

They just said no

MHRC declines to support Oregon ENDA because transsexuals are not included in the measure

by Inga Sorensen

The motion had done deal written all over it. Or so Nyla McCarthy thought. "Never in a million years did I think it wouldn't fly," says McCarthy, an openly lesbian member of the Metropolitan Human Rights Commission.

MHRC, whose volunteer members are appointed by the Portland mayor and Multnomah County chair, works to advance human rights. During a Jan. 14 commission meeting, McCarthy made a motion calling upon MHRC to become a co-requester of Oregon ENDA, a statewide non-discrimination employment bill being pushed by Right to Pride, a gay, lesbian and bisexual rights organization.

"When I made the motion I figured it would easily pass," says McCarthy. After all, since its founding in 1992, MHRC has had a track record of supporting gay and lesbian rights.

"In fact MHRC's first official act was to affirm the rights and dignity of gay and lesbian people," says Helen Cheek, the commission's director.

Additionally, Cheek says two of MHRC's 15 members—McCarthy and Greg Asher—are openly gay.

"When I made my motion, some members asked whether [Oregon ENDA] was inclusive of transsexuals," says McCarthy. (Oregon ENDA does not explicitly include transsexuals or transgendered people.)

The concern was prompted by the fact that the commission has spent ample time of late exploring issues specifically relating to the trans community.

In October, MHRC voted unanimously to recommend the inclusion of "transsexuals and other sexual minorities" in Portland's human rights ordinance.

The recommendation came on the heels of fact-finding hearings held last spring which were designed to assess the level of discrimination against those populations in Portland.

According to McCarthy, several transsexuals and their supporters were at the January meeting to address other agenda items. A discussion over the Oregon ENDA motion ensued.

"I think most members were left with the impression that the transsexuals were saying, 'Please don't support a bill that excludes us,'" she says.

And that's exactly what happened. By the end of the meeting MHRC had overwhelmingly rejected the motion by a vote of one in favor, eight opposed and three abstentions.

"The commission clearly supports gay and

lesbian rights, but I think members wanted to 'do the right thing.' To them that meant only supporting a bill that was inclusive [of trans people]," says McCarthy, who professes "shock" and disappointment in the outcome.

"I told the commission that I thought it would be inconsistent for them to endorse [Oregon ENDA] while at the same time recommending inclusion in the city code," says transsexual rights activist Margaret Deirdre O'Hartigan, who was on hand.

O'Hartigan, who maintains she did not ask MHRC to reject Oregon ENDA, adds: "I support MHRC's vote, but I will also not get in the way of anybody getting civil rights."

Lori Buckwalter, a preoperative transsexual, is the founder and director of It's Time Oregon!, a fledgling transgender-rights organization. Buckwalter, who was not at the meeting, says she too would not stand in the way of any group gaining civil rights protections.

"I'm disappointed the bill isn't inclusive," she says. "However, ITO in no way wants to be obstructionist, and we will support any nondiscrimination act that expands the rights of sexual minorities."

Barry Pack, RTP's executive director, says he believes MHRC would have endorsed Oregon ENDA had members known that state Rep. George Eighmey (D-Portland) was crafting an employment bill that bars discrimination based on one's gender identification. Eighmey, who is gay, is also a main force behind Oregon ENDA.

"It's the same bill as Oregon ENDA except in the place of 'sexual orientation' I put 'gender identification,'" says Eighmey. "Instead of one all-encompassing bill, we have two different bills."

(On a related note, O'Hartigan has expressed "outrage" over Eighmey's gender identification bill, saying the lawmaker did not solicit input from transsexuals while crafting the bill—a charge Eighmey flatly denies. O'Hartigan also says she believes such a bill is unnecessary in light of the Oregon Bureau of Labor and Industries decision in October to accept complaints from transsexuals who claim discrimination because of their status as transsexuals. BOLI said that transsexualism must be considered a protected disability under Oregon law.)

"I believe that [MHRC] members didn't know about plans for this other bill," Pack says. "Had they known, things may have been different. Now that they do know, perhaps they will revisit the vote."



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