

The personal becomes political

A Portland man claims the OCA caused him distress, and files a lawsuit

by Inga Sorensen

Ed H. DuBois describes himself as a "wreck." He says he has trouble sleeping at night and has sought counseling to soothe his anxiety. He blames the Oregon Citizens Alliance for his unease—as well as for the break-up of he and his partner, Scott Gilbert.

"I thought this nightmare was finally over," says the 31-year-old North Portland resident. "But then it happened again."

DuBois was referring to OCA literature that was recently distributed throughout Clackamas County by the Yes on 13 Committee. The literature, which was designed to show that "activists in state government are pushing through homosexual goals as fast as possible," made reference to a custody case Gilbert has been involved in during the past few years. An excerpt from the flier reads: "Oregon judges are giving custody of young children to homosexual men with HIV disease. (Source: Clackams [sic] County Court Records regarding the case of the custody of three young children given to Scott Gilbert, openly living with his boyfriend, Ed DuBois, by Judge Raymond Bagley. Shelly Gilbert is a capable Mom who is still trying to get her children back after two years in court.)"

DuBois says he and Gilbert, who was awarded joint custody of his three children following a 1992 divorce, ended their relationship many months ago. DuBois says he has not seen the children since and has filed a \$2.3 million lawsuit against the Yes on 13 Committee and the OCA's Lon and Bonnie Mabon. The suit, which was filed last month in Clackamas County Circuit Court, contends DuBois has been defamed and his privacy invaded.

"The OCA can't continue making allegations about private citizens," says DuBois' attorney Jennifer Kimble, of the Portland firm David W. Owens P.C. & Associates. "That's why our suit asks for \$1 million in punitive damages. They have to learn that they can't make allegations that can ruin people's lives and freely walk away."

More than a year ago, Gilbert and DuBois became the focus of another OCA flier, which was distributed in Cornelius during that city's anti-gay and -lesbian initiative campaign. That literature also alleged Gilbert and DuBois were gay lovers who both had HIV. It listed both men's place of employment, and their home and work telephone numbers. DuBois says he received

several harassing calls because that information was made public. In response, he filed a lawsuit in Washington County. That trial is slated to begin Dec. 13.

Meanwhile, according to the latest lawsuit, the Mabons and the Yes on 13 Committee intentionally sought to inflict "severe emotional distress" by publishing the information and did so "willfully, wrongfully and maliciously."

Kimble says the literature was dropped door to door and was passed out in front of a shopping center.

According to the suit, the OCA material: "publicly alleges" DuBois is gay and living with HIV; "falsely suggests that the children in issue are endangered" because of DuBois' alleged sexual orientation and HIV status; and, "falsely suggests that the children in issue are endangered by being parented by two homosexual men."

The lawsuit maintains DuBois has been defamed and subjected to "hatred, contempt, ridicule, diminished esteem, [and] loss of respect, goodwill and confidence." It also says his privacy has been invaded, because prior to the literature's publication (with the exception of the Cornelius OCA flier) DuBois' sexual orientation and HIV status had been private information.

"I am out to my friends and family, but I've never been involved in political campaigns or

anything like that. I'm an incredibly private person," says DuBois. "That's one of the reasons this is all such a shock to me: You try to live your life quietly and then, all of a sudden, your name is all over the place." He adds, "There is no doubt that the pressure caused by all of this contributed to the ending of my relationship with Scott. It was so hard on both of us, and I feel like my life has turned upside down."

Though DuBois says he is an "incredibly private person," a June 23, 1991, *Oregonian* article about Portland's annual lesbian and gay pride event says: "Holding the lead banner for the parade were Scott Gilbert, James Tompkins and Ed DuBois, who all said they comfortably announced their sexuality years ago."

"Just because you march in a gay pride parade doesn't mean that you are no longer a private person," says Kimble, adding DuBois' personal issues are not a matter of "legitimate public interest [and] are not newsworthy."

Our calls to OCA headquarters were not returned.

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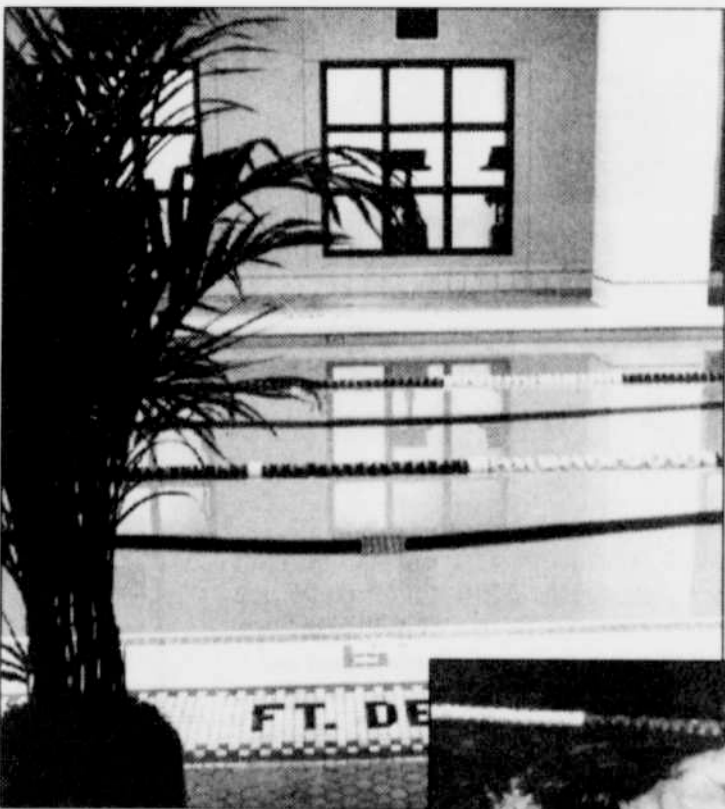

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