

my car window because I'm Jewish or gay or whatever. That's incomprehensible to me, and those actions need to be punished," says Avera, adding this was the first time his office has used the intimidation statute to obtain a conviction as it relates to sexual orientation. Avera says his office has handled several bias-crime cases involving race, however.

Yamhill County Sheriff Lee Vasquez, meanwhile, defends his officers' decisions saying the subsequent investigation by the district attorney's office was necessary to yield more charges.

Harder, who refused to talk with us, agreed to plead no contest to careless driving, which is a traffic infraction, and intimidation, a Class A misdemeanor, if the other charges were dropped. The intimidation charge is a bias crime because it was committed by Harder based on his perception of the women's sexual orientation.

Polk County Circuit Judge Charles E. Luukinen sentenced Harder to two years' probation, 10 days in the Polk County jail, 100 hours of community service, and anger-management therapy. He must also pay a \$250 fine for the traffic infraction.

"We're very happy that Harder got some jail time," says Maxfield. "This was a very dangerous situation that could have gotten more violent. We had hoped, though, that Harder would be convicted of two misdemeanors so it would have stayed on his record." Under Oregon law, a person convicted of one misdemeanor may have that crime expunged from his or her record in three years. If he or she is convicted of two separate misdemeanors not involving a traffic infraction, the convictions stay on his or her record for at least 10 years.

According to Wilke and Rijken, the incident has forever altered their lives. "We've purchased a handgun. We now take a different route to work in order to lessen our exposure to Harder [who reportedly has a girlfriend who lives on the coast]. We've even traded in the van for a new vehicle because it felt so tainted to us," says Rijken. "Dani and I have basically lived very private lives, and this kind of thing makes us want to be even more anonymous."

Rijken, who describes her skin color as brown, is a naturalized citizen of Dutch-Indonesian descent. She says, "Throughout the years, I've faced prejudice because of my skin color, but I can tell you that it never came close to what Dani and I experienced.... We thought this guy could kill us."

A vocal supporter of Harder is Randy Leonard, who heads up the Portland Firefighters Association, the union which represents firefighters. "Certainly Jim's actions were inappropriate, but I don't think he did what he did because he thought the women were lesbians," says Leonard, who feels Harder should not lose his job. "He's been with the Fire Bureau for almost 20 years. He volunteers his time for community service. He's a good guy."

As to why Harder pleaded "no contest" to the intimidation charge, Leonard says: "I think Jim felt like he had to. You know, that the cards were stacked against him and he wasn't going to win."

He adds, "It's simply too much to believe that here's this guy driving by himself down the highway and he observes two women driving along and decides to go after them without provocation. I think there were probably things going on back and forth between the two cars," says Leonard, who says Harder told him Rijken and Wilke made an obscene hand motion at Harder, a claim the women adamantly deny.

Leonard, who was elected to the state Senate as a Democrat from Portland during the November elections (he'll be sworn into office Jan. 9), had received an endorsement from Oregon's largest

lesbian and gay rights political action committee, Right To Privacy.

Concerned about the public remarks Leonard has made about the case, Right To Privacy Executive Director Greg Jackson has arranged a meeting with Leonard in early January.

"This is an important law [the intimidation statute] to us and we're very pleased that the judge in this case took it so seriously. Everyone should realize that this was a serious offense," says Jackson. "This wasn't just someone blowing off steam because he had a hard day at the office."

Apparently it is not only gay men and lesbians who are concerned about Leonard's remarks. In a Dec. 26 letter to *The Oregonian*, Kirk Hale, an executive board member with the Washington County Professional Firefighters Association, Local 1660, writes that he finds Harder's actions "to be an embarrassment to the firefighting profession" and says Leonard's contention that Harder did not attack the women because he thought they were lesbians is "absurd."

For his part, Leonard says he feels he is being "pushed around" by the gay and lesbian community. "I do feel like that, but I'll tell you—I'm just being honest about how I feel and what I think of this case, and I'm not going to back down from that just because I'm being pressured by a particular group."

When Rijken leaves office Jan. 9, she will likely be lobbying legislators—including Leonard—this session. Rijken says she's thought about whether this situation will affect her professional relationship with Leonard and hopes it will not.

Disciplinary action—including termination—could be taken against Harder by the Portland Fire Bureau. Wall did not want to comment about this case while the internal investigation is underway, but he did say he does not think the problem of homophobia is prevalent among his force. "I haven't heard anyone say it's a problem," says Wall.

"There's been no indication that's the case." The Portland Fire Bureau has been under fire for years for having a predominantly white male firefighting force. Wall, who has been chief for about a year, met with Jackson several months ago to discuss ways to create a more diverse and gay- and lesbian-positive environment. Jackson and others say fire officials could learn some valuable lessons from the Portland Police Bureau, which actively recruits officers from the gay and lesbian community and regularly hosts a sexual minority roundtable. Thus far, the Fire Bureau has failed to take any such steps.

Maxfield says that fact raises serious safety questions. "If my house is burning down and someone like Jim Harder shows up and sees whom I may be in bed with, well, that makes me pretty nervous. I have to wonder whether my house is going to be left to burn."

"That is definitely a fair question and a warranted concern," says Portland City Commissioner Charlie Hales, who oversees the Fire Bureau. "We certainly don't want firefighters out there who are going to be practicing prejudice and favoritism while on the job."

Essentially, the buck stops with Hales when it comes to disciplinary decisions involving Portland firefighters. Though a decision could be appealed to a civil service board, Hales says he has fired "four or five" bureau employees for misusing city property (like borrowing a city vehicle during one's off-duty hours) and sexual harassment. He says his decisions have never been overturned.

He says, "When we've got a situation that reflects poorly on the entire bureau, we take it very seriously. This is certainly one of those situations."

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