

# Where is justice?

Men who attacked CAP volunteers last Feb. get off easy

by Martha Allen

**T**hree local men, volunteers for the Cascade AIDS Project, were assaulted in February by men who screamed racial and homophobic slurs as they kicked and punched them. The men were attacked outside a gay bar after an evening spent distributing leaflets, condoms and buttons promoting safe sex.

Last month, a jury found the attackers guilty of felony assault. But Multnomah County Circuit Court Judge Charles Turner overruled the jury's decision, entering the assaults on the men's records as a misdemeanor and sentencing them to no jail time.

Leonard James is one of the CAP volunteers who was attacked that night.

"We went out the back door of the Silverado, out onto Burnside," James recalled. "The emergency door slammed behind us."

James and two other volunteers were getting ready to load their booth into a car after an evening spent doing an outreach project for the Cascade AIDS Project. Volunteer Kester Judycki was with James, while volunteer Kris Bohn went to get the car.

"It was about one o'clock," James said. "A car pulls up, and these three guys in the car are shouting something I couldn't hear, and giving us the finger. I was wearing a long coat, I remember, and I had my hands in my pockets because it was cold."

"The car drove by, and stopped about a block away. These three guys came out of the car and came after us. Kes was banging on the door, trying to get the manager to open up and let us back in."

"They were clearly violent," James said of the attackers, young men aged 18 to 24. "I was trying to stay calm, but they were yelling things like, 'What's the matter, you not man enough to fight, faggot?' I said, 'There are three of you.'"

James said the men jumped on him, wrapped his head in a coat and began kicking and punching him. His glasses were smashed, and his clothes were torn.

"Kes started swinging, trying to pull them off me," James said. "I got my head out of the coat and bit one of them. The police came then, and took the three of them away. The police took our statements, and after that, I sat down and started shaking."

James said the police officers were very supportive and encouraged paramedics at the scene

to fill out a report on the incident.

"I went home and picked gravel out of my wounds," James said. "I had pulled every muscle in my back, and I had to stay at somebody else's house for three weeks, because my bedroom is a loft and I couldn't climb up there."

James expected that the trial, which ended July 14, would help him resolve some of the continued emotional turmoil created by the assault. Instead, he feels betrayed by a judicial system that seems to promote gay bashing.

"The judge harassed every single witness," James said, adding that Turner told the jury that, if it were up to him, he would acquit the defendants. James said that Turner would not let the jury know that the men had previously been arrested on weapons and rape charges. "He said they'd never had any previous problems with the police and, because of their age, the jury should be lenient."

"I wanted \$10,000 in damages, and for them to serve some jail time on the weekends," James said. "But the judge said no. The jury found them guilty, unanimously. But the judge sentenced them to pay for my ripped clothes, that's all—and no jail time. He refused to put the felony charges on their records, although that's what they were found guilty of. Instead, it went on their records as a misdemeanor. He actually said to me, 'Just because people call you a faggot, it doesn't mean that's what they perceive you as,' and he said, 'I'm not convinced you didn't provoke them.' I had my hands in my pockets—I mean, they drove a block away, then ran back to jump us, and I provoked them?"

James said, "What I'm upset about is, it went on their records as a misdemeanor. I feel like there's nothing I can do, really. It's like, because I'm gay, it's not a felony to the judge. People like that should not have power."

"What it says to me is, some people aren't valued the same in the eyes of the law. The system worked, the jury said the guys were guilty, but the judge decided it shouldn't go on their records—that's just wrong."

A spokeswoman from Judge Turner's office said that the judge was out of town on vacation until Aug. 4, and could not be reached for comment. The spokeswoman, Turner's judicial assistant, said she knew nothing about the case and could not comment on Turner's decision.

for herself."

The hearing was set for 8:45 am Thursday, July 28.

## Oregon Speak Out to expand

The Oregon Speak Out Project, a nonprofit program working throughout the Pacific Northwest to educate the public about gay, lesbian and bisexual people, is expanding its outreach work in the tri-state area. Project organizers plan new educational outreach programs in Washington and Idaho.

As part of its growth, the Speak Out Project is seeking an executive director committed to the full equality of gay men, lesbians and bisexuals. The director will guide expansion of the project's outreach work in rural and suburban areas, and will be responsible for fiscal development.

In addition, the Oregon Speak Out Project's resource center is moving to Suite 506 in the Galleria, 921 SW Morrison, Portland, 97205. The resource center provides information and speakers-bureau support services to groups working for civil rights.

Compiled by Martha Allen

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## Lawsuit alleges discrimination against transsexual

Kathy Martin, a pre-operative transsexual who recently began living in the social role of a woman, went to court last week with Knez Building Materials of Tigard. Martin says the company offered her a truck driving job, then withdrew the offer after managers found out she was taking estrogen.

The complaint, filed on Martin's behalf by Geoffrey G. Wren in the Multnomah County Circuit Court, alleges violations of state laws that protect individuals against discrimination based on disability, age and sex.

"They assumed because my client is a transsexual that she could not do the job," Wren said. "This group of people probably faces more discrimination than any other. And they have less legal protection than any other group."

Wren noted that his client chose not to use a false name in her suit, adding, "She's tired of being kicked around, and she's tired of transsexuals being kicked around. She wanted to stand up



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