

Shutout in Salem

Civil rights for sexual minorities are taking a beating this session in the Oregon Legislature

by Inga Sorensen

Supporters of gay and lesbian civil rights knew it was going to be tough making headway this legislative session, but they didn't realize it was going to get this ugly.

"Ugly is a good word for it. I am really disgusted with what I've seen and heard this session," says Rep. Chuck Carpenter, the openly gay first-term Republican from Portland. Though Carpenter gets to enjoy the privileges associated with being a member of the majority party (the Republicans control the state Legislature this session for the first time in 40 years), he is furious with GOP leadership for allegedly reneging on its promise to give a nondiscrimination bill a hearing if the necessary votes were secured.

"House leadership told us that if we could show that we had a majority in the House who were willing to vote for the bill, then we would hear it," says Rep. Kate Brown (D-Portland), who introduced House Bill 3459, which would prohibit discrimination based on sexual orientation in employment, housing, public accommodations and real estate transactions. "We got the votes, but then when we went to ask for the hearing, we were told that we now needed to have a majority of the Republican caucus who would be willing to vote for a hearing."



Gail Shibley

According to Lisa Maxfield, co-chair of Right To Privacy, a sexual minority rights organization that lobbied for HB 3459, House Speaker Bev Clarno (R-Bend) agreed to move HB 3459 if the bill's backers could show they had 31 House votes.

"Part of the agreement was that we would do all of this lobbying very quietly—that we wouldn't make this into a public issue. That's why you haven't heard anything about this until now. We promised to go along with the leadership's strategy, and then they pulled the rug out from under us," says Maxfield.

Further infuriating the bill's backers was a claim made by House Majority Leader Ray Baum (R-La Grande), who says he has witnessed no proof that gay men and lesbians face discrimination in the workplace. Additionally, he has described the matter as a "moral [issue] not [a] civil rights issue."

"Last session when we were pushing an omnibus bill, we took a much more public approach. We held press conferences. We met with editorial boards, you know, the whole thing. That didn't work," says Brown. "So this time we tried a strategy that called upon us to work behind the scenes. We did that, and it hasn't worked either."

Maxfield says when RTP lobbyists approached Republican leadership with their 31 votes, they were informed that all "controversial" bills would now also have to receive majority support—or 18 votes—from the GOP caucus: the criteria is being referred to as the "Rule of 18."

"Chuck Carpenter—who has just been great—took the bill to his caucus, and I believe, at best, five Republicans voted for a hearing," says Maxfield.

For their part, legislative leaders claim they did not want to deal with "social issues" this

session, and instead want to focus on the state's economic situation.

"That is such bull," says Rep. Gail Shibley (D-Portland), who sponsored a bill which would have prohibited discrimination based on sexual orientation in employment. "We've handled abortion issues and family leave and a whole host of so-called social issues. The thing is, Republicans only want to be able to vote on their choice of social issues. It's total hypocrisy."

According to Maxfield, after an impasse was reached on the omnibus bill, sexual minority rights backers decided to offer Shibley's legislation as an amendment to a controversial family leave measure that was being considered by the House Labor Committee.

Brown, who had lined up the votes for Shibley's nondiscrimination amendment prior to the family leave measure's scheduled hearing, did not tell committee chairman Rep. John Watt (R-Medford) of her intentions because she knew he would oppose the move.

"We thought the bill might make it through and the House would then be able to vote on the nondiscrimination issue," she says. However, Watt found out about the plan and decided to kill the whole measure.

"Chuck Carpenter [who serves on the House Labor Committee] once again stood his ground and made the difference," says Maxfield. "He told Watt that there was no way he was going to back down from supporting the amendment. That forced Watt to shut down the whole committee. In doing so we killed the amendment, but we also killed a really nasty family leave bill."


"It's obvious now that the leadership never intended to give us a hearing—never," says Rep. George Eighmey (D-Portland). "We accepted their ground rules because we thought they were acting in good faith. Now we know that they were simply trying to keep us quiet. Their tactic, as despicable as it is, was very effective."

Maxfield and others say they are exploring other potential parliamentary maneuvers that they may use to get a vote on the omnibus nondiscrimination measure, but Shibley says it's highly unlikely anything will come of it.

"Trust me, I will pull no parliamentary punches, but from a practical standpoint given the current make-up of the committees and the rush toward adjournment, it's a real, real long shot that anything will happen with the bill. That's not to say, however, that we're not exploring our options."

As for any bright spots this session, Eighmey says he's fairly confident a bill he's sponsoring which would allow people to choose how their remains are disposed of will pass, and human rights advocates are watching the steady progress of House Bill 3125, which would bar employers from discriminating against employees who, on their own time and off the employer's premises, participate in political activities.

"We're batting around .150," says Shibley. "For every three steps back, we may take a half-step forward. It's frustrating, but we're doing the best we can with what we have."



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