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Gays, lesbians fight for civil protections

By [Alison Knezevich](#)

Staff writer

In the basement of an East End church, an office wall is painted in rainbow stripes.

It's here that members of Charleston's gay community host meetings and plan events like the city's annual Rainbow Pride celebration. And it's here that they pick their battles.

For now, that means focusing on proposed legislation that would protect gays and lesbians against discrimination in the workplace, housing and at public accommodations.

They know topics like gay marriage spark emotion and fierce opposition. And while they'll fight current efforts to place a constitutional amendment on marriage, proponents of a nondiscrimination law - which 20 other states have - say it's a mainstream issue West Virginians will get behind.

"It's one thing at a time," said Charlie Rouse, president of the West Virginia Foundation for Equality. "We want to be safe before we get married."

Many gay people live in fear that they'll be fired or denied housing for their sexual orientation, Rouse said. He remembers a lesbian friend who visited apartments separately from her girlfriend when they were looking for a place in Nitro.

"You have to lie to get housing," he said.

He knows others who started getting in trouble at work only after they were outed as homosexuals.

The cause made headway last year, when the state Senate unanimously passed a bill that would have added sexual orientation, "actual or perceived," to the state's human rights laws. Current legislation covers age, race, gender, religion and other characteristics.

But the measure died in the House.

This month, lawmakers introduced a similar proposal (SB238), and a coalition of groups is working to move it forward.

"We definitely have a lot of hope that it will do well this year," said Seth DiStefano, an organizer for the American Civil Liberties Union of West Virginia.

A variety of groups - including the NAACP of Charleston, Service Employees

International Union Local 1199 and the West Virginia League of Women Voters - back the bill. Some lawmakers who supported it last year were specifically targeted by opponents in their primary races and still won, DiStefano said.

"This is not anything outrageous," he said. "This is a very basic civil rights issue."

But House Minority Leader Tim Armstead said not everyone agrees with that.

"On the House side last year, it was very contentious," said the Kanawha County Republican. "Whether it will be placed on any agenda this year is yet to be seen."

Many delegates and constituents don't want to extend current laws because disagreement remains over whether sexual orientation is a choice, Armstead said.

Some also feel it could threaten the rights of churches or other places that have moral objections to homosexuality, he said. Supporters counter that the bill exempts religious institutions.

Jeremiah Dys, president of the Family Policy Council of West Virginia, called nondiscrimination laws "the Trojan horse of tolerance," saying they "go around the moral and social convictions of West Virginians."

"These are hyper-tolerant ordinances that lead to absurd results," he said. "It would force employers to allow men who are pretending to be women to use the women's room at the office."

But Sara Bird, a lawyer and board member of the state's ACLU, said gay people just want the same protections as everyone else.

"It's really about knowing that your basic needs - your income and your housing - are met," she said.

It's also about the economy, she and others say.

Many Fortune 500 companies have their own rules prohibiting discrimination based on sexual orientation, and a statewide policy would make West Virginia more competitive for attracting business, Rouse said.

Rural areas like West Virginia suffer from what Rouse calls "gay flight": the fleeing of young, talented gay people who leave to find acceptance in big cities.

He travels most of the time for his job, and friends ask why he doesn't leave.

"I stay because Charleston is my home, and I love West Virginia," he said.

But political organizing is hard in the state with its spread-out population, Rouse said. It's tough to even reach out to gay people in rural areas, because no one knows where they are.

He and others believe a nondiscrimination law is a foundational step to addressing other issues - like marriage - because it will make gay people feel safer about speaking up.

That's why Bird is "extra vocal" when she writes to legislators.

"I know that for every one of me, there's 100 who can't speak out," she said.

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