

SIX YEARS OF APPEALS ended in victory July 21 for Fayette Ben Miriam of Efland, N.C., when the U.S. Civil Service Commission reversed under U.S. Supreme Court review his 1972 firing as an openly-gay typist for the Seattle Office of the Equal Employment Opportunity Commission (EEOC).

Ben Miriam's 1972 dismissal, which disqualified him for employment in the Federal Government, was based on the openness with which he professed his homosexuality and the fact that he identified himself to the press as an EEOC employee.

SUPREME COURT INVOLVED

Under recommendation of U.S. Solicitor-general Robert Bork, the U.S. Supreme Court in January, 1977 made void an appeals court decision and ordered a reexamination of the case in light of 1975 Civil Service Commission suitability regulations that allow a person to be "dismissed or found unsuitable for Federal employment where the evidence establishes that such person's sexual conduct affects job fitness."

Everyone in Ben Miriam's EEOC office signed a letter of support for him when he was fired. The final decision of July 21 concluded that he performed his work well and that his conduct did not impede "the agency's ability to carry out its mission."

FIRST AMENDMENT CITED

Ben Miriam, who was named John F. Singer when appeals were first made, said Aug. 10 (before leaving for a NGTF-sponsored news conference in Seattle) that the case clearly involved his First Amendment rights to free expression. Ben Miriam said that one unsuccessful government tactic was to contend that as a probationary or first-year employee he could be dismissed with little cause.

The appeals were financed by the American Civil Liberties Union and the Playboy Foundation.

Ben Miriam currently hopes to get a GS-7 Federal Government job locally, now that his name will be returned to the Federal Register of employable persons.

He said he believes his widely-publicized, but unsuccessful attempt to obtain a marriage license with another man prompted the firing.

CSC INTERESTED IN MARRIAGE TRY

A CSC document details the incident and its publicity, citing the fact that the EEOC was identified as Singer's employer:

"Further, the publicity given to you in the newspapers included identification of your employment as a Typist for the Federal Equal Employment Opportunity Commission and statements attributed to you as 'We don't believe in role playing. We're two people. We happen to be genital males; but two human beings who happen to be in love and want to get married for various reasons.'"

As yet the only federal protection against discrimination on the basis of sexual orientation is found in federal civil service regulations.

Ben Miriam said the national significance of the decision is not "half as great" as it would have been if the U.S. Supreme Court had made a definitive ruling in his case.

Ben Miriam's ACLU lawyers in Seattle are now negotiating for back wages.

Oklahoma Beats California to the Gun

It is now state law in Oklahoma to ban all homosexuals or their non-gay supporters from teaching in the state school system. The new law, which is almost identical to proposition 6 on this November's California ballot, was passed overwhelmingly by both houses of the Oklahoma State Legislature and signed into law by Gov. Boren.

The Gay Radio Collective of Universal City, Calif., has reported that a temporary restraining order was issued Aug. 8 blocking the placing of Proposition 6, the Briggs anti-gay teachers initiative, on the November ballot.

Among the key issues cited by the attorneys seeking the order on behalf of the California Federation of Teachers, the National Organization For Women and others were contentions that the

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