

VOTE ON IT ✓

BALLOT MEASURE 39

"We view this as a human rights issue. Health care is a fundamental right," says Jean Harris, campaign manager for the Yes on 39, Health Care Freedoms Campaign.

Earlier this year, an estimated 230,000 Oregonians signed petitions seeking to place the proposed state constitutional amendment on the Nov. 5 general election ballot.

The initiative, which easily qualified, seeks to prohibit discrimination of any category of health care provider who is regulated by the state and is working within their legal scope of practice.

Ballot Measure 39 describes a health care provider as a "person who is licensed, certified or otherwise regulated in accordance with applicable state law to furnish to any person services for the purpose of assisting in childbirth, or preventing, alleviating or healing human illness, physical disability or injury."

Such providers may include naturopaths, chiropractors, midwives and physical therapists.

The measure's chief petitioners are state Sen. Bill Kenemer, a conservative Republican from Milwaukie, state Rep. Sharon Wylie, a Gresham Democrat, and former Republican state Rep. Mary Alice Ford.

"It may seem odd that three current and former legislators would use the initiative system instead of the legislative process," the trio write in an open letter urging support for Measure 39.

"But Measure 39 opponents form a very powerful lobby in the Oregon Legislature. After repeated attempts to bring this issue before the Legislature, we were unable to even get a hearing in the last legislative session," they say.

Backers say while Oregon is a national leader in licensing and regulating a wide range of health specialists, most insurance plans, managed care organizations and HMOs deny coverage for many of these categories—despite claims that "alternative" treatments are effective, sanctioned by Oregon's state government, and often less expensive than "traditional" medical care. They add that many people have conditions which only respond to naturopathic treatment or the care of a chiropractor, acupuncturist or osteopathic physician.

"The powerful insurance and medical lobbies don't want to let others in on their very profitable lock on the compensated health care delivery market," says Wylie. "Ballot Measure 39 has overwhelming public support. Because of the powerful medical lobby, Health Care Freedoms could not even get a hearing during the last legislative session. That is why we are taking it to the people."

"Entire categories of recognized, licensed and effective disciplines are regularly excluded from insurance plans and managed care organizations," say the chief petitioners. "Over one-third of Oregonians rely on this 'alternative' care. But without coverage they are effectively denied it."

Roughly two dozen organizations, including the AFL-CIO, Oregon Gray Panthers, Portland

Two from the pack

*This election, voters have a lot to contemplate:
Here's a couple of initiatives worth taking a closer look at*

by Inga Sorensen

Rainbow Coalition and Oregon State Council of Senior Citizens, have endorsed the initiative and are working in coalition to pass it.

Harris believes Ballot Measure 39 may have a particular appeal among gay men and lesbians: "Women, many lesbians, have long been involved in midwifery and holistic health. Their use of herbs and nature dates back hundreds of years. We have a long history with this type of health care," she says. "And our community of course has been so affected by AIDS. Mainstream medicine for years refused to pay any attention to this epidemic. Alternative practitioners have been there providing relief and treatment for many, many years. Think about what naturopaths, for example, do. They work to fortify the immune system. These are the types of treatments that are being denied to people on a regular basis."

Predictably, the Oregon Medical Association, managed care organizations, hospitals and insurance companies have come out against the proposal. Opponents have launched advertisements claiming Ballot Measure 39 will increase health care costs and undermine the Oregon Health Plan.

Harris and others counter by saying the Oregon Health Plan already prevents discrimination among health care providers. They say managed care companies that the health plan contracts with discriminate, and Measure 39 would simply extend the health plan's standard to its providers. Supporters also say savings from more cost-effective alternative treatments will actually permit the health plan to expand its coverage to more Oregonians.

Karl Humiston, a physician and member of the Oregon State Council of Senior Citizens, says, "The council believes that Measure 39 could help reduce health care costs. Many of the alternative treatments Measure 39 will make available are less expensive and more preventative than currently covered treatments."

While some believe the measure would lead to lower health care costs, Yes on 39 acknowledges that the cost impact—positive or negative—is speculative, "because it requires huge implementation assumptions which are simply and clearly not contained within the measure."

The state financial impact committee, which submits an estimate of financial impact for all ballot measures, estimates Measure 39 would increase state government expenditures by \$22.4 million and local government expenditures by \$8 million. Yes on 39 argues that that estimate was based on "a single letter from an accounting firm

and a study by an insurance industry group."

Yes on 39 says because State Treasurer Jim Hill "believed it was as likely that health care costs would actually go down under Measure 39...[he] declined to sign the financial impact statement."

In a recent editorial, *The Oregonian* urged voters to reject Measure 39, saying citizens "should not put a plan with such unknown effects into the state Constitution."

The fact that Ballot Measure 39 would amend the Oregon Constitution is a concern to others as well.

"I think many of our board members support the [proposal's] principle," says Barry Pack, executive director of Right to Pride, a statewide sexual minority rights organization.

One of RTP's bottom-line endorsement criteria relates to HIV/AIDS issues.

"I know there are a lot of people with HIV and AIDS who utilize alternative health care, and that it's an important part of their treatment," says Pack. "But we question whether a constitutional amendment is the way to approach this."

RTP ultimately declined to endorse Ballot Measure 39.

Yes on 39 campaign field director Ron Schlittler, who also sits on RTP's board, says he contacted "a number of HIV/AIDS groups" to solicit official support. None, he admits, have responded with organizational endorsements.

"I think this measure was unexpected for a lot of people," he says. "AIDS organizations are so focused on other necessary priorities. When we explain what Measure 39 would do, however, most people say, 'That's a great idea.'"

BALLOT MEASURE 31

Another initiative of particular interest to the sexual minorities community is Ballot Measure 31, which according to opponents would weaken free speech and expression rights guaranteed by the Oregon Constitution. Oregonians would instead have to rely on federal laws for free speech protections.

Measure 31 is a proposed constitutional amendment that closely resembles 1994's Measure 19, which voters rejected 55 percent to 45 percent. The latest version states, in part: "Obscenity, including child pornography, shall receive no greater protection under this Constitution than afforded by the Constitution of the United States."

Sponsors say the measure would allow any law or action that is permitted under the federal Constitution. According to the American Civil Liberties

Union of Oregon, the U. S. Supreme Court's interpretation of the First Amendment allows every community to have different standards for what is "obscene." Thus Measure 31 may allow for the creation of as many as 276 county and municipal laws—and definitions—of obscenity. Homosexuality, say critics, will certainly find its way into many such local obscenity laws.

"In Oregon libraries, almost 50 challenges have been filed in the last five years which specifically requested homosexual material be banned," writes Measure 31 opponent Judie Miller in a recent Right to Pride newsletter. "In 1993, materials addressing gay, lesbian and bisexual issues were targeted in an organized fashion in community libraries all over Oregon.... Members of special interest groups...filed requests for removal based upon such concerns as 'these materials promote homosexuality and moral decay.' Because of protections guaranteed in our state Constitution, none of these works were removed."

Portland attorney Susan Marshall of Safe Neighborhoods, a pro-Measure 31 group, stresses gay men and lesbians are not the target of this measure.

"I'm speaking as a radical feminist—this is about stopping degradation of women and children and keeping neighborhoods safe," says Marshall, adding that she understands what it is like to be attacked for one's views.

"I lived in a meditation community for 17 years. We're looked at as weird pagans by some people," she says. "I can relate to what it's like to be marginalized...since I began working on this campaign I've received death threats."

Marshall says she adamantly believes books with gay themes will not be banned if Measure 31 passes, nor does she think localities will seek to declare homosexuality obscene.

Safe Neighborhoods says that other cities, including New York, have obscenity laws and thriving arts communities. Marshall adds that various forms of expression—from graffiti to hate speech—are already restricted under the law.

"Hopefully this will pass and people will see that those claims about censorship are just scare tactics," she says.

While Measure 31 advocates have argued that the initiative is necessary to combat child pornography, opponents disagree and say this summer the Oregon Supreme Court upheld strict child pornography laws.

Proponents have also said Measure 31 is needed in order to allow for the zoning of adult businesses. Opponents say slashing Oregon state constitutional protections of free expression is not the way to tackle that issue.

RTP PAC voted unanimously to recommend a no vote on Ballot 31.

Other opponents include Gov. John Kitzhaber, former Gov. Barbara Roberts, the Democratic Party of Oregon, the Rural Organizing Project, executive director of the Lesbian Community Project LaVerne Lewis, and state Reps. Gail Shibley, George Eighmey and Kate Brown.

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