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**In my opinion**

## MEASURING gender



AILEE SLATER  
FURTHER FROM PERFECTION

"Measure 36 sends a simple, positive message to children that marriage should be between a man and a woman. It just makes sense."

So reads an argument found in the Oregon voters' pamphlet in favor of Ballot Measure 36, which would amend the Oregon Constitution to define marriage as valid and legal only between one woman and one man. Besides the obvious issue of discrimination against gay and lesbian couples, another less prominent matter is presented in two specific words of this initiative: "man" and "woman." These terms and this ballot measure are anything but simple.

Doctors estimate that one in 2,000 babies is born with ambiguous sexual organs, or has sex chromosomes different from his or her phenotypic reproductive organs. This percentage of the public is biologically neither male nor female. Many are assigned a sex as children. Medical procedures may be undergone in an attempt at classification. Still, most simply accept their bodies as they are and live normal lives as either the gender that their parents appoint to them, or that of their own choosing. The question then rises, what or who defines a person's legal sex when the genetics are ambiguous?

Citizens who have undergone gender reassignment surgery also walk the precarious line of sexual category. Born clearly as either male or female, these are people who feel that their personal gender is different from their biological sex, and therefore choose to "become" another sex through a combination of lifestyle decisions, and/or hormones and surgical operations. Some experts estimate that 1.2 million Americans believe that they were born into the wrong gender. Again, after a

process of sex change is complete, the question remains whether this person should be assigned, legally or otherwise, to the sex they were born with, or to that which they have personally chosen and are currently living as.

Faced with enough problems in our sharply gendered culture, the approval of Measure 36 would provide another arbitrary hurdle for these members of our society. If marriage is only recognized between a man and a woman, an intersexed or transsexual person could easily be refused inclusion within this legal status.

Imagine this situation: A baby is born with partial male and female organs, raised as a female, and eventually marries a man. Unfortunately, after 15 years of marriage, her place of employment is cutting health insurance to employees. Upon learning about this woman's unique situation, the company refuses to provide insurance to her husband or children. If the Oregon Constitution is amended, this employer would be in the right: A marriage of 15 years between two people who consider themselves a man and woman would not be a marriage at all.

Likewise, a husband or wife who has undergone a sex change at some point in life will be denied benefits afforded to married couples, such as paid sick leave to care for a partner, or immunity from testifying against his or her spouse. For any benefit of

marriage that could cost another member of society monetary or other problems, it will be the intersexed or transsexual person that does not receive fair justice.

These situations are more than just possibilities. In 1999, Christie Lee Littleton brought a wrongful death suit against her late husband's physician and lost when her marriage was ruled invalid. Littleton was living as a woman but had been born genetically male. In Texas, she could, therefore, not have legally wed another male, and her seven-year marriage was ruled invalid by the court.

Similar situations must not be allowed to occur here in Oregon. It is discriminatory enough to deny rights of partnership to gay couples, but at least conversation and discussion exists on behalf of these couples. The issue of intersexuality in conjunction with Measure 36 has been almost completely overlooked by both supporters and opponents, an unfortunate move as this issue is an important component of the debate.

If a constitutional amendment allows government officials to decide a person's gender for them, rights of privacy and liberty have been severely trampled upon. Moreover, employers and others could legally argue the need to demand genetic testing if they suspect intersexuality, another clear violation of citizens' privacy.

No government should be allowed to decide an individual's sex or gender. If a people are born with ambiguous genitalia, or even if they aren't, it is within their constitutional rights to determine their affiliation with males, females, both or maybe even neither.

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### INBOX: MEASURE 36

directly affect the LGBTQ community at the University.

After consulting with ASUO, OSA and other entities within the University, the LGBTQ has effectively been gagged from taking a stance on Measure 36 due to the rules surrounding bipartisanship of student groups on the University campus. It has been made known to the members of the LGBTQ that funding and office space will be rescinded if the LGBTQ were to take a stance against Measure 36.

Being a marginalized group who will be directly impacted by the outcome of Measure 36, the LGBTQ has begrudgingly decided that it would be in the best interest of its members to not take a stance on Measure 36.

Jose Soto  
Undergraduate

Brett McFarlane  
Eugene

**Editorial**

## Bush, Kerry fail to deliver honest talk

One of the harmful byproducts of democracy is that the selection of our leaders and lawmakers seems more like a horse race than a thoughtful, well-informed evaluation of the strengths and weaknesses of various individuals. Something happens to candidates on the campaign trail that strips them of their humanity.

Take, for example, the final question in the second presidential debate on Friday. In the town-hall style event, President Bush was asked, "During the last four years, you have made thousands of decisions that have affected millions of lives. Please give three instances in which you came to realize you had made a wrong decision, and what you did to correct it."

Bush totally dodged the question. But did Kerry set a good example by admitting his own mistakes and scolding Bush for not being straight with the American people? Democrats should be so lucky, but no.

It's hard to justify the idea of a government accountable to the people when both candidates act so aloof and arrogant. All people make mistakes. Mature people admit them. Since both candidates refused to admit even a single mistake, we would like to answer the question for them.

### George W. Bush's mistakes

1. I was wrong to play the fear card when making the case for war in Iraq. I put all my eggs in one basket with that whole WMD thing. In the future we will communicate more honestly when the United States needs to use military force to protect its financial interests ... er ... advance liberty throughout the world.

2. I was wrong to antagonize Iran and North Korea by calling them the Axis of Evil. Tough talk is often necessary, but when they have nuclear weapons and we have an overextended military, maybe diplomacy wouldn't have been such a bad thing.

3. I was wrong to let Dick Cheney and Karl Rove talk me into a second tax cut for the rich. I didn't want to do it. From now on, I will irresponsibly run up the deficit solely with tax cuts for the middle class.

### John F. Kerry's mistakes

1. I was wrong to sign the USA PATRIOT Act without first reading it. I promise to read more of the legislation that I support if I am elected president. I make no promises about whether this will make my positions more consistent.

2. I was wrong to give the president a blank check for war, then trash him, then say that I would still vote to give him a black check and then justify the whole mess by appealing to "nuance." The truth: It was the wrong vote in the wrong Senate at the wrong time.

3. I am wrong to miss so many votes in the Senate while I am running for president. I hope the American public doesn't follow my lead by actually putting their vote where their mouth is.

### ONLINE POLL

Do you support Oregon Measure 36, which would amend the state constitution to redefine marriage as a union between a man and a woman? Visit [www.dailyemerald.com](http://www.dailyemerald.com) to vote.

1. Yes, marriage should be between a man and a woman.
2. Yes, but gays and lesbians should be offered civil unions that would give them some benefits.
3. No, gay couples should be allowed to marry and to secure the same rights as other couples.
4. No, I don't think we should make amendments to the state constitution.
5. Marriage should be abolished for everyone.

### CORRECTION

In Friday's story "Violence breaks out at local Heinz Kerry rally," the quote stating that student Anthony Warren sustained "no serious injuries" was not attributed correctly. It should have been attributed to Eugene Police Department spokeswoman Kerry Delf. The hospital representative said Warren was treated and released.

The Emerald regrets the error.

### OREGON DAILY EMERALD LETTERS POLICY

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