachers identify her as a problem child "being home schooled in a right-wing homophobic home." When Heather's mother refuses to comply with a family court order to undergo a Queer Sensitivity Services training session, the child is told she will never see her parents again.

I heard a variation on this theme at the top of a recent pair of anti-gay radio broadcasts aired by Beverly LaHaye's Concerned Women for America (estimated audience: 500,000). Each show began with a dramatic exchange between two Christians lamenting, sometime in the near future, that since passage of a federal gay-rights bill all churches have had to hire homosexuals or else be shut down.

At a recent Washington, D.C., meeting of the Traditional Values Coalition, one of the scheduled speakers was Spenser Hughes, whose novel The Lambda Conspiracy takes the cake for the most
The Christian right's anti-gay agenda.

delusional item in the right-wing’s futuristic horror-fiction genre. I don’t want to give away the plot, but after reading the first 50 pages, I could not put it down—not until I knew if the cabal of gay New Agers controlling the White House and responsible for killing a Christian U.S. senator at the evangelical broadcasters’ convention would prevail against the handsome, 35-year-old TV journalist who sacrifices fame, fortune, and even his fiancée’s unborn child to tell the truth about Them—the queers. I don’t know if this potboiler is more dangerous because it’s published by the reputable Moody Press and widely available in Christian bookstores, or because the Traditional Values Coalition is selling the book and promoting author Hughes as an “information” source fit to share the podium with elected officials and former Secretary of Education William Bennett.

While I could not put The Lambda Conspiracy down, neither could I stop thinking, page after page, of Hannah Arendt’s explanations of racial bigotry and anti-Semitism in her classic The Origins of Totalitarianism. What made Jews the officially designated enemy of Christian Europe was the flip side of the color-based biological determinism that allowed white colonizers to look downward and justify their theft of dark-skinned people’s resources. With anti-Semitism, the prejudiced mind looks upward and sees the mirage of an elite, conspiratorial clique controlling the media, the labor unions, the schools, and the government itself. This cabal—the term comes from Kabbalah, the Hebrew word for mysticism—can become the imagined culprit for large numbers of people who know their society is sick but don’t quite know why.

For the mass-based, anti-elite, and rhetorically populist Christian right, gays and lesbians are perfect foils. There aren’t very many of Them, but it seems like They are everywhere. They do bad things in the dark, and yet They have the audacity to demand equal rights at a time when everyone knows there is just not enough to go around. This is why, although the Christian right may lose some (and win some) of its anti-gay-rights measures this fall, its continued targeting of gays and lesbians for hate campaigns is a sure bet.

This is the Full Content of this article.
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