

In 1995 the voters of the City of Cincinnati voted 62 to 38 per cent in a referendum to amend the city charter of Cincinnati so as to "prohibit the City Council and other governmental bodies from granting minority or protected status to homosexuals in any law, regulation, or policy." The amendment also nullifies existing protections, previously enacted against discrimination in employment, housing, and public accommodations. Recently the amendment survived a constitutional challenge in federal court, but opponents of the amendment plan an appeal to the United States Supreme Court. A few months before the Cincinnati referendum the Supreme Court of Colorado ruled that a similar measure, passed by statewide referendum, was unconstitutional. Suzanne B. Goldberg, a lawyer for a group opposing the Cincinnati amendment said that it sets up second class citizenship for gay people. In the other side, Michael A. Carvin, a lawyer for a group supporting the amendment said of the federal court decision that upheld it, "in my view this is a victory for democracy, a victory for the right of local communities to decide this controversial issue themselves."

Is the Cincinnati amendment morally justifiable? If so, why? If not, why not?

MODERATOR'S ANSWER: The measure recently passed by referendum in Cincinnati is unfair. The wording of the measure doesn't make it clear exactly what kinds of laws the City Council of Cincinnati may no longer pass in virtue of not being allowed "to enact any law giving minority or protected status to homosexuals." Insofar, however, as the referendum repealed already enacted statutes forbidding discrimination against homosexuals in employment, housing, and public accommodations, the measure appears designed to block gay citizens in their efforts to press for laws addressing conditions that affect them specifically, which they consider unfair. In contrast, other citizens, who are not gay, face no comparable barriers blocking their efforts to influence the legislative process in regard to matters they perceive as significantly affecting their interests. For this reason, the Cincinnati referendum unfairly discriminates against gay citizens.

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