

local news

Wronging a right

Proposed statewide legislation could rub out gains made by transsexuals

by Inga Sorensen

JoAnna McNamara knew it was a tenuous situation from the get-go. "I suspected this might happen when I did the original work," says the Lake Oswego attorney who was instrumental in getting the Oregon Bureau of Labor and Industries to reverse years of policy and begin accepting complaints from transsexuals who claim discrimination because of their status as transsexuals.

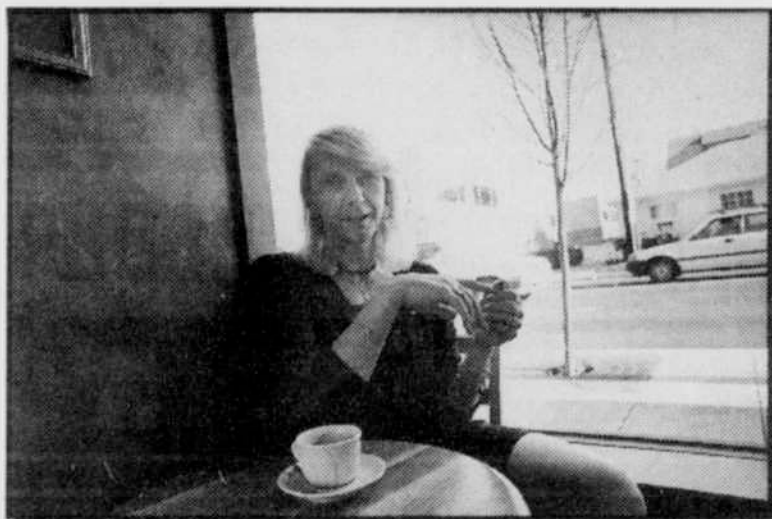
After McNamara persuaded the agency that transsexualism must be considered a protected disability under Oregon law, BOLI began accepting such claims in October. McNamara's efforts, however, are in now jeopardy due to a bill pending in the Oregon Legislature.

Senate Bill 482 would revise state discrimination laws against disabled persons by, in part, modifying the legal definition of a disability to specifically exclude transsexuals from coverage.

"It's also offensive to lump transsexuals with pyromaniacs, exhibitionists, kleptomaniacs and [people with] other antisocial behaviors," adds Buckwalter, the founder and director of It's Time, Oregon!, a fledgling organization whose goal is to "focus on [the] legislative, legal and civil rights effort for transgendered people."

While Buckwalter advocates the passage of nondiscrimination legislation that is inclusive of trans people, she acknowledges the need to secure protections for that particular population in any possible manner.

Gender identity disorder is listed in the *Diagnostic and Statistical Manual of Mental Disorders* published by the American Psychiatric Association. For transsexual adults, a GID diagnosis is usually necessary to get hormones and surgical reassignment or to get reimbursed for transition-related care. GID has also been used to gain



Lori Buckwalter

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A portion of the measure's language matches an amendment to the federal Americans with Disabilities Act of 1990.

That amendment, brought by ultraconservative Republican Sen. Jesse Helms, states that under federal law a person with one or more of the following conditions is not a disabled person: "transvestitism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairment, or other sexual behavior disorders." The list also includes compulsive gambling, kleptomania and pyromania.

"If approved [SB 482] would essentially strip transsexuals of any civil rights protections in Oregon," says Portland resident Lori Buckwalter, who is scheduled to undergo gender reassignment surgery in April.

antidiscrimination protections for trans people in some jurisdictions, under the aegis of laws prohibiting discrimination against people with psychiatric disabilities.

While a growing number of jurisdictions are prohibiting discrimination against trans people without reference to GID, no such protections exist anywhere in Oregon, hence the weighted importance of the BOLI decision.

"This is extremely distressing," says Buckwalter, adding that ITO is still formulating its response to SB 482, which was introduced by Sen. Gene Derfler (R-Salem) at the request of Associated Oregon Industries, which represents the interests of Oregon's business community.

"Businesses here essentially now have two different sets of regulations to adhere to—state and federal," says Betsy Earls, an AOI lobbyist.

"We're simply striving for consistency, to bring state law more in line with existing federal law."

Earls says AOI's intention is not to "single out" and remove the civil rights protections of any one group. She also suggests that those who find the legislation threatening head to Salem to state their case before legislators.

"This is not necessarily the final bill," she adds.

Incidentally, according to Earls, SB 482 was mistakenly referred to the Senate Health and Human Services Committee. She says she plans to have the bill moved to the Business, Law and Government Committee.

McNamara, meanwhile, says she intends to meet with legislators as soon as possible to lobby against the proposal.

Book flap

Seattle public schools endeavor to make diverse family images available to pupils

by Inga Sorensen

Tracy Flynn isn't afraid of acknowledging reality.

"Gay and lesbian families exist in our district," says Flynn, a health curriculum specialist for the Seattle public schools system, "and our goal is to support all families."

One way Flynn intends on doing so is by making books featuring a diversity of families available to public elementary schools throughout the Emerald City.

As with school districts nationwide, money is tight, so Flynn turned to the Fund for Lesbian and Gay Families with Children—endowed last year by Seattle City Councilwoman Tina Podlodowski and her partner, Rochelle Mileur—and secured a \$6,150 grant to bolster a project designed to increase understanding of different kinds of families and "dispel myths and stereotypes."

A critical component of the project is the purchase of books such as Michael Willhoite's *Daddy's Wedding*, whose cover features a gay male couple in tuxedos serving each other a slice of wedding cake.

Not surprisingly, critics have emerged, including state Sen. Harold Hochstatter (R-Moses Lake).

According to media accounts, he character-

ized the project as promoting homosexuality. "It is very, very subtle," he said. "It is the kind of thing these children would be vulnerable to, and it needs to be resisted."

Senatorial colleague Val Stevens (R-Lake Stevens) earlier introduced Senate Bill 5167, which sought to prohibit schools from presenting or "promoting" homosexuality. The bill failed to clear its committee, however, and is considered by most political observers to be dead.

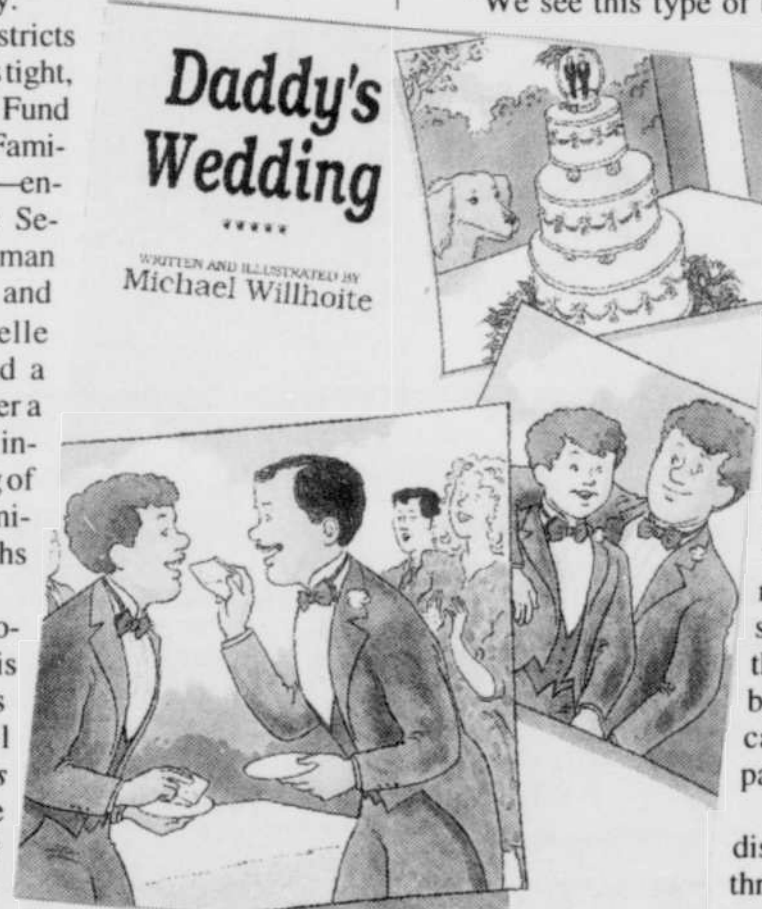
"We see this type of bill pretty much every year," says Flynn, who is pleased by its consistent failure to move.

Nonetheless, she says such legislation tosses another obstacle in front of backers of diversity and makes some school personnel nervous.

"When you're talking about a school environment, emotions really get heightened," says Flynn, adding that the district has received both pro and con phone calls from concerned parents.

While she says the district intends to follow through with the procurement of the books, Flynn admits enough opposition could "lead to a holdup in the process."

"It's too soon to know if that will happen," she tells *Just Out*. "Hopefully that won't be the case."



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