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LOCAL news

BOLI BACKS CLAIMS

A state agency finding bolsters charges of discrimination made by transsexual against Corvallis Mail Center employee by Inga Sorensen

I'm ecstatic," says transsexual activist Ashley Sinclair in response to an Oregon Bureau of Labor and Industries finding that an employee at the Corvallis Mail Center violated her civil rights.

Sinclair filed her BOLI complaint in late February, charging the center had violated both a Corvallis nondiscrimination ordinance barring discrimination based on actual or perceived sexual orientation, and a state disability statute.

Following an investigation, BOLI issued a notice April 28 agreeing there was "substantial evidence to support allegations of discrimination."

Sinclair, 28, intermittently rented private mailboxes from the Corvallis Mail Center during a five-year period.

Last spring, Sinclair legally changed her name (from Benjamin John Campbell) and started hormone therapy as part of her male-to-female sex reassignment process.

Sinclair says during this time she was collaborating with Washington prisoner Donald Snook on projects related to prison activism. She also says the two had a "romantic relationship," and that Snook knew of her transsexual status and was supportive.

According to Sinclair, that summer Snook received a handwritten letter which read: "Don—Ashley let me read your letter. I hope you know she is a he. His real [sic] name is Ben Campbell. He is a fag. You are getting love

letters from a man who wants to be a woman. Think about it. He wants to move to San Francisco. This place is known as gay bay. I lived 2 hours south of this hell hole. Ha, Ha, Ha, Ha. You stupid ass. You want pussy so bad you will let a fag turn you on."

Snook forwarded the letter to Sinclair, who feared someone was stealing and reading her private mail. Sinclair says she never let anyone read her correspondence with Snook.

When she reported the matter to Corvallis police, she says, they initially "neglected to take a written report" because they felt no crime had been committed.

Sinclair surmised that Jennifer Kroesing, an employee of the Corvallis Mail Center—and daughter of the facility's owner, Kelly Brown—had written the letter to Snook. Samples of Kroesing's handwriting obtained by her and some friends "exactly matched the handwriting in the homophobic letter," Sinclair recalls.

Sinclair says she went back to the Corvallis police with the information, and that, eventually, law enforcement questioned Kroesing and Brown.

According to the police report, Kroesing initially "denied any knowledge of the letter written to Snook." She later admitted to authoring the letter, but denied stealing or opening mail.

Sinclair filed a complaint with BOLI citing Corvallis' anti-discrimination law, which in part prohibits discrimination in public accommodations based on actual or perceived sexual orientation, as well as a state disability law which BOLI previously determined covers transsexuals.

In his finding, BOLI civil rights investigator Job Valverde writes: "The comments Jennifer Kroesing made in her letter were intentional, offensive, derogatory and demeaning. Kroesing's conduct violated the rights of [Sinclair].

Because of the nature of the letter and the hostility it created, [Sinclair] has suffered pain, humiliation and mental distress."

"I'm ecstatic because I received positive findings for both my city ordinance claim and the disability claim," explains Sinclair, who now lives in Portland. "But I'm also very pleased about how strongly worded the BOLI finding is—I mean, to use words like 'intentional, offensive, derogatory and demeaning'—that's something."

The notice concludes, "The Oregon Bureau of Labor and Industries, Civil Rights Division, finds substantial evidence of an unlawful public accommodation practice on the basis of disability in violation of ORS 659.425 and the city of Corvallis ordinance."

Margaret Deirdre O'Hartigan is the acting director of the Filisa Vistima Foundation, a



Ashley Sinclair

Portland organization which advocates for transsexuals. She says the positive finding of discrimination on the basis of disability in public accommodations is significant because it marks the "first such finding in this state for transsexuals in public accommodations."

She calls it a "clear advance and affirmation that we are protected on the basis of disability under Oregon law."

Sinclair is involved in settlement negotiations via BOLI with the Corvallis Mail Center.

"I can't really talk about that," she says. "All I will say is that I won't allow a gag order which stops me from talking about what happened."

Brown did not want to comment but did tell *Just Out* she and her attorney were working on a settlement agreement.

Sinclair, meanwhile, is calling upon the Corvallis City Council to add trans people to the city's nondiscrimination ordinance.

In a letter to the council members, she writes: "Although trans people face discrimination every day, the Corvallis Mail Center's hate-activity is the main event that inspired people to ask the Corvallis City Council to add us to the city ordinance...."

"Transsexuals and transgenders need inclusion in the city ordinance for a number of reasons.... Although Oregon disability law covers transsexuals, as it should, it does not specifically mention us by name.... Also, the existing legal protections for Oregon transsexuals are currently under attack. The Oregon Citizens Alliance is gathering signatures for a November ballot initiative...which would ban all legal recognition of sex changes in Oregon."

Sinclair tells *Just Out*, "I'm really delighted with my BOLI finding, but there is still such a long way to go when it comes to obtaining our rights."

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