

# Just news

## Emotional floor debate salvages intimidation bill

*"...I wasn't going to be the macho guy...I wasn't going to wet my finger and stick it up in the air and see which way the wind blew. I decided to do what was right."*

Rep. Jim Whitty, D-Coos Bay

BY ANNDEE HOCHMAN

The "gay-bashing" bill, HB2784, a measure that makes it a crime to threaten or harass gays and lesbians, passed the Oregon Legislature July 2 after an emotional debate in the House that moved one member to tears and prompted at least four others to change their minds.

The measure, proposed on behalf of Multnomah County District Attorney Michael D. Schunk's office and backed by Gov. Neil Goldschmidt, expanded a 1981 law banning intimidation against people based on their race, color, religion or national origin.

The extreme right-wing Oregon Citizens' Alliance opposed the bill, arguing it would grant just the kind of "special protections" for gays and lesbians that voters rejected when they passed Measure 8 last November.

Lon Mabon, executive director of the OCA, said the organization had not yet decided whether to challenge the new law with a ballot initiative. "Obviously, we don't agree with the law," he said. "There's a lot of our leadership who want to do something about it. But we haven't made up our minds yet."

The 1981 law defines tampering with someone's property, threatening physical injury or physically harassing them on the basis of race, color, religion or national origin as a class-A misdemeanor. If two or more persons act together to intimidate an individual, the crime becomes a class-C felony.

"This allows us a little more sentencing clout," said Norm Frink, chief deputy district attorney in Schunk's office. "It also says we're going to deal with these cases [of crimes against lesbians and gays] as a category. When someone is doing this out of prejudice against a certain group, then it's a special case."

Earlier in the legislative session, when the bill came before the House Judiciary Subcommittee, Rep. Kevin Mannix, D-Salem, came up with amendments that dropped the words "sexual orientation" and substituted broader language making it a crime to intimidate others on the basis of bigotry. Some supporters of the original bill said the altered language made the law unconstitutionally vague, and the measure appeared to be a lost cause.

But just two days before the end of the session, a legislative maneuver brought the original bill, with the words "sexual

orientation" intact, before the Senate, which passed it 17-12. From there, with the help of key supporters including Rep. Judy Bauman, D-Portland, Rep. Beverly Stein, D-Portland, and House Speaker Vera Katz, the bill went directly to the House floor, bypassing the subcommittee.

Stein said she felt confident that floor debate could make a difference, particularly since a bill to collect hate crimes statistics, including crimes based on sexual orientation, had passed June 23.

"The hate-crimes bill put the words 'sexual orientation' in the statute for the first time," she said. "So we'd already crossed that barrier."

But no one was prepared for the emotional nature of the debate that followed. Rep. Jim Whitty, D-Coos Bay, who had been expected to vote "no" on the measure, talked about his experience of being taunted as a young Catholic student in a mostly Protestant town.

"I decided that I wasn't going to be the macho guy," he said later in a telephone interview. "I decided I wasn't going to wet my finger and stick it up in the air and see which way the wind blew. I decided to do what was right."

After the vote, several legislators embraced Whitty, who was teary-eyed, and others sent him notes saying his words had changed their minds.

"It's pretty rare for votes to be changed by a floor debate," said Janice Wilson, a Portland attorney active with the ACLU Commission on Lesbian, Gay and Bisexual Rights. "And that happened in this case. Some people's hearts and minds were changed."

Frink, of the district attorney's office, said he was "pleasantly surprised" by the vote. He was more stunned, though, that the bill's original language became a subject of such controversy.

"Maybe I'm naive," he said, "but I didn't think there was going to be any opposition at all. It seemed just a matter of simple fairness...It surprised me that it engendered opposition on the theory that we were giving people special privileges. I just didn't see that. You're talking about people who are being victimized by criminal conduct."

Wilson felt the same way. "At the beginning of the session, I thought, 'At least we have the intimidation bill — that shouldn't be any problem,'" she said. "I didn't realize what a bugaboo the words 'sexual orientation' had become."

Stein said the vote may set a precedent for

those members who voted "yes" in spite of fearing lost votes in their jurisdictions. If those legislators do not suffer politically in the next election, they may be more willing to take a "hard vote" on other controversial issues, such as abortion, she said.

For that reason, Stein said, gay and lesbian voters should thank the legislators who voted "yes" with letters, phone calls and electoral support.

Whitty said he is not concerned about the repercussions of his vote. He has begun collecting a scrapbook of letters and cards he received in response to the vote, and said that most of them have been positive. The anti-intimidation bill was the main topic of conversation at the country club where he plays golf, even a week-and-a-half after the vote took place.

"I'd do it again," he said about the vote. "I don't just feel it was right; I know it was right."

The ACLU Commission on Gay, Lesbian and Bisexual Rights has been meeting to discuss how to spread the word about the new law, encourage gay and lesbian victims of intimidation to use it, and educate the community about the legislative process.

The Lesbian Community Project, in addition to showing a video of the floor debate at its July board meeting, has written letters to all the legislators who voted "yes," in order to "let them know that, as they were there for us, we will be there for them," said Jawsa Mockabee, executive director of LCP.

The next step, agreed gay and lesbian community leaders, is to educate the community most affected by the new law.

"It's going to be up to us in terms of seeing that it's put to use," said Mockabee.

## House of Representatives

31 votes in favor of HB 2784

Judith Bauman, Dist. 13 (D-Portland); Stan Bunn, Dist. 29 (R-Dayton); Mike Burton, Dist. 17 (D-Portland); Ted Calouri, Dist. 7 (R-Beaverton); Margaret Carter, Dist. 18 (D-Portland); Ron Cease, Dist. 19 (D-Portland); Kelly Clark, Dist. 27 (R-West Linn); Peter Courtney, Dist. 33 (D-Keizer); David Dix, Dist. 41 (D-Eugene); Sam Dominy, Dist. 44 (D-Cottage Grove); Wm. J. Dwyer, Dist. 42 (D-Springfield); James Edmundson, Dist. 39 (D-Eugene); Mary Alice Ford, Dist. 8 (R-Portland); Norm Gershon, Dist. 45 (D-Roseburg); Tom Hanlon, Dist. 2 (D-Cannon Beach); Carl Hosticka, Dist. 40 (D-Eugene); Bruce Hugo, Dist. 1 (D-Scappoose); Delna Jones, Dist. 6 (R-Aloha); Vera Katz, Dist. 10 (D-Portland); Phil Keisling, Dist. 12 (D-Portland); Rick Kotulski, Dist. 22 (D-Corbett); Tom Mason, Dist. 11 (D-Portland); Dave McTeague, Dist. 25 (D-Milwaukie); Chuck Norris, Dist. 57 (R-Hermiston); Nancy Peterson, Dist. 52 (D-Ashland); Bob Pickard, Dist. 54 (R-Bend); Hedy Rijken,

Dist. 4 (D-Newport); Larry Sowa, Dist. 26 (D-Oregon City); Beverly Stein, Dist. 14 (D-Portland); Tony Van Vliet, Dist. 35 (R-Corvallis); Jim Whitty, Dist. 47 (D-Coos Bay).

29 votes against

Bernie Agrons, Dist. 53 (D-Klamath Falls); Ray Baum, Dist. 58 (R-La Grande); Tom Brian, Dist. 9 (D-Tigard); Ernie Calhoon, Dist. 50 (D-Medford); Larry Campbell, Dist. 43 (R-Eugene); Beverly Clarno, Dist. 55 (R-Bend); Gene Derfler, Dist. 31 (R-Salem); Jeff Gilmour, Dist. 30 (D-Jefferson); Paul Hanneman, Dist. 3 (R-Cloverdale); Cedric Hayden, Dist. 38 (R-Fall Creek); Eldon Johnson, Dist. 51 (R-Medford); D.E. Jones, Dist. 60 (R-Ontario); Kevin Mannix, Dist. 32 (D-Salem); Bill Markham, Dist. 46 (R-Riddle); Randy Miller, Dist. 24 (R-Lake Oswego); John Minnis, Dist. 20 (R-Portland); Michael Nelson, Dist. 59 (D-Baker); Carolyn Oakley, Dist. 36 (R-Albany); Fred Parkinson, Dist. 28 (R-Silverton); Robert Repine, Dist. 49 (R-Grants Pass); Lonnie Roberts, Dist. 21 (D-Portland); Gene Sayler, Dist. 15 (R-Portland); John Schoon, Dist. 34 (R-Rickreall); Walt Schroeder, Dist. 48 (R-Gold Beach); Robert Shiprack, Dist. 23 (D-Beavercreek); Liz VanLeeuwen, Dist. 37 (R-Halsey); Greg Walden, Dist. 56 (R-Hood River); Roger Wehage, Dist. 16 (R-Portland); Al Young, Dist. 5 (D-Hillsboro).

## Senate

17 votes in favor of HB 2784

Bill Bradbury, Dist. 24 (D-Bandon); Jane Hardy Cease, Dist. 10 (D-Portland); Joyce Cohen, Dist. 13 (D-Lake Oswego); Joan Dukes, Dist. 1 (D-Astoria); Wayne Fawbush, Dist. 28 (D-Hood River); Shirley Gold, Dist. 7 (D-Portland); Jeannette Hamby, Dist. 5 (R-Hillsboro); Jim Hill, Dist. 16 (D-Salem); Larry Hill, Dist. 21 (D-Springfield); Grattan Kerans, Dist. 20 (D-Eugene); John Kitzhaber, Dist. 23 (D-Roseburg); William McCoy, Dist. 8 (D-Portland); Glenn Otto, Dist. 11 (D-Troutdale); Frank Roberts, Dist. 9 (D-Portland); Bob Shoemaker, Dist. 3 (D-Portland); Dick Springer, Dist. 6 (D-Portland); Clifford Trow, Dist. 18 (D-Corvallis).

13 votes against

John Brenneman, Dist. 2 (R-Newport); Peter Brockman, Dist. 27 (R-Sisters); James Bunn, Dist. 15 (R-McMinnville); Ronald Grensky, Dist. 25 (R-Medford); Lenn Hannon, Dist. 26 (R-Ashland); C.T. Houck, Dist. 17 (R-Salem); Peggy Jolin, Dist. 22 (D-Cottage Grove); Bill Kennemer, Dist. 12 (R-Milwaukie); Bob Kintigh, Dist. 14 (R-Springfield); Paul Phillips, Dist. 4 (R-Tigard); Mike Thorne, Dist. 29 (D-Pendleton); Eugene Timms, Dist. 30 (R-Burns); Mae Yih, Dist. 19 (D-Albany). ▼

Just out

Oregon's complete lesbian & gay connection

■ BARBARA G. ISAACS, Ph.D. ■

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