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Ramifications of OCA ballot measure are extensive

by Inga Sorensen

It has been more than eight months since the conservative Oregon Citizens Alliance filed an initiative petition with the secretary of state's office which declares homosexuality "abnormal and perverse," and prohibits state and local governments from "promoting, condoning, encouraging or facilitating abnormal behaviors." During the months following that action, the OCA has fed on a steady diet of media attention. This includes the coverage of its efforts to collect voter signatures at a host of area malls and food chains, its weak attempts to boycott various businesses throughout the state, and the publicity surrounding its recently released video depicting gays and lesbians as pedophiles.

Analysis of, and focus upon, the proposal's potential effect on the lives of lesbians and gays, as well as the public-at-large, has been scant as the media strives to follow the OCA's frequent and sensational activities. The group's statewide initiative is nearly always reported as an "anti-homosexual measure." That's it. PERIOD.

While one may have sensed the seriousness of the OCA's threat, rarely do we hear about the tangible effects the proposal would have, if it were written into the state Constitution. There have been several legal challenges to the wording of the measure's ballot title since its initial filing. Currently the proposal's summary maintains that "governments in Oregon may not use their monies or properties to promote, encourage or facilitate homosexuality, pedophilia, sadism, or masochism. All levels of government, including public education systems, must assist in setting a standard for Oregon's youth which recognizes that these 'behaviors' are 'abnormal, wrong, unnatural and perverse' and that they are to be discouraged and avoided. The state may not recognize this conduct under 'sexual orientation' or 'sexual preference' labels, nor through 'quotas, minority status, affirmative action, or similar concepts.'"

The ramifications of such an amendment could be extensive. Firstly, it essentially mandates government discrimination specifically against lesbians and gays. Its passage could additionally lead to the removal of literature depicting lesbians and gays in a positive light from the shelves of public libraries. Censorship of similar materials throughout the public school system could be widespread, severely limiting young people's access to important, and sometimes life-saving, information. (Studies indicate lesbian and gay teenagers are three times as likely to attempt suicide than their heterosexual peers. Just Out interviews with gay and lesbian young people find that a lack of role models and information leave many feeling isolated and unsupported.)

Funding for HIV educational materials containing explicit language about safer-sex methods, especially information directed toward the gay male population, could be eliminated. Non-profit organizations that endorse gay and lesbian civil rights, or provide necessary services, could have their status rescinded if their actions were deemed in violation of the amendment's clause prohibiting government "promotion" of homosexuality. Public funding for various counseling services could also be eliminated. Recent legal gains—which took years of hard work, tenacity, and creativity by lesbian and gay rights support-

ers throughout Oregon—could be nullified almost instantly.

"If the initiative were to gain approval it would automatically overturn and invalidate any laws that include the phrases 'sexual orientation,' or 'sexual preference,'" explains Portland attorney Charles Hinkle. "That would include repeal of such clauses in the state's hate crimes reporting act and intimidation measures. It would also repeal any local ordinance that bans discrimination on the basis of sexual orientation, such as the one recently passed by the Portland City Council."

According to Oregon law, it is illegal to intimidate people because of their actual or perceived sexual orientation, race, color, religion, or national origin. "Intimidation," is defined as occurring when a person threatens to inflict serious harm against you, tampers with your property, or intentionally subjects you to offensive physical contact. State law also requires that police agencies label and track crimes motivated by prejudice against lesbians and gays. The cities of Portland and Springfield have also recently approved ordinances banning discrimination based on sexual orientation in housing, employment, and public accommodations. Corvallis officials hope to pass a similar ordinance in the near future. If the OCA's ballot initiative were to pass, however, such protections and guarantees would no longer be available to lesbians and gays.

"All the gains we have made would be nullified," explains John Baker of the Right to Privacy Political Action Committee. "The measure pretty much says that the state of Oregon must not and cannot deal with the issue of sexual orientation. Discrimination against lesbians and gays would be allowed and there would be little we could do or even say to combat it."

Hinkle, meanwhile, believes passage of the amendment could have a chilling effect on one's ability to speak freely without fear of retaliation. "I think the primary effect of this measure is that it would punish people who even talk about gay rights. It says that we should all just shut up about it. If we spoke about it, we could be fired. If we wanted to have a march or rally supporting gay rights, it could be difficult, if not illegal," he says. "This is an anti-free speech amendment which could have a real terrorizing effect on the public. It also says that gays and lesbians are not worthy of the same constitutional protections granted to everyone else."

Both Hinkle and Baker say it's difficult to know just how far-reaching the effects of such an amendment would be. Hinkle maintains the OCA's effort is "historically unprecedented," thus one can only speculate how the lives of lesbians and gays would be restricted and altered.

"The changes could be very significant," says Baker. "I hope we don't have the opportunity to discover just how significant they might be."

The OCA's No Special Rights Committee must gather 89,029 valid voter signatures by July 3 in order to get the measure on this year's November general election ballot. Many believe the OCA should have little difficulty collecting those signatures, and efforts are underway to defeat the initiative. If you're interested in becoming involved, you can contact the No on Hate campaign at 238-4732, or the Campaign for a Hate Free Oregon at 245-5351.

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