

Letter from Councilperson Jeanette Williams soliciting the appropriate definition of sexual orientation for City Ordinances, with response by City Attorney Doug Jewett, June 20 & August 25, 1978. Record Series 4401-05, opinion 6740

6914

6914

# Seattle City Council

COPY OF WITHIN RECEIVED



JUN 20 1978

Douglas N. Jewett  
CITY ATTORNEY

*Sam Smith*

June 20, 1978

Phyllis Lamphere  
President of the Council  
825-2456

George E. Benson  
Chairman  
Parks & Community  
Services Committee  
825-2441

Michael Hill  
Chairman  
Urban Development &  
Housing Committee  
825-2443

Tina Hill  
Chairman  
Personnel & Property  
Management Committee  
825-2439

Paul Krashel  
Chairman  
Water & Waste  
Management Committee  
825-2447

John Miller  
Chairman  
Finance Committee  
825-2451

Andy Ravelle  
Chairman  
Energy Committee  
825-2445

Sam Smith  
Chairman  
Public Safety &  
Justice Committee  
825-2455

Jeanette Williams  
Chairman  
Transportation  
Committee  
825-2453

Doug Jewett  
City Attorney  
City of Seattle

Dear Mr. Jewett:

My office has recently received a number of inquiries regarding Initiative 13. In the process of answering these inquiries two questions have come to my attention concerning the Fair Employment and Open Housing Ordinances, Numbers 102562 and 104839, respectively.

First, what is the definition of "sexual orientation" for purposes of the Fair Employment Ordinance? The term is employed in both the Fair Employment and Open Housing Ordinances but only defined in the Open Housing Ordinance.

Second, "sexual orientation" in the Open Housing Ordinance is defined as "male or female heterosexuality, bisexuality, or homosexuality...". What is the meaning of homosexuality as employed in this definition?

By this correspondence I am requesting your legal opinion regarding the above two questions.

Your expeditious response would be greatly appreciated.

Sincerely,

*Jeanette Williams*

JEANETTE WILLIAMS  
City Councilmember  
Seattle City Council

JW/gcg

LAW DEPARTMENT—THE CITY OF SEATTLE

6740

August 25, 1978

RE: Homosexuality defined in Fair Employment and Open Housing Ordinances

Jeanette Williams  
Councilmember  
Seattle City Council

Dear Ms. Williams:

By letter of June 20, 1978, you posed several questions regarding Initiative 13. We restate your questions and reply as follows.

1. The Open Housing Ordinance defines "sexual orientation" as "male or female heterosexuality, bisexuality, or homosexuality ...". What is the meaning of homosexuality in this context?

Homosexuality has no legal meaning, Black's Law Dictionary, Fourth Revised Edition, 1968. Especially where a word has no specific legal meaning, it is construed to have its common meaning. Hemmingson v. Carbon Hill Coal Co., 62 Wash. 2d, 112 P. 1111 (1911); Northern Pac. Ry. Co. v. Condannon, 75 Wash. 391, 135 P. 652 (1915); Sutherland, Statutory Construction, 4th Ed. c. 1973. The American Heritage Dictionary of the English Language, c. 1969, defines homosexuality as "Sexual desire for others of one's own sex," and "Sexual activity with another of the same sex." The term "homosexuality" in the Open Housing Ordinance should be read to have that same common meaning.

2. What is the definition of "sexual orientation" in the Fair Employment Ordinance, where the term is not defined?

"Sexual orientation" having no peculiar legal meaning, we again refer to the American Heritage dictionary.

LAW DEPARTMENT—THE CITY OF SEATTLE

Jeanette Williams  
August 25, 1978  
Page two

"Sexual" is defined there, in part, as "1. Pertaining to, affecting, or characteristic of sex, the sexes, ... 3. Implying or symbolizing erotic desires or activity."

"Orientation" insofar as seems relevant here, means "... 6. Psychology, individual awareness of the objective world in its relation to the self...."

Combining these definitions, "sexual orientation" means one's own perceived sex-role.

We trust this analysis is of assistance to you.

Very truly yours,

Law Department

By

SUSAN R. SAMBSON  
Assistant City Attorney

SRS:fmh