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# THE MYSTERY of IRMA VEP

*A ridiculous farce  
by  
CHARLES LUDLAM*

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## Feeling harassed, intimidated, discriminated?

*The time has passed when lesbians and gays are better off  
silently enduring harassment, intimidation and discrimination*

BY BRADLEY J. WOODWORTH

*Note: No two legal situations are exactly the same. This column discusses general legal principles only. For specific advice, consult your lawyer.*

The time has passed when lesbians and gays are better off silently enduring harassment, intimidation and discrimination. You now have specific legal protection and rights. You need to know them and use them.

## . Counsel

### Harassment and Intimidation

It is now illegal (ORS 166.155, and 166.165) to intimidate a person because of their sexual orientation. If one person commits the illegal intimidation against a gay person, it is a class A misdemeanor (up to one year in jail). If two or more persons act together to intimidate a gay person (intimidation in the first degree), the crime is a class C felony.

Under the statute, illegal intimidation occurs when, because of a person's sexual orientation, another person tampers or interferes with property, intentionally subjects another to offensive physical contact, or intentionally subjects the person to alarm by threatening to inflict serious physical injury, or cause substantial damage to the person's property.

The person commits the crime of intimidation when they intentionally cause you alarm by threatening to hurt you. For example, a vicious threat that "I'm going to kill you, you faggot," or "I'm going to burn you dykes out of this house," would definitely be violations of the statute.

Under the felony statute, if two or more persons act together to intentionally, knowingly, or recklessly cause physical injury to a lesbian or gay because of their sexual orientation, they are each guilty of a felony. Felony statute also prohibits intentionally placing a person in fear of imminent serious physical injury.

Thus, two or more persons harassing gay people on the street, threatening them with a beating, or death, would constitute a felony crime under applicable Oregon law, if it was done because of actual or perceived sexual orientation of the victim.

If you or someone you know is the victim of such conduct, you should report it immediately to the police by dialing 911. Cooperate fully with the responding officers, giving them all the relevant information, including the basis of the charge that you were threatened or hurt because of your sexual orientation. The Portland Police Bureau is under instruction to enforce this law. Should you encounter an uncooperative officer, note that officer's name and badge number, so that you can follow up later through a gay community lawyer, or other advocate.

Another section of Oregon law, ORS 181.550 requires police agencies in the state to keep track of crimes motivated by prejudice based on the perceived sexual orientation of the victim. These reports are then summarized into quarterly and annual reports for the use of state agencies. In order to protect the hard-won statutory rights of gays and lesbians, it is imperative that all members of our community actively work to report the

occurrence of such hate crimes. If hate crimes are not reported, our political opponents could try to make the case that lesbians and gays do not need legal protection, because they are not victims of hate crimes. We all know that this is ridiculous, but we need to create the statistics that prove it to the world.

In addition to creating statistics, we also have a real possibility of having homophobic intimidation criminals put in jail. The Multnomah County District Attorney's office is ready, willing and able to prosecute these crimes. However, they cannot prosecute crimes that aren't reported. Do your part. Get help from a gay community lawyer or service organization if you need it.

### Discrimination

Among the many kinds of discrimination that lesbians and gays endure are discrimination in housing and employment. Gay men, particularly, run the risk of employment discrimination because of their actual, or perceived HIV status. If two unmarried adults (such as a gay couple) are refused rental property, because of their marital status, this is probably discrimination under Oregon statutes that prohibit treating people differently because of their "marital status." If you experience such housing discrimination, you should consult with a qualified attorney to determine whether your case is strong enough to be followed up, through the state's civil rights division, or through a legal action.

Oregon law does not clearly state that lesbians and gays cannot be discriminated against in employment. Our state's Supreme Court has hinted that a certain statute might be interpreted that way, but the issue is far from clear. Nonetheless, lesbians and gays who have been victims of employment discrimination are increasingly successful in settling their claims with the offending employer.

Probably the fastest growing area of illegal discrimination is against gay men who do have, or are feared by their employer to have, or be at risk of having, HIV infection. Two major cases alleging AIDS discrimination were recently tried in the Multnomah County Circuit Court, one against Tri-Met, and one against Crown Zellerbach. In some of these cases, the victim of discrimination waits too long to get legal help. If you are being discriminated against in the workplace because you have AIDS, or because your employer thinks you do, you should get qualified legal advice as soon as the problem begins.

Among the kinds of conduct that are probably illegal discrimination are: an employer requiring a gay man or HIV-positive person to provide a doctor's note in order to keep working, requiring such a person to use a special set of tools, restrictions on restroom use by employees, and isolating a person within the workplace. Often, employers will try to cover their tracks by trumping up charges against an employee, and building a paper file against them. If this starts to happen to you, get legal advice immediately.

In summary, gays and lesbians do now enjoy substantial legal protections, which we need to get used to, and learn to use. In the past, we often suffered silently. Now we have the chance to get even, legally. Know your rights and use them. ▼

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*Karen M. Sweigert, M.D.*

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