



What law?

Youngstown equality measure, intended for gays and lesbians, may not cover anyone

September 7, 2007
by Eric Resnick

For two decades, gays and lesbians have thought their city has an ordinance protecting them from discrimination in housing, employment and public accommodations.

It probably doesn't.

“We reviewed Youngstown’s ordinances just this past July and concluded that there currently is no protection for LGBT people,” said National Gay and Lesbian Task Force legislative director Kara Suffredini.

Tucked into a 1986 ordinance’s definition of sex discrimination is a clause intended to include gays and lesbians. But it might not cover anyone.

“ ‘Because of sex’ or ‘on the basis of sex’ include but are not limited to another consenting person,” reads the last sentence of Section 547.02(t) of the Youngstown city code. The rest of the paragraph deals with pregnancy discrimination.

“This may be one of those cases where the attempt to pass language that wouldn’t be too noticeable was *too* successful,” Suffredini noted.

That may be exactly how it happened. Nonetheless, the mere appearance of protection has possibly improved life for Youngstown gays and lesbians.

The measure originated with the city’s Human Relations Commission. Toni Schildcrout, a commission member at the time, said the ordinance was “the way we thought we could do it. The intent was there.”

“It was felt that this was a way of protecting people without drawing controversy,” Schildcrout said.

Others on the commission involved with the ordinance included lesbian activist Glorianne Leck, now living in Indianapolis; Steve Beall, pastor of the Unitarian Universalist church; and James Ray, a local civil rights activist.

“The commission decided to formally present the proposal as part of the city-wide Martin Luther King Day workshop the previous January,” said Schildcrout. “Members discussed with those in attendance the impact of the ordinance on a community where discrimination continued to be a concern. In May it was passed unanimously by City Council.”

Schildcrout chaired Youngstown P-FLAG at the time, and remains active in work for LGBT equality.

The measure attempts to guarantee protection based on a person having a same-sex partner.

However, “The phrase barely makes sense as written,” said Suffredini, also pointing out that words like “sex with” which might help clear it up, are missing.

“Also, ‘sexual orientation,’ ‘sexual preference,’ and ‘homosexuality’ were in use long before 1986, so I think it’d be hard to argue the legislative intent here was to protect gay people,” Suffredini added.

Suffredini said that even if one could argue that the ordinance protects gays and lesbians, “I don’t really see any convincing way to argue transgender people are included in this.”

The ordinance has never been challenged or tested, to anyone’s recollection.

Schildcrout said that during her time on the commission, where she served until 1991, there were no gay or lesbian discrimination cases brought.

The commission, connected to the mayor’s office, attempts to settle cases without spending money, so the ordinance never had to withstand a court challenge.

“The ordinance was a positive force that had gays and lesbians feeling comfortable in Youngstown,” said Schildcrout. “The community always took it seriously.”

Thirteen other Ohio cities have ordinances barring sexual orientation discrimination. In chronological order beginning with Yellow Springs in 1979, they are Oberlin, Columbus, Cleveland, Cleveland Heights, North Olmsted, Lakewood, Athens, Toledo, East Cleveland, Shaker Heights, Cincinnati and Canton. The measures in Toledo and Cincinnati also cover transgender people.