MIT policy on gay rights is tolerant

First in a three-part series

Although MIT has come a long way in the last two decades toward the eradication of discrimination against lesbians and gays, two significant forms of discrimination remain. To some extent, lesbians and gays at MIT will face both institutional and informal discrimination.

Institutional discrimination is discrimination perpetrated by the regulations of an institution. For lesbians and gays at MIT, this includes local, state, federal laws, and of course, institutional regulations, that either promote discrimination or ignore existing discrimination directed at the lesbians and gays in the MIT community.

On the local level, the Cambridge City Council will consider a resolution this year, barring discrimination against lesbians and gays in the areas of housing, employment, and social services distribution. The home-rule regulations of the Commonwealth of Massachusetts may make this resolution ineffective should it pass.

The Massachusetts legislature has for almost a decade considered legislation banning discrimination against lesbians and gays. In 1974, the legislature, as a result of pressure from the local line, the Senate defeated a vote to extend gay rights to the state. In the meantime, the Massachusetts General Laws of 1974, Title 1, Section 125C, has thrown thirty years of bi-annual sessions to the courts.

The Massachusetts legislature has, in the meantime, enacted a variety of civil rights laws, including the Massachusetts Civil Rights Act, the Massachusetts Fair Employment Practices Act, and Title IX of the Federal Education Amendments of 1972, which prevents sexual discrimination in educational institutions receiving federal funds.

The Massachusetts Institute of Technology admits students of any race, color, sex, religion, or national or ethnic origin to all the rights, privileges, programs, and activities generally accorded or made available to students at the institutions. These laws do not discriminate against individuals on the basis of race, color, sex, sexual orientation, handicap, age, national or ethnic origin in admission to or participation in its programs.

The administration has, in effect, stopped the administration's educational policies, admissions policies, scholarship and loan programs, and other Institute administered programs and activities, but may favor US citizens or residents in admissions and financial aid.

So, compared to most other educational communities, MIT is an institution officially has a tolerant position on lesbians and gays. The main problem arises with MIT's interface to the outside world.

The administration has recently affirmed and sometimes been in outright violation of existing law. It has ignored explicit congressional intent and clear judicial interpretation in the enforcement of the Civil Rights Act, the Voting Rights Act, the Fair Housing Act, and Title IX of the Education Amendments of 1972.

It is the legal duty of the executive branch to bring suits against these laws being violated. Yet, just to cite one example regarding the Institutionalized Persons Act, the Justice Department has filed no lawsuits addressing conditions at mental health institutions, even though investigations have shown widespread abuses. The report cites an Idaho investigation which shows that: '285 emotionally disturbed children at three state institutions were subjected to abuse that included molestation and humiliation by hospital staff.' Nonetheless, Assistant Attorney General Reynolds repeatedly turned down a small recommendation to sue, on the grounds that there was no federal interest in the matter and that no constitutional rights were at stake.

The administration has redone many civil rights laws in ways that are in clear violation of the intent expressed by Congress and upheld by the Supreme Court. For example, it has ignored the Fair Housing Act and Title IX.

This clause requires only that discriminatory effect is proven in order to show discrimination, instead of requiring plaintiffs to prove "intent to discriminate," which is nearly impossible to do.

The administration's action is equivalent to saying "It's okay if you are discriminated against as long as you don't do it on purpose." In other words, the administration has even impeded the efforts of institutions to voluntarily comply with the law. It is supposed to prevent the Internal Revenue Service from exercising its legitimate authority to deny exemption status to the discriminatory Bob Jones University.

The administration has virtually accepted the repudiated doctrine of "separate but equal" in public education. (Assistant Attorney General Reynolds said, "The Supreme Court has told us [Please turn to page 5]."

Column/Will Doherty

Guest Column/Scott Saleska

Reagan administration has a poor record on civil rights

First in a series

"This administration has a poor record on civil rights." — George Bush, during the Oct. 11 vice presidential debate.

This is a straightforward, simple statement, just like so many issuing from the current crowd in the White House. And like many others before, it is as sound the facts. Quite the contrary to Bush's remark, Ronald Reagan's administration has the worst civil rights record in thirty years.

Last February, the American Civil Liberties Union issued a report entitled, "In Contempt of Congress and the Courts: the Reagan Civil Rights Record." This report documents a wide array of official executive initiatives, many largely unpublicized, which illustrate the administration's complete and general disregard for long-established civil rights laws.

It shows how President Reagan has thrown thirty years of his previous legislative and judicial concourse out the window, and it incurs a dangerous disregard on the part of the highest law enforcement official in the land for the laws that he is sworn and duty-bound to uphold.

The Reagan administration has had a poor record on civil rights.