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Transgender: Language discussion delays vote

Continued from page 1

In 2002 the city proposed language that would have created an exception for public showers and restrooms from protection and allowed public places to require documentation, as the city of Portland does but few cities outside of Oregon do. Then-Mayor Jim Torrey threatened the proposal with a veto, and the gender identity language was dropped.

Earlier this year, the GIWG decided to draft a code that didn't include the documentation requirement.

"The feeling was very strong that documentation was not always easily obtained or could be stressful to get," GIWG member Risa Bear said.

"I think that we avoided certain pitfalls that were in the Portland ordinance," GIWG member and University student Maceo Persson said. "We did a lot of research on what code would be the best for Eugene, and we ended up voting for the best language."

The GIWG sent the proposed code to the HRC, whose job is to examine the language and forward a recommendation on to the City Council for a vote. The HRC has yet to do so for a number of reasons.

The city spent time on legal work examining how the proposed language fit into the city's indecent exposure laws, and the HRC has not yet overcome the controversy surrounding the public accommodations exception.

At the HRC's meeting this month, a petition with signatures of 28 women who would prefer the docu-

mentation clause be added was presented by Eugene resident Rebecca Taylor. Taylor said in an e-mail that adding documentation is only one of a few options she has explored and that she is trying to work out a compromise with everyone in the transgender community.

Despite the delays, most involved are interested in finding a solution acceptable to both sides.

"I think it's important to discuss what's the best solution," Persson said, "especially if you're coming up with a law."

Bear sees the exception as more a way to help the ordinance pass than to actually protect people in public spaces.

"The documentation clause is useful politically were it to blunt the opposition," Bear said, "but in the real world it doesn't make a difference."

Bear is transitioning from male to female. She has not yet had an operation, but because she has legal documentation that says she is female, she would be allowed into female showers even if the code required documentation.

"If I went in there it would cause a bit of a riot," Bear said. "This isn't useful to businesses, trans people or clients."

Despite the discussions, Kelly says the majority of the HRC is comfortable with the language as is. Kelly hopes the HRC will forward its recommendation to the council before the council adjourns for the year on Dec. 14.

"My own preference would be that we move forward fairly

soon," Kelly said.

Once that happens, Kelly doesn't see the code encountering any problems at the council level.

But even if the council approves the changes to the code, the issue can still go to the voters in a referendum. If a petition is submitted with enough signatures within 30 days of the changes going into effect, the issue will be sent to the voters. Though Kelly is still confident citizens would still approve the changes, he thinks the act of a referendum would be damaging.

"A referral itself sends a message of intolerance to people in the community," Kelly said.

Currently there are no protections for transgender people if they're denied housing, employment or access to public places because of their gender identity. Despite the negotiations on the documentation issue, that is still the main issue at hand, Bear said.

"To everyone's mind that has been working on this, the important parts of the code revision are the addition of transpeople to the list of those against whom discrimination in employment and housing in Eugene shall be illegal," Bear said in an e-mail.

"I'VE BEEN DOING ADVOCACY WORK WITH TRANSPeOPLE WHO HAVE HAD PROBLEMS WITH HOUSING AND FINDING JOBS," PERSsON SAID. "THIS ORDINANCE IS REALLY IMPORTANT."

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