

# Law forbidding anti-gay ordinances upheld

SALEM (AP) — A judge Tuesday upheld a state law that forbids cities and counties from enacting anti-gay rights ordinances, including measures already approved by voters in 11 cities and five counties.

The Oregon Legislature's decision to pass a state law in 1993 prohibiting local anti-gay rights measures from going into effect is constitutional and valid, Marion County Circuit Judge Albin Norblad ruled.

"The issue of homosexual rights is such a substantive social issue that the Legislature may pre-empt local entities," Norblad said in his opinion, citing a 1978 Oregon Supreme Court ruling.

That ruling allows state lawmakers to dominate decision-making on issues that have a "statewide substantive, social or economic or other regulatory objective."

Homosexual rights is one of the major policy issues facing Oregonians, Norblad said. "There is no doubt but that the Legislature has the right to, and did, pre-empt this area."

The judge's ruling stems from a lawsuit filed by the Oregon Citizens Alliance challenging the constitutionality of the law. The OCA argued that the law infringed upon people's rights under the Oregon Constitution to initiate laws.

OCA Chairman Lon Mabon said he would appeal Norblad's ruling to the Oregon Court of Appeals.

"We will challenge it and do whatever is necessary to defend the citizens' rights," Mabon said.

The OCA sponsored the anti-gay rights ordinances that already have passed in cities and counties around the state. In nearly

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— Albin Norblad,  
Marion County circuit judge

every case, local courts have overturned the ordinances or officials have refused to enforce them because of the state law.

The OCA also is gathering signatures to put on the General Election ballot in November a statewide constitutional amendment barring anti-discrimination laws for homosexuals. It is a revised version of an OCA measure defeated by voters in 1992.

Gay rights activists praised Norblad's ruling.

"Nobody's rights should be put up for a popular vote. I think the judge's ruling is a reiteration of that point," said Julie Davis, executive director of Support Our Communities, the group that has led the opposition to the OCA measures.

Davis said the judge's ruling sends a message that "if a local municipality is interfering with the rights of individuals, then the state should intervene."

But Steve Barber, a Sweet Home locksmith who voted for that city's anti-gay rights ordinance last fall, was dismayed by the judge's ruling.

"I don't think it's fair," Barber said. "As far as I'm concerned, the judge is denying us our rights as citizens of Oregon."

"If they are going to do that for the gay rights issue, then there might be other issues in the future that judges will overrule. Where is this going to stop?"

Norblad's ruling does not prevent voters from continuing to cast ballots on the question of protection from discrimination for homosexuals. Several more local elections on similar measures are scheduled this spring.

The OCA lawsuit is the only direct challenge so far to the state law, with the ruling taking precedence over local court rulings, said attorney Charles Hinkle, who argued for the state law on behalf of the American Civil Liberties Union of Oregon.

In a related case, Circuit Judge L.A. Merriam of Jackson County recently ruled that the state law is unconstitutionally broad. In doing so, he upheld a local anti-gay rights initiative passed by Medford voters.

Norblad rejected arguments by foes of the state law who argued that if the law can forbid anti-gay rights ordinances, it also would prohibit local pro-homosexual laws.

Portland, Corvallis and Ashland have ordinances ensuring some rights for homosexuals.

The Legislature has authority, Norblad said, to tell local governments "they could either do nothing or do it the way the Legislature directs."

Hinkle said the decision means "cities can protect people because of sexual orientation but can't single people out based on sexual orientation for disapproval."

## Woman files claim at UI

MOSCOW, Idaho (AP) — The state of Idaho and the University of Idaho were responsible for a student's three-story fall that left her paralyzed, attorneys for the woman said in a claim.

The claim, received Monday at the Secretary of State's office, is the first step toward filing a lawsuit for damages against the state. It contends the state and university are responsible for damages suffered by Rejena Coghlan, her parents and two brothers.

The claim contends each has been damaged "in sums in excess of \$500,000," but does not give a specific amount. The claim does not elaborate on how the state and university were responsible for the fall last August.

Coghlan was paralyzed from the waist down when she fell from a sorority's third floor fire escape after being served alcoholic beverages at two fraternities.

## COMMUNITY UPDATE

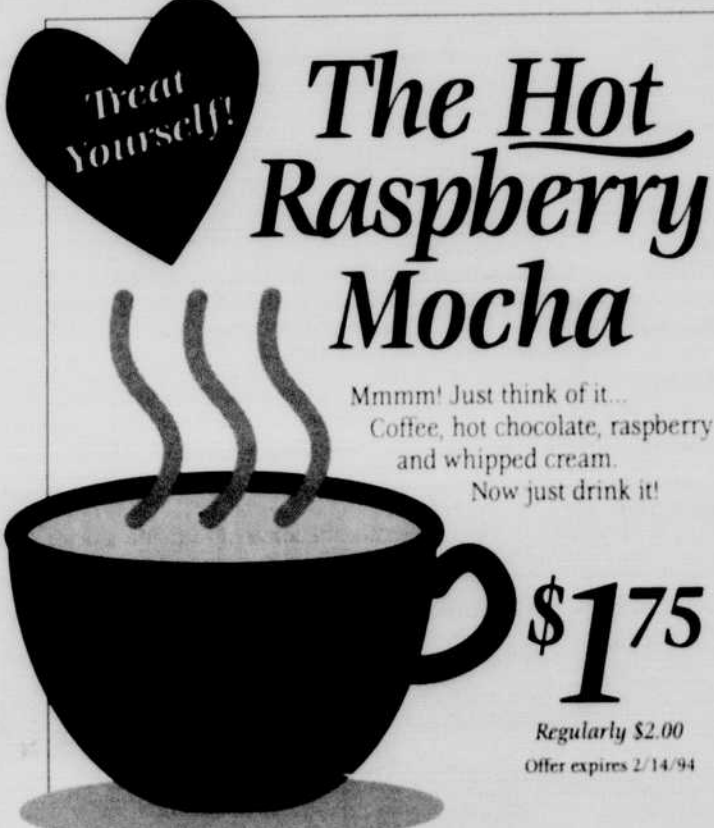
- The United Way needs volunteers for the following positions: nature guide for Mount Pisgah Arboretum, nine hours per week; telephone crisis volunteer for Sexual Assault Support Services, four hours per week; child care volunteer for Housing Authority and Community Services Agency of Lane County, two hours per week; board member for Lane County AIDS Hospice Services, 12 hours per month; agency data specialist for United Way Volunteer Connection, 10 hours per month. For more information, call the Volunteer Connection, 683-9000.
- Free income tax help is available Saturday at Valley River Center from 10 a.m. to 5 p.m. The Oregon Department of Revenue will assist people near the Nutcracker

booth.

- Clergy and Laity Concerned has scheduled a dessert auction Saturday to honor Black History Month. Sharon Gary-Smith of Portland will speak about African-American activism following the auction. The event begins at 7 p.m. at First United Methodist Church. Proceeds benefit CALC and the African-American Self-Awareness Institute. For more information, call 485-1755.
- Entry forms are available for the first "gARTbage" exhibit, an art show that focuses on recycling. People are invited to enter a sculpture, wall hanging or other creations made from recycled items. Entries will be displayed

at Valley River Center in March. The exhibit is sponsored by the St. Vincent de Paul Society. Entry forms are available at Valley River Center Customer Service and all St. Vincent de Paul stores. Deadline is March 4.

• Workout Oregon, a two-hour aerobic workout challenge between local health clubs, will benefit the Muscular Dystrophy Association. Participants can win a trip to the Oregon Coast or a Precor 718E Climber from Eugene Athletic. The event is scheduled Saturday from 1:30 to 3:30 p.m. at Oakway Spa, Oregon West Fitness, Southside Fitness & Aerobics, Gold's Gym, Better Bodies, Emerald Valley Resort, Pacific Nautilus and Jazzercise. For more information, call 686-2753.



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