

Dear Anchorage Assembly:

OPPOSE GAY RIGHTS ORDINANCE

No evidence has suggested that homosexuals or cross-dressers in Anchorage do not receive equal protection under the law. "Equal protection under the law" is guaranteed to every man, woman or child by the 14th Amendment of the U.S. Constitution, regardless of sexual preference. Any individual who has been "discriminated" against in hiring, housing or education in Anchorage has recourse through laws already in place.

The Fourteenth Amendment provides that "no State shall deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." *Plyler v. Doe*, 457 U.S. 202 (1982)

An ordinance or law in Anchorage or the State of Alaska giving "special rights" to a class of people would violate the 14th Amendment by elevating a group of people to a preferentially protected class of victim. Additionally, such a change in law would create a two-tier justice system made up of "first class" victims, i.e. homosexuals and cross-dressers and "second class" victims, the homeless, elderly, children, pregnant women and others who choose not to engage homosexual or cross-dressing behaviors.

Passed in 1964 the Civil Rights Act outlawed discrimination on the basis of color, race, religion, sex and national orientation. As the law evolved, and the homosexual population challenged local, state and federal laws, the U.S. Supreme Court created a three prong requirement for a "group" to be given protected class status (1) a shared immutable characteristic, (2) economic deprivation, and (3) a history of political powerlessness.

Homosexuals, bisexuals and lesbians share only one attribute on which they base their claim to protected class status, they choose to perform sexual acts with members of the same gender. Behavior alone is not a compelling reason to reward protected, minority, or ethnic class status with all the attendant entitlements. Other groups should not be discriminated against because they choose not to have sex with members of the same gender. Who one chooses to have sex with is not an immutable characteristic.

"Sexual orientation" does not include immutable characteristics. One need not debate whether homosexuality is genetic or social. The definition of "sexual orientation" includes the status of being, or the perception of being heterosexual, homosexual or bisexual. The definition therefore includes the entire spectrum of human sexuality.

As an entire class, have homosexuals, bisexuals and lesbians suffered a history of discrimination evidenced by lack of ability to obtain economic income, adequate education, or cultural opportunity? To the contrary, on average homosexuals household income is estimated at \$63,100.00 contrasted with a general population income of \$36,500.00 and income of a disadvantaged African-American household somewhere between \$12 - 13,000.

The final prong of the U.S. Supreme Courts' requirement for a group to be given protected class status is political powerlessness. The Humans Rights Campaign Fund, a homosexual political advocacy group, raised more than \$1.4 million during the 1996 campaign cycle; dozens more are active across the U.S today. Further support for homosexual activism can be illustrated by activism of prominent local, state and federal politicians and groups, including the election of homosexuals and lesbians to both state and federal offices. And as an afterthought or footnote, "It would also ban discrimination against military veterans." (ADN May 12, 2009)

"Skin color is a benign, non-behavioral characteristic," General Colin Powell wrote. "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." Any attempts by our legislative bodies to approve such an ordinance that specifically identifies homosexuals, bisexuals and lesbians as a "protected class," would clearly be an unconstitutional piece of legislation.

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