

LIVELY LAWMAKING

The convening Oregon Legislature promises to serve feisty fare on queer issues by Tim Joyce

The 1999 Oregon legislative session, which opens for business Jan. 11, has explosive potential regarding gay and lesbian rights.

Republicans control both chambers, but fighting over a landmark court ruling could fracture the Grand Old Party. Democrats will likely battle to maintain ground on social issues, while lobbyists will push on both sides. Bottom line? The next six months in Salem could produce quite a fireworks show—one that could spark trouble for sexual minorities throughout Oregon.

"I think it's going to be a hard session in a lot of ways, and I hope I'm wrong," says Rep. Kitty Piercy, a Eugene Democrat and the House minority leader.

During the 1997 session, state lawmakers wrangled over gay and lesbian rights. Television cameras captured GOP leaders scrambling around the Capitol after Rep. Chuck Carpenter, a gay Republican, forced his own party to shut down the House for a few days in order to avoid Carpenter's sexual orientation anti-discrimination bill.

"I was just as surprised as the other people on the floor," says House Speaker-elect Lynn Snodgrass.

A Republican who dubs herself the "blonde from Boring," Snodgrass says defining gay issues is difficult.

"When you talk about the gay and lesbian community you're talking about family members, doctors, lawyers, parents, so there's a lot of issues crossing all kinds of lines. There are lines all over the board," she says.

The next six months are extremely important," insists Jean Harris, executive director of Basic Rights Oregon, a statewide group that advocates for gay and lesbian rights. "The good news is Republicans are becoming as knowledgeable as Democrats are on some [gay] issues. We plan on working on both sides of the aisle."

As this Legislature convenes, many gay and lesbian activists say Oregon's status quo is better than ever. While same-sex marriage remains illegal, gay people are adopting on a case-by-case basis. Portland's school district still refuses to let military recruiters visit high schools (because "officials say the 'don't ask, don't tell, don't pursue' policy is discriminatory). The list of companies offering domestic partner benefits is growing. Sexual orientation is in Oregon's hate crime statute.

But the looming queer issue this go 'round will no doubt stem from a recent Oregon Court of Appeals ruling, widely known as the Tanner decision. (See *Just Out's* Dec. 18 issue for in-depth coverage of the ruling.)

Though the ruling focused on employment issues, it appears to prohibit nearly all discrimination based on sexual orientation. Tanner may also give same-sex couples equity with married couples.

"It's the first time in the country a state constitution protects lesbian and gay people in or around sexual orientation. That's historical," says Harris.

The question now is whether conservative forces will shred Tanner.

Not surprisingly, Lou Beres of Oregon's Christian Coalition is looking at the decision skeptically.

"There's a difference between job security and holding hostage employers and getting extra rights, like the minority community and for



Looks may be deceiving: The legislative chamber's orderly appearance belies the turmoil that politicians and pundits are predicting for the next session

women," he says. "If they're going that direction, then that's wrong. But if it's [just] discrimination, then discrimination is wrong."

Observes Salem's Republican state representative, Kevin Mannix: "The Tanner case has blown open Pandora's box."

The Legislature boils down to a numbers game. If you have the votes to turn an idea into law, you win. For this session, those numbers favor Republicans.

"I can shout and stand on my speaker's desk, but if I can't get 30 others to vote for me..." says Snodgrass, pausing for emphasis.

Still, this mother of two has a powerful hand steering the House. She determines what legislation goes where in a chamber where Republicans hold 34 of 60 votes. Social issues, like gay equity, rank far behind other concerns for Snodgrass.

"I have very strong moral beliefs," she says, "[but] that doesn't mean I'm out to build fires."

Regardless, the Tanner ruling, which also requires that state and local governmental entities provide benefits to the partners of gay and lesbian employees, is sparking controversy—even before the session begins.

"I do think [the court] really ran away with this one," says Mannix. "There are times where a particular revolutionary court decision requires a reaction."

The Democrat-turned-Republican is one of a handful of lawmakers crafting three bills to combat the decision.

One gives what Mannix calls "special rights status" to married couples, circumventing Oregon's equal protection clause. The other two make local government action and/or voter approval a prerequisite for domestic partner benefits and nondiscrimination policies. All three bills would be referred to voters.

"It certainly makes you wonder where we're going to spend our time in the legislative session," says Piercy, adding that Snodgrass, as speaker, could—and should—stop these controversial bills.

"I think it'll be another session where we'll be wrestling to hold on to the kind of Oregon we're proud to live in," she assesses.

In the Senate, on the other hand, Republicans hold 17 of 30 seats.

"It takes two chambers to pass a bill," notes state Sen. Susan Castillo, a Democrat from Eugene.

"Are we going to be a state that stands up for equal rights for all of its people or not?" she asks. "I think we are. That's what the court decision says, and I'm all for it."

"On the Republican side, opinion sometimes varies by 180 degrees," admits Senate President Brady Adams, who describes himself as a fiscal conservative and "middle of the road on just about everything else."

He says: "I'd be disappointed if the gay and lesbian community saw Republicans as an enemy or as a threat, or say we're trying to work against any Oregonian. That's not what I'm about, and not what I think my colleagues are about."

When pressed, the Grants Pass banker admits he hasn't given much thought to gay issues, and it seems he'd rather not. Indeed, he says social issues won't get attention unless a majority wants it.

Estimating the value of Adams' moderate stance, Castillo says: "If he gets really strong pressure from his caucus, he won't be able to put them aside."

Back in the House, Mannix says efforts to thwart Tanner aren't anti-gay, just anti-change. He says societal changes shouldn't come from the state's judicial branch.

Meanwhile, BRO's Harris says, "We have to pay attention to the store."

With a coalition of gay and human rights groups, BRO is expanding from campaigning into lobbying.

Right to Pride, which has taken the lobbying lead for nearly 20 years, is not heading up the effort this time, says RTP's Katherine Tennyson, who is leaving the group's board of directors in January.

"But we do think it's important there be a presence in Salem given the Tanner ruling," she says, adding that RTP is part of the coalition.

Harris adds: "We can't throw up our hands and say, 'It's a conservative Legislature, we can't do anything. So we'll just go do other things.' We have to be there, every day. We have to monitor the bills, because in politics every day is a new day."



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