February 28, 1992

Senate Judiciary Committee,
Chair, Sen. John H. Bloomer, Esq.
Vice-Chair, Sen. David S. Wolk

RE: S. 131, AN ACT RELATING TO DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION

Dear Chair, Vice-Chair and Members of the Senate Judiciary Committee:

I am truly sorry that I am unable to appear personally before the Senate Judiciary Committee to present my views on S. 131. Unfortunately, I have a previous commitment for this morning which I was already forced to reschedule once. Please accept this letter as my personal testimony as Attorney General on this matter of major importance. Additionally, I have asked Assistant Attorney General for Civil Rights Robert Appel to present this letter to the Committee, and to expound on the comments contained in this letter.

I write to once again reaffirm my support for S. 131, an act prohibiting discrimination on the basis of sexual orientation in activities already regulated by previous statutory enactments.

I believe that the members of this committee are committed, as I am, to the belief that prejudging a person because of sex, race, color, religion, national origin, age or disability deprives that individual of the opportunity to be judged on his or her own merit. And, while legislation cannot end prejudice, it can prohibit unlawful discrimination, which does gradually change behavior.

It is appropriate as a matter of public policy to prohibit the use of a person's sexual orientation as an irrational factor in decisions made in the state regulated activities of banking, insurance, credit, labor relations, public accommodations, employment, and prevention of abuse. This bill does just that, and nothing more.
Nothing in this proposed legislation encourages persons who may have bisexual or homosexual orientations to press upon others their private conduct. Unlawful sexual conduct is not made lawful by this proposal and remedies remain for persons who are victimized by prohibited sexual conduct.

The Office of Attorney General has received a number of varied complaints over the years alleging discrimination on the basis of sexual orientation. These allegations have ranged from employment discrimination to difficulties in buying or renting housing to physical harassment directed towards gay and lesbian citizens of Vermont. There is little, if anything, that the Office of Attorney General can presently do to adequately respond to these complaints because such discrimination, although reprehensible and unfair, is not illegal under current Vermont law.

Discrimination on the basis of irrational stereotyping runs counter to Vermont's proud tradition of respect for the individuality and uniqueness of our citizenry. In my view, the proposal currently under review by your committee, S. 131, constitutes a significant stride forward in our struggle to assure each and every Vermonter true equal opportunity, personal dignity, economic and physical security, and, above all, fair treatment based on that individual's character. I urge each member of this committee to give careful consideration to the merits of S. 131, and vote to sent the bill on to the full Senate with a positive recommendation.

Sincerely,

JEFFREY L. AMSTOY
Attorney General